

**Alternative Report to the joint 15<sup>th</sup> and 16<sup>th</sup> Periodic Report of the  
State Party Yemen to the Committee on the Elimination of Racial  
Discrimination (CERD).**

**Alternative World/Partnership for Equitable Development and  
Social Justice in Association with International Dalit Solidarity  
Network  
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## LIST OF CONTENT

<b>PART I: Introduction, Background and Summary</b> .....	<b>3</b>
I.I Introduction .....	3
I.II Background of the Alternative Report and the Reporter.....	3
I.III Summary .....	4
<b>PART II: General Statement and Sources of Information and Testimonies</b> .....	<b>7</b>
II.I General Statement .....	7
II.II Sources of Information and Testimonies .....	14
<b>PART III: Situation Analysis</b> .....	<b>15</b>
III.I Ethnography of Violence .....	15
III.II Socio-Cultural Persecution as Human Rights Abuses.....	16
III.III Mythical Stories and Contemporary Realities of Discrimination and Persecution.....	16
III.IV Islam and the Legality of Practicing Ethnic Prejudice in Yemen. ....	17
<b>PART IV: International Testimonies and Condemnation of Practices of Discrimination against “Al-Akhdam”</b> .....	<b>17</b>
IV. I Constitutional Failure and Legal Problems .....	25
<b>PART V: Conclusion and recommendations</b> .....	<b>26</b>
V.I Conclusion on the findings .....	26
V.II Overall recommendations to the Committee .....	29
V.III Overall recommendations to the State Party .....	30
<b>PART VI: The State Party and ICERD</b> .....	<b>34</b>
ARTICLE I.....	34
ARTICLE II .....	35
ARTICLE III.....	36
ARTICLE IV .....	39
ARTICLE V .....	40
ARTICLE VI.....	40
ARTICLE VII .....	41
<b>PART VII: Concluding remarks</b> .....	<b>44</b>
<b>References</b> .....	<b>47</b>
Official Documents .....	47
Newspapers and Journals .....	47
Ethnographic Sources on Yemen .....	48

## **PART I: Introduction, Background and Summary**

“...The conclusion that “Al-Akhdam” community is discriminated against is neither malicious nor farfetched....Will the international world respond to the inhumane mistreatment of this minority who do not possess any of the basic human rights enjoyed by the rest of the society in Yemen? Could there be an international justice that will call for the restoration of the rights of this minority?”

Mohammad Al-Qaira‘i, President

(Organization for the Defense of the Free Blacks in Yemen)

### **I.I Introduction**

Alternative World (Partnership for Equitable Development and Social Justice), has submitted this counter report to the Committee on the Elimination of Racial Discrimination during its consideration of the joint 15<sup>th</sup> and 16<sup>th</sup> Periodic Report of the Republic of Yemen (the State) under Article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). The joint 15<sup>th</sup> and 16<sup>th</sup> Yemeni State report was due on November 17<sup>th</sup>, 2005. This parallel report concerns the issue of ethnic/descent-based discrimination against a vulnerable minority derogatorily referred to as “Al-Akhdam” in the Republic of Yemen.

### **I.II Background of the Alternative Report and the Reporter**

Our work in advocacy for minority issues in Yemen started in 1993 and is based on our long scholarly research on Yemeni cultures, social histories, socio-political relations of power in its semi-feudal production system, and on the socio-economic conditions of inequalities in Yemen. The report builds on this expertise and is based on our long ethnographic fieldwork on recent political changes since the unification of North and South Yemen and the effects of these changes on Yemen’s long history of descent-based discrimination and conditions of social inequalities. It also draws heavily on our personal knowledge of the country and professional work experiences in the region. This report is the result of these many years of research and ensuing published documentations.

The advocacy for social change component in our research on human rights started with our affiliation with “Islam and Human Rights Project,” at the Center for the Study of Law and Religion, Emory Law School in Atlanta in the United States of America. “The Accursed Minority: the Ethno-Cultural Persecution of “Al-Akhdam” minority in Yemen.” a long advocacy project, was published under this initiative and represents the first detailed account on the critical conditions of “Al-Akhdam” minority in Yemen and the first international human rights advocacy work for changing the human rights atrocities perpetrated against this minority. As Alternative World’s Senior Research Assistant, Ms. Shivangi Avasthi has provided valuable inputs through out the preparation of this report

Since late 2005, Alternative World has been in close collaboration with the International Dalit Solidarity Network (IDSN). IDSN and other international humanitarian organizations

concerned discrimination based on work and descent have provided to us both professional and material support..

Recently the descent/ethnic-based persecution of “Al-Akhdam” in Yemen has reached the watchful attention of international human rights organizations and advocacy groups engaged in the global fight against ethnic persecution, racism, slavery, and caste/descent based discrimination. Thanks to an ongoing collaboration with IDSN, Alternative World’s advocacy for equitable development and social justice has taken concrete steps towards gaining an international condemnation against ethnic/descent/racial discrimination practices in Yemen. In March 2006, the Yemeni practices was one of the cases documented and discussed in a Consultation with the Special Rapporteurs on Discrimination based on Work and Descent for the UN Sub-commission on Human Rights. These events, which took place in Geneva (March 2006), brought together national and international NGOs and activists working against discrimination, experts from the UN’s human rights mechanisms, Special Rapporteurs on human rights, the ILO, the World Bank and solidarity groups from around the world. Subsequently the news of the persecution of “Al-Akhdam” minority in Yemen has reached an unprecedented level of audience and received a worldwide support for its condemnation.

### **I.III Summary**

1. This report concerns the specific issue of ethnic/descent-based discrimination and ensuing human rights abuses perpetuated against Yemen’s most marginalized ethnic minority pejoratively labeled “Al-Akhdam.” The term descent is used here as stated by Article 1, paragraph 1 of ICERD and confirmed by General Recommendation No. 29: Article 1, paragraph 1 of the Convention (Descent) : . 01/11/2002. Gen. Rec. No. 29.
2. While the term “Al-Akhdam” may literally translate as “the servants”, it is loaded with symbolic domination. Within the Yemeni sphere of social meanings, the term is figuratively suggestive of “people held in contempt and servitude.” As the testimonies presented here will attest, international organizations in the country and sympathetic local news media interchangeably refer to this minority as “Yemen’s most marginalized ethnic minority” or “Yemen’s marginalized black minority” or “Yemeni minority of African Descent.” Seeking to liberate themselves from their descent-based oppression, individuals from this minority would identify themselves by “they call us “Al-Akhdam” reflecting the oppressive social relations of power that author such term. Seeking to change their subordination, recent activist voices from this minority community identify themselves as the “The Free Yemeni Blacks.”
3. For centuries this minority has suffered perpetual discrimination, persecution and ensuing crimes at Yemen’s most marginal social, economic, and political spaces where they are violently excluded from mainstream society as an “untouchable” ethnic outcaste. Subsequently, they are systematically dehumanized (through various social modes), physically violated (through public beatings, rape, and torture), prohibited from inhabiting within mainstream society, and forced into displacement, state of eternal exile homelessness within and limited and inadequate slums that do not allow secure, peaceful and dignified existence. In this extremely marginal social

position they are economically exploited and forced to carry out society's most degrading, despised, and polluting tasks such as dealing manually with all forms of human waste and refuse including the removal of human excreta from latrines in rural and urban areas.

4. Within Yemen's largely agrarian society, "Al-Akhdam" are prohibited from owning land or participating in agricultural activities as sharecroppers; Subsequently they are admitted only as itinerant laborers who can engage only in thrashing during harvest season, an activity considered to cause minimum bodily contacts with agriculture. In exchange they are paid an abysmal part of the product or simply offered one meal a day for a day's work.
5. In carrying out other demeaning tasks enforced upon them, they are hardly compensated for their labor hence they live in conditions of abject poverty and perpetual misery that are unparalleled in a society where poverty is already rampant.
6. In rural villages where economic endeavors are narrowly focused on access to land through ownership or sharecropping, abuse is more prominent and outrageous. They are prohibited not only from owning agricultural land but also from engaging in the widely practiced sharecropping activities. In addition they are hardly hired for agricultural tasks except as itinerant thrashers during harvest seasons in different villages, an arduous journey for which they are paid one meal a day ('Asha) and an abysmal share of crops. These are precarious conditions that perpetuate dependency on those who own land and force this minority to perform demeaning tasks for which they are hardly compensated fairly.
7. These precarious conditions also force families to be separated in search of subsistence. Men often travel in search of food consequently causing families to disintegrate and women and children to depend on begging and receiving alms. These conditions are recipes for generating cyclical vulnerability of women and children who became further exposed to abuses and violence.
8. Lack of any opportunity outside this prescribed role pushes families to endure further abuses such as rape (including those of children), torture, homicide, and persistent violence, aggression and public humiliation.
9. In the mountainous rural area such as Ibb and Tai'z, this minority is forced to live in undignified housing by prohibiting them from constructing residential dwellings that allow minimum dignity and security. Village Headmen have the full power to demolish the dwellings of anyone who does not comply with such rules. Similarly men from this minority are symbolically "emasculated" through their prohibition to wear the traditional belted dagger that all other men wear around their waists. Breaching such social rules can lead to homicide or expulsion from one's own home village;
10. Whereas the body of a woman from this minority is not considered "private" or in the local sense '*aurah*, that demands respect and privacy, hence publicly open to all forms of abuses and violations;
11. Children from this minority are not considered like other children -requiring the collective protection of society; ('*atf* or '*hanan*) hence orphanages (*dar al-aitam*) throughout the Republic will not accept them nor provide shelter to them knowingly;
12. Legal protection from these cruel "traditions" and socio-cultural persecution is unknown where traditional village headmen embody the law and represent the State;

13. Those who seek refuge from rural persecutions and impoverishment end up in main towns and big cities such as Tai'z, Ibb and Al-Hudeida, Sana'a, Aden where a different set of the same persecution awaits them. In these places, the only economic opportunity open to them (mainly for men), is the equally exploitative and dubious work arrangements with local Municipal authorities where they are hired exclusively as garbage collectors and street cleaners, a job no other Yemeni man would take. Hence these tasks have similar cultural meanings and connotations since it relates to working with polluting substances with bare hands and rudimentary equipments made of brooms and forks. The term of such employment, while lacking the civility attached to any other civil employment, is short (monthly) and remains uncertain and easily terminable even though it may last for one's lifetime. But more critically this employment lacks all the benefits given to other civil employees or any other employees under labor laws (sick pay, vacation, health benefits, and pension plans). Hence it is equally precarious neither providing secure sense of existence nor allowing dignified livelihoods.
14. The uncertainty of the short term nature of their employment and the lack of any other employment opportunities allow the Municipal authority to pay them abysmal wages (a fraction of the already abysmal wages of lower level civil servants) and to deprive these workers of all the legal entitlement and benefits. The abysmal salaries from the municipal authorities neither allow a dignified life nor meet the minimum standard of extreme poverty that currently plague the country as a whole. Consequently they live in makeshift slums that are devoid of basic services such as water or latrines. To make ends meet, children and women alternate between scavenging and begging.
15. As is the case in rural setting, this minority is prohibited from inhabiting in close proximity with the larger society. So their makeshift dwellings are aggregated in settlements outside towns and cities. They hold no titles to their residential spaces nor have any right to own property and so they are often raided, evicted and destroyed with no compensation whenever the need for such space arises.
16. As our testimonies will show, the last five years have seen violent modes of eviction by government authorities. With the fast expansions of city and town limits and the increasing demands for new construction sites at the outskirts, Government officials have resorted to raiding and burning slums and settlements whenever these settlements become too close to mainstream neighborhoods to force marginalized communities to flee their dwellings. With the consistencies of patterns, residents have become conscious of such criminal schemes and have put lots of resistance that only exposed them to more violence.
17. In situation of emergency, the police and firemen hardly offer help except when the situation is already out of control and the settlement is irredeemable with no choice but to abandon it. On these cases, entire communities are instantly displaced and turned into homeless people. The city officials, especially in the capital Sana'a, where most of the fire incidents took place, never pursued any investigation in the causes of these incidents.
18. In addition to these extreme violent acts, residents who resist moving from a burned site or insist on rebuilding their dwellings on the same site are intimidated by police authorities.

19. Arbitrary arrest, torture, disappearance and homicide are rampant without any investigation. Whereas violence perpetrated by the public are never investigated and perpetrators are left with impunity while victims of such atrocities are never compensated for wrong doings against them.
20. While in rural area access to education is almost non-existent to this minority, in urban areas only a handful of children - unsuspected of their background - may have access to basic education. Parents who are hopeful to change the fate of their children through education are turned away from schools with the common excuse that classrooms are filled. Authorities never interfere on behalf of this minority. In many instances when parents dare to challenge school authorities by demanding enrollment, their protest are considered public nuisance and the police is called to remove them. Those who dare to challenge school authorities run the risks of arrest and physical abuse.
21. More than 95% of children in these marginal slums spend their time in the streets as beggars and scavengers while remaining vulnerable to all forms of exploitation and violence. They are preyed by sexual predators of all kinds including child traffickers.
22. Like access to education, health services and protection from violence are virtually non-existent.
23. In all the urban slums and settlements there are no public services such as water and electricity, water, waste removals and sanitation. Residents of these slum settlements must walk hours to obtain water or find a place to wash their bodies;
24. The aggregate outcomes of these conditions of neglect render these settlements unfit for peaceful existence, hazardous to health especially those of infants and children, and extremely unsafe living environments that are not conducive to dignified human existence and social development.

## **PART II: General Statement and Sources of Information and Testimonies**

### **II.I General Statement**

1. Contrary to the State report, there is an ethnic minority covered by the Convention and numbering about 500,000 individuals in Yemen's population of almost 20 million. As we seek to demonstrate, this minority is pejoratively labeled "Al-Akhdam" and suffer from extreme forms of caste-like discrimination and ethnic/descent-based persecution;
2. These forms of discrimination practices are centuries old and pertain to the mythical/historical condemnation and systematic persecution of "Al-Akhdam", a minority perceived to be the descendants of a non-Arab Ethiopian Christians within a larger dominant society that identifies itself as an purely Arabs and Muslim.
3. These specific forms of discrimination clearly correspond to the broader definition of "racial discrimination" as articulated in Article I of the ICERD (December 21, 1965), and to which the State party is signatory;

4. These forms of discrimination practices also violate other international human rights principles including the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and its Optional Protocols, the Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment, and the Rome Statute, to which the State party is signatory;
5. These practices of discrimination and persecution are deeply entrenched in all levels of Yemeni society's collective consciousness and socio-economic fabrics. As such these practices and the extremely marginalized minority they produce are heavily described in several ethnographic/scholarly studies on Yemeni society and cultures. These studies are conducted by local and international scholars all of which make the mention of a severely prosecuted and marginalized minority of African descent; pejoratively labeled "Al-Akhdam". In all these studies, this minority is always described as Yemen's extremely marginalized minority; This minority live in constant exile and can be found both in rural and in urban Yemeni society;
6. Besides "Al-Akhdam" there are historically marginal social groups in rural Yemen. These are the *Hujour* (who originate from the southern lowland valley regions of Valley Hajar or *Wadi Hajar*, of the great Hadhramout region) and *Zuboud* (who originate in the northern lowland valley regions of Zabeed). Historically dominant Arab groups such as Tribalists and Sayyids (descendents of the Prophet Mohammed) consider the Hujour and Zuboud as descendents of "Black" people hence ethnically non-Arabs. Many social historians, as the Zuboud and Hujour themselves, would argue that they are the indigenous populations of the northern and southern Yemen, hence the descendents of Himyars. The Hujour and Zuboud, unlike "Al-Akhdam", are historically landless rural population and provide the bulk of agricultural labor through their sharecropping activities in Yemen's semi feudal society. Although intermarriage between them and the Arabs is very discouraged by the Arabs, they are neither a minority nor persecuted as "Al-Akhdam". In terms of their social status, the Hujour and Zuboud are parallel (economically and socially) to the descendants of ex-slaves in Yemen.<sup>1</sup> Although economically marginal and socially disadvantaged within a dominantly tribalist society that symbolically capitalizes on Arab descent and tribalist socio-political network, the Huhour and Zuboud, like the descendents of ex-slaves, are neither minorities nor persecuted. Hence their status is entirely different than that of the minority labeled "Al-Akhdam";
7. In addition to these allegedly "non-Arab" ethnic groups, there are occupational groups such as the Muzzayyah (beauticians and smiths) who engage in lucrative economic activities and live in close proximity and within the same neighborhoods of tribalist and Sayyid groups. Although tribalists and Sayyid groups despise these economic activities, occupational group are considered ethnically Arabs. They are neither persecuted nor considered a minority. While they do not intermarry with tribalists and Sayyid, they live with the same neighborhoods and enjoy their protection in

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<sup>1</sup> Slavery was a legal and widely practiced institution in both northern and southern regions of Yemen. While the practice in the southern region was prohibited by the British, the practice continued official in the northern region up until th 1960s.

“exchange” for providing occupational tasks that tribalists and Sayyid do not want to engage in.

8. The minority labeled “Al-Akhdam” is different from any of these other groups. They are small in number and distinguishable from any other social category through the following criteria:
  - a. They are severely marginalized social status as society’s outcasts
  - b. They are severely impoverished economic status as scavengers who live in continuous exile,
  - c. They exist in both urban and rural areas and their physical and social isolation from the rest of society;
  - d. They are specifically identified as the descendents of Christian invaders from Ethiopia;
  - e. Alleged inability to uphold Islamic moralities hence persecuted as “fallen Muslims.”
9. In page 53, paragraph 159, the Yemeni State report to CERD avoids the particularity of the ethnic based discrimination pertaining to “Al-Akhdam” by referring to the larger issue of landlessness as the root cause for social inequality and impoverishment. In doing so it not only refuses to accept/admit the human rights atrocities perpetrated against this minority but it also obstructs the door for future intervention on behalf of this minority. A consequence of this is that it misleads the Committee through the simplification of Yemen’s otherwise complex hierarchical social groups, all of which are tied within a web of social relations of power.
10. Contrary to the State report, we assert that the extreme economic marginality of “Al-Akhdam” is not a vestige of Yemen’s feudal rural society but a product of a long history of practices of ethnic/descent/racial-based persecutions and discrimination;
11. While we agree with the State party (page 53) that skin color or physical attributes alone have no determining factors in creating a marginalized status in Yemen (although many dominant Yemenis would like to believe that there are racially distinguishable from “Al-Akhdam”) it is entirely incorrect to suggest (as the State party does in the same page) that descent is not a basis for discrimination. The persecution of “Al-Akhdam” minority, indeed, stems from their alleged descent from a non-Arab ethnic origin.
12. Although “Al-Akhdam” are categorically denied any property rights, we state that the particular practices of discrimination, marginalization and caste-like exclusion of “Al-Akhdam” from mainstream society have no affinities or similarities with the economic marginalization of landless peasants in Yemen’s semi-feudal rural areas.
13. We, therefore, call the State party’s attempt to lump the severe marginalization of “Al-Akhdam” ethnic minority with other forms of marginalization an insupportable

defense of the brutal and inhumane persecution of and discrimination against this minority;

14. While the State report to the Committee tangentially admits to the existence of a Jewish Yemeni minority numbering less than two thousand individuals who are free to practice their religion, it categorically denies the existence of a much larger and extremely vulnerable minority (of allegedly African descent) estimated by reliable sources to be close to 200,000-500,000 individuals;
15. Because ethnic and racial based discrimination between Muslims is not supported by Islam, the exclusion of this minority is religiously legitimized as a social castigation of fallen Muslim who could not uphold the moral codes of Islam and tribal Arab identity;
16. As we seek to demonstrate through a variety of credible testimonies, discrimination practices against this minority can be characterized as follows:
  - a. Socio-cultural persecution including systematic and forceful exclusion from mainstream society's economic, social, and cultural activities;
  - b. Lack of Constitutional rights that measure up to the particularity of this discrimination
  - c. Systematically perpetuated lack of employment opportunities outside the limited scope and prescriptively demeaning and underpaid field of menial sanitation;
  - d. Lack of access to publicly provided services (education and health);
  - e. Lack of access to property rights including residential communal residential areas;
  - f. Lack of access to secure, peaceful, and dignified family and communal life;
  - g. Severe deprivation of physical liberty;
  - h. Lack of protection (social and legal) against collective and individual persecution, public and official aggressions, and violence;
  - i. Arbitrary imprisonment, torture, and physical endangerment;
  - j. Lack of protection (especially children and women) against violence: rape, public beatings, torture, and homicide;
  - k. Lack of criminalization of crimes perpetrated against this minority; (aggression, violence, and criminal conducts)
  - l. Lack of legal protection and policy measures to counter persecution and lack of official intention to provide such protection and measures;
  - m. Lack of official willingness to change demeaning social perception and attitudes towards this minority.
17. More critically, the persecution of this minority is carried out with the approval and support of the Yemeni State through various official modes all of which maintaining the economic, social, political and cultural marginalization of this minority through violence. To this extent, these practices of discrimination and persecution by the State in collaboration with the dominant mainstream society represent not only an

institutionalized persecution (intentional and severe deprivation of fundamental rights) but also an apartheid institution as defined by Rome Statute. These practices produce inhumane acts and systematic oppression and domination by one dominant ethnic/descent group against a vulnerable minority perceived to be of black, non-Arab descent hence of an inferior ethnic origin. (Rome Statute, the International Criminal Court and as corrected by the procès-verbaux of 10 November 1998 and 12 July 1999).

18. The Constitution of Yemen, while referring to a vacuous notion of rights, “citizens”, and the equality of these citizens, does not recognize in any manner the caste-like social reality of persecution of this minority. Subsequent it does not seek to eliminate nor rectify the specific set of socio-economic persecution of this minority. While other countries with similar practices such as India and Nepal, have named specific provisions prohibiting caste-related discrimination and persecution and making them punishable by law (even though practices of untouchability remains rampant), the constitution of Yemen does not make any specific mention or prevision with regard to the outlawing these practices.
19. Subsequently, the constitution does neither recognize this ethnic minority as vulnerable and persecuted minority nor provide them with protection by law from such persecution. Hence when the Constitution talks about “citizens” and the equality of these citizens, it is questionable whether it really recognizes individuals from this minority as “citizens” let alone equals. Such ambiguity can be exemplified in the case of Jewish minority in Yemen. While this religious minority is included in the “citizen” category, the State openly says in its current Report that it does not grant a Jewish person the right to hold a public political office/position. Similarly, individuals from “Al-Akdha” while given the right to vote, they are systematically denied economic and social while not protected from socio-cultural persecution. Throughout our research work in Yemen, this lack of mention of the reality of “Al-Akhdam” in the constitution serves as an attestation that “Al-Akhdam” are outside the category of citizens or at least not a full citizen. Hence and for example it the general attitude in news paper coverage as well as local officials, to constantly juxtapose “Al-Akhdam” and the “citizen” as two distinctly different categories of people. There has never been on instance in which such juxtaposition is reprimanded by State officials as incorrect or unlawful. On the contrary, it is taken for granted;
20. While the previous northern Yemeni Constitution recalled equality of citizens following the establishment of a Republican system, such equality was meant to undermine the supremacy claim of the Sayyid Immamic power (descendants of the Prophet Mohammed) and their millennium political dominance through a theocratic Imamic rule, over tribalist Sheikhs (namely the Hashid and Bakil). The claim for equality was only extended to men from tribalist congregations. Hence the notion of “citizenry” has politically equalized men from traditionally dominant groups such as the Sayyid and tribalists. The Constitution in southern Yemen had somewhat larger implications that fostered wider social transformation for many people including

historically marginalized landless groups as well as women from all social groups. . . Subsequently the rights currently guaranteed by the Constitution do address neither the centuries-old and rampant socio-cultural practices of discrimination against “Al-Akhdam” minority nor the rights of Jewish religious minority.

21. Despite the openness with which the public, the news media, local NGOs, and international authorities speak about the outcaste status, unparalleled socio-economic marginality, and the alleged African origin of “Al-Akhdam”, there is an appalling lack of transparency and persistently conspiratorial silences in the State report with regard to the existence of this minority. This is even more appalling considering the fact that Yemeni government exclusively, albeit discriminatorily and exploitatively, employs this minority as city garbage collectors and street sweepers;
22. The daunting State participation in the socio-cultural discriminatory practices is highly evidenced in several instances. First the State party exclusively employs this minority only in severely demeaning sanitation activities (street sweeping and manual garbage collection) while systematically excluding them from any other meaningful employment, thereby continuing the caste-like forced labor of this minority into carrying out despised and polluting tasks.
23. These State-acted violations include the following:
  - a. Refusal to provide economic opportunity outside the prescribed caste-like occupation of dealing with waste. In so doing the State party participates in the persecution of “Al-Akhdam” by forcing them to continue this prescribed role;
  - b. Refusing to pay fair wages: By paying them abysmally and unparalleled low wages that can not support dignified existence beyond bread and water, the State refuses to break the cycle of violence against this minority and subsequently forces these employees and their families to live in an undignified and insecure life of continual exile as scavengers and according to the ancient socio-cultural persecution of “Al-Akhdam”.
  - c. Deliberate failure to provide child protection: By creating a severe form of economic marginality, the Yemeni State has failed to provide protection to children from 1) discriminatory practices in schools that prevent them from having access to basic education, 2) unparalleled, extreme conditions of poverty within the family and the community thereby forcing children to work in the streets and subsequently exposing them to violence. At the same time the State party - by failing to investigate and prosecute criminal conducts perpetrated against children - normalizes the perpetuation of violence against children. The case of Naseem, an 8 year-old girl who was brutally raped and killed without investigation is one such criminal negligence that is informed by the socio-cultural persecution of “Al-Akhdam” and the ensuing discrimination against them;
  - d. Discriminatory practices in conditions of employment: The State party denies this minority the employment benefits provided to all other low-level civil

servants: secure employment, employment benefits such as sick leave, vacation, pension plans, etc.;

- e. Denies this workers the right to bargain collectively through systemic intimidation, firing, imprisonment, of anyone leading collective voicing of their concerns;
- f. Denial of safety procedures: The State party denies its sanitation workers safety from work-related hazards and endangerment by improving the working conditions, tools, transportation, and other available technologies of waste management to protect workers from the health hazards of working with contaminating waste;
- g. Refusal to extend health services and pension plans: The State party denies the sanitation workers the provision of health services and pension plans during advanced age and in conditions of disability given the high risk involved in working manually with bare hands;
- h. Refusal to develop skills for advancement: The State party categorically denies this category of its employees any opportunity for advancement through the provision of educational programs and training opportunities otherwise provided to other civil servants. In so doing the State party undermines opportunities of mobility;
- i. Refusal to lift work-related stigma: By undermining the sanitation activities carried out by this minority, and by refusing to treat these workers and their families fairly and as equally to other civil servants at the same level, the State party perpetuates the centuries-old stigmatization of working in this field.

24. By discriminating against this category of civil servants, the State party violates the fundamental rights of this minority as workers and according to the principles, laws, and rights of the worker stipulated by the ILO Declaration on Fundamental Principles and Rights at Work. These violations involve the systematic denial of the following:

- a. Freedom of association and the effective recognition of the rights to collective bargaining;
- b. The elimination of all forms of forced or compulsory labor;
- c. The effective abolition of child labor; and
- d. The elimination of discrimination in respect of employment and occupation

25. The systematicity and regularity with which some of the severe forms of these discrimination practices are carried out (including collective persecution, extraction of labor without wages or adequate compensation, unlawful imprisonment, torture while in custody, murder, rape, and severe deprivation of physical liberty, physical endangerment through burning of settlement, forced and illegal evictions and displacement ) all of which are carried out with impunity can be and should be critically investigated as Crimes against Humanity as defined by the Rome Statute of the International Criminal Court [as corrected by the procès-verbaux of 10 November 1998 and 12 July 1999]. The Rome Statute establishing the International Criminal Court gives the standard international law definition for crimes against humanity in Part 2 Article 7 Paragraphs 1:

- (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;
- (j) The crime of apartheid;

Part 2 Article 7 Paragraph 2 continues to explain:

- (g) "Persecution" means the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity;
- (h) "The crime of apartheid" means inhumane acts of a character similar to those referred to in paragraph 1, committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime;

The types and proportions of not only discrimination but also the denial of guaranteed rights in the case of the “Al-Akhdam” resemble the definition of Crimes against Humanity as defined by the Rome Statute. We will elaborate later on this justification. The situation of the “Al-Akhdam” in Yemen violates the protocols and international norms set forth in several United Nations human rights and international law documents. It is important to stress that the implications of the “Al-Akhdam” situation in Yemen are far reaching in Yemen’s commitment to the international community.

26. Given the brutality of the practices of systematic discrimination in Yemen and given their severity in producing massive scales of human suffering, these practices and crimes provide reasonable basis for the CERD Committee, as well as other treaty bodies, to follow up with the Yemeni Government until the systematic socio-cultural persecution of this minority is pronounced illegal by the Constitution;

## **II.II Sources of Information and Testimonies<sup>2</sup>**

The materials presented here are substantiated by several sources of credible testimonial. These include the following:

- Our own first hand research and published work on descent/ethnic-based discrimination and human rights abuses in the country;
- Several other ethnographic/scholarly studies on Yemeni societies, social histories of inequalities;
- Credible reports from several United Nations Offices operating in Yemen;
- Specific reports from international and national NGOs currently operating in the country;
- Well documented journalistic articles on the systematic violence and atrocities carried out by the State party against individuals and collectivities belonging to “Al-Akhdam” minority;

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<sup>2</sup> For further information on specific sources, please see the list of References at the end of the Report

- Local and international newspaper articles from Yemen evidencing the practice of dissemination of cultural propaganda and violence against Al-Akdham. And subsequently attesting to the State party's role as an accomplice in this activity;

## PART III: Situation Analysis

### III.I Ethnography of Violence

The centuries old systematic discrimination against “Al-Akhdam” and the extreme socio-cultural forms of cruelty with which they are persecuted, dehumanized and consequentially excluded from mainstream Yemeni society are popularly “explained” as the result of a mythical condemnation of allegedly fallen descendents of African hence non-Arabs. Depending on the sources, this condemnation is traced back to the 5<sup>th</sup> of 6<sup>th</sup> century of Yemeni history, and before the advent of Islam in which Yemen is said to have been conquered by a Christian Warrior from Africa. Following the advent of Islam, the mythical story goes, the Christian African warrior was defeated and subsequently exiled. Some of the African army (or some of them) was left behind only to be condemned by the victorious Arab population to become an “untouchable” caste (some version of the story says enslaved). As a condemned, untouchable caste, they were persecuted to carry out the Yemeni society's most polluting, hence despised, tasks.

Another parallel popular belief has it that this ethnic minority of allegedly Ethiopian descent represent fallen Muslim communities who have failed to adopt and uphold the moral codes of larger dominant Yemeni Arab, Muslim society, a society that identifies itself as the cradle of quintessential Arab tribal identity and its honor system. Based on this accusation, “Al-Akdham” minority is stripped of all claims to humanity and consequently excluded from the larger society (itself divided into several competing categories of social groups).

Corollary to this condemnation, and very important to understand here, is that dominant social groups in Yemen are given *cart blanche* to mistreat, abuse, violate, and exploit all children, women, men belonging to “Al-Akhdam” to extreme and unparalleled levels that do not allow its victims neither to live the minimum standards of dignified human existence nor to strive to its mundane moral aspirations. The security and aspirations that generally come to the public through the possibility and endeavor of permanent family housing, association to a native village, an a social position from which one can choose their economic activities and to bargain for the worth of one's labor and services are all denied to the members of this community. Subsequently, their extremely precarious and insecure conditions make their life one characterized by an eternal exile, continuous displacement, and perpetual itinerary existence in which they move from one place to another through evictions and the destruction of temporary shelters. It is a condition that unleashes unprecedented forms of systematic social exclusion, disintegration, and multiple levels of economic exploitation and marginalization. The magnitude of such ethnic based socio-economic persecution against this minority is amply captured in the following popular proverb: *Purify (your plate) if touched by a dog. Break it if it comes into contact with a member of “Al-Akhdam”.*”

### **III.II Socio-Cultural Persecution as Human Rights Abuses**

In the Yemeni cultural space of symbolism with regard to purity, pollution, and cleansing rituals, the dog represents the epitome of pollution – *nijasah*. Popular beliefs place the physical body of “Al-Akhdam” below that of dogs, i.e. cleansing from supposedly “contaminating human contacts” with “Al-Akhdam” is seen as irredeemable, hence the “untouchable” status ascribed to this group and the strict prohibition of all social interaction with them. Their human bodies are seen as irreversibly polluted hence unfit for any social utility and humanly communications outside and beyond the ascribed polluting task of dealing with human waste. These rationalities pave the way to the justification of the factual practices of their physical marginalization and social exclusion/isolation from mainstream society while withholding from them all forms of human compassion and concern for their obvious plights. In other words the larger society is given the moral legitimacy to practice all the cruelties and atrocities it perpetuates against “Al-Akhdam” as a symbol of morally justifiable disciplinary measure for the sake of maintaining purity. In their condemnation as contaminated ethnic minority, “Al-Akhdam” must deferentially and categorically attend to the larger society’s needs for purity by performing all forms of polluting hence undesirable polluting tasks such as the manual collection and disposing of human waste.

Rampant forms of violence against them can be seen in the open practices of discrimination against them in schools where they can not attend like others because of the severe disgust towards them. Enrollment opportunities are constantly hindered through various excuses such as “full occupancy” or the lack of ability on the part of the victim’s of discrimination to produce birth certificates. The hopes of the handful parents who succeed to enroll their children in public schools are thwarted by abusive behaviors and condescending attitudes of humiliation from other students and teachers neither of which are willing to share them a classroom. Similar attitudes are replicated in public health clinics where they are turned away and refused to attend or receive services.

### **III.III Mythical Stories and Contemporary Realities of Discrimination and Persecution**

Whether the mythical stories of the “origins” of this minority are true or not is not of valid interest for any of the human rights concerns presented in this report. What is relevant here is that these stories provide powerful cultural myths that are translated into systematically carried out crimes against the humanity of an extremely vulnerable minority identified as “ethnically non-Arab” and religiously “fallen Muslims” within a State party that identifies itself as Arab Muslim. What is also relevant here is that these stories give legitimacy to a cruel culture of violence that produces the ghoulish existence of a vulnerable minority and the characterization of their lives at society’s most marginal spaces as non-humane, uncivilized, immoral, and un-Islamic (as evidenced by the widely circulated and fabulous rumors that are fantasized by mainstream society). These stories serve to morally justify the suspension of human compassion otherwise ethically due in contemporary Yemeni society towards vulnerable minority and the subsequent practices of extreme cruelty and crimes against their humanity.

What should also be a human rights concern of the Committee is the fact that dominant Yemeni society has continuously persecuted this minority for at least three verifiable centuries. The 18<sup>th</sup> Century travelogue of the cartographer, Carsten Niebuhr, while traveling

through most of Arabia makes specific and vivid mention of dehumanizing and marginalizing caste-like cultural practices against certain small “black” minorities in Yemen. The contemporary human casualties of this long history of human rights atrocities are evidenced in the numerous conditions of miseries that are documented in this report and elsewhere.

### **III.IV Islam and the Legality of Practicing Ethnic Prejudice in Yemen.**

Because of their adherence to Islam, the ethnic persecution of “Al-Akhdam” cannot be supported by Islam’s paradigm of equality in Yemen as a “fallen Muslim” who is unable to fully carry out the moral codes of Islam surreptitiously serves to legitimize the initial ethnic differences and the prejudices attached to such difference, which is otherwise unequivocally prohibited in Islamic teachings. In other words, the continuing condemnation of the allegedly non-Arab “Al-Akhdam” morally rationalizes the ethnic persecution of “Al-Akhdam” and the crimes against humanity waged against them as a “non-Arab” within an otherwise overarching egalitarian Islamic paradigm that proscribes ethnic distinctions within a Muslim community. This paradigmatic equality between Muslims is distinctly opposite to the “permissibility” of discrimination against non-Muslims in Yemen such as the discrimination against Yemeni Jewish minority under the institution of “*dhimis*” non-Muslim subjects with no political rights. The additional persecution of “Al-Akhdam” as “fallen” Muslims unable to uphold the moral codes of Islam renders permissible (from a religious point of view) their practice of discrimination against a fellow Muslim at a social level much lower than that of the “protected” status (“*dhimi*”) of the Jewish who are considered to be legal persons but not full citizens, a fact that is exhibited by the limited political rights given to Yemeni Jewish citizens

## **PART IV: International Testimonies and Condemnation of Practices of Discrimination against “Al-Akhdam”**

Despite the State party’s consistent denial of the persecution of “Al-Akhdam”, other observers can no longer ignore the plights of this minority and the crimes perpetrated against them. Representative of the international community in Yemen have begun to break their silence on this culture of horror and started to condemn publicly the systematic maltreatment of this minority. On the other hand some local newspapers write regularly on the issue while referring to this minority as “Al-Akhdam”: Yemen’s oppressed black minority” or “Al-Akhdam”: Yemen’s downtrodden African minority.” Because members of “Al-Akhdam” are not neither educated nor protected by the freedom of speech, newspaper staff who are protected under the Constitution have become their only possible medium of voicing their grievances against State officials who validate as well as participate in their persecution.

Based on a recent eyewitness report, the European Commission for Humanitarian Office (ECHO) published a daring coverage uncharacteristic of their long silence on the issue. The coverage excerpted below entitled “Yemen: Reducing Extreme Vulnerability” narrates a typical story that revealed the systematic socio-economic isolation and ethnic-based persecution of “Al-Akhdam” in Sana’a where the State party is headquartered:

“Ali’s family belongs to the so-called “Akhdam” community. Marginalized for their alleged ethnic origin, [they] are among the most vulnerable groups in Yemen. Thanks to ECHO funds, Ali will soon be provided with what he never had before: water supply and sanitation facilities (almost) at home.

Ali can’t remember his age. Sitting on the floor of his shack amid six of his children, we agree on 70. “Ahlan wa sahan” Ali repeats several times. Welcome to Beni Hushesh shanty town, home to 2,400 people, located some 30 kilometers from the Yemeni capital Sana’a.

Hospitality for strangers remains a must, although centuries of discrimination have made suspicion a natural protection among Ali’s community, and rightly so. People in Yemen refer to them as “Akhdam” or servants, but those concerned do not consider themselves as such. Public knowledge pretends they descend from Abyssinians who once conquered Yemen before the rise of Islam. It is impossible to know how much of the population they represent. One thing, though, can not be denied: The so-called “Akhdam” live in extreme poverty and lack basic services such as water, sanitation, health and education. If some voices have started to speak out and denounce their fate, this minority still represents a taboo in Yemen’s traditionally conservative society.”

Hamda, Ali’s wife, gave birth to their seven children exactly where she is sitting now. “On the floor, with help from the women next-door,” she recalls. Hamda, who can’t remember her age either, says she lost seven other children after they were born, from various diseases and infections. Access to local clinics is, most of the time, not affordable. The family house is a three square-meter hut made of plastic sheeting, cardboard pieces and wood, with a low ceiling blackened by kerosene smoke. “This room is where we cook, eat and sleep,” Hamda explains. Bread, tomatoes, onions, and hot peppers make up there everyday menu. Ali’s seven kids and their mother go begging in the streets and at petrol stations, and get leftover food from nearby restaurants. The city of San’a and its fast growing pockets of wealth is only half an-hour away from Beni Hushesh. Grown up men usually work as street sweepers or as can collectors.

Once every three days, Hamda walks several kilometers to get water from a well that belongs to a farmer. She uses plastic containers-recycled oil tins-and trolleys to carry the water back home. “None of us has a donkey. Donkeys are far too expensive.” Water is free. But sometimes the owner prevents us from accessing the well so we have to go somewhere else.”

“Ali and Hamda say they do not envy the rich or make any difference between human beings. Their hopes are for the new generation. “I wish my children and grandchildren to be educated and have a job, that is all” says Ali. ECHO, Eyewitness, April 18, 2005.

On June 2, 2006, IRIN, the press unit of the United Nations Office for the Coordination of Humanitarian Affairs reported another shocking yet typical account of the reality of the ethnic and descent based discrimination against this minority:

“Clean your plate if it’s touched by a dog, but break it if it’s touched by a Khadem...” This traditional saying expresses the contempt by mainstream society in Yemen against members of the Akhdam community. The Akhdam are Arabic-speaking Muslims, same as the rest of the population. They do not belong to any of the three main tribes that make up the traditional Yemeni society. According to the most popular account, they are the descendants of Ethiopian invaders from the sixth century, forced ever since into the performance of menial jobs, such as sweeping and shoe-making. Generally isolated from the rest of Yemeni society, they reside outside of the cities.

According to Qayed Al-Sharjabi, a sociology professor at Sana’a University, the Akhdam are descendants of the Ethiopians who briefly occupied Yemen some 1,500 years ago. After their defeat and expulsion in the 6<sup>th</sup> century, the remnants of the Ethiopian army that stayed on were reduced to slaves by the native population.

While the Akhdam have been traditionally scorned by their more conventional Yemeni counterparts, they have also largely been prevented from integrating into official aspects of society due to their economic situation fueled by discrimination, they say.

Few of the community’s young people for example are enrolled in school. “Not one of these children knows where the school is,” said the 50-year-old Al-Haymee. “When we go to the school to enroll them, administrators tell us that there is no room.”

But while no discrimination exists officially, many Akhdam claim that officials often block their attempts to seek state services at schools, and hospitals. “They say things like: It’s full – we have no space for you,” said one member of the community.

When asked if Akhdam received equal treatment by the state, Adam Taylor Awny, technical advisor of CARE International’s Akhdam programme, noted: All I can say is that they are marginalized and need a lot. We are working in cooperation with the government to help them.”

Government officials, while admitting an historical disdain for the Akhdam among conventional Yemeni society, insist that there is no official discrimination. The plight of the Akhdam hasn’t gone unnoticed by aid agencies. CARE international and the UK based Oxfam NGOs, both of which are active in Yemen, have made an effort to improve living conditions for the minority community. Despite these strides, aid workers concede there’s still a long way to go before Yemen’s Akhdam can enjoy a standard of living on par with their mainstream compatriots.”

The above two articles, while telling a lot about a reality of ethnic persecution in Yemen, are, nevertheless, hesitant to call the crimes they are witnessing in Yemen for what they are: crimes against humanity. While these two credible testimonies are less severe on the sources of discrimination, namely the State party, they show a wider pattern of recently increasing human rights awareness and humanitarian concerns for systematic discrimination against this minority. The carrying of a systematic practice of discrimination and the fact that this discrimination is perpetrated collectively against an overall minority population, including children, women, men elderly, while nobody is spared, indeed justifies the need to condemn these practices as crimes against humanity.

If the international community in Yemen is somewhat diplomatically cautious not to harshly offend their host government, or intend to be cultural relativists, some courageous Yemeni journalists with a true commitment to human rights have openly criticized the critical role of their State, local governments and state officials as well as the larger public in the collective persecution of this minority. On September, 2005, a Yemeni reporter from a prominent local newspaper, the Yemeni Times, published the following critical view that clearly shows the State party’s direct involvement in maintaining the brutal discrimination against the minority:

“It is quite unfortunate that more than 50 thousand people of African origin living in Taiz are going through extremely harsh conditions. The only desire of the Akhdams in Taiz is to find a safe community where they can live peacefully and be treated equally as others. They have become vagabonds, an oppressed class, and above all, a deprived sector of the community. It is truly a pity that no one seems to care about them. They are seen as persons of African origin, who do not have a specific home or place. They are considered as the odds and ends of the Abyssinians. They are treated on many occasions as slaves without any status or social deportment in the society. Abduraheem Mohsen, a journalist, in one of his articles about Akhdam emphasized greatly in his articles as what he believes is the fact that Akhdam are the first people who settled in Yemen. According to him, whether they are Yemenis or Abyssinians, Akhdam are considered to be the original inhabitants of Yemen. The crux of the problem lies in the fact that they have been suffering for hundreds of years from discrimination and slavery. Continuing this evil treatment against Akhdam is considered an ongoing crime against humanity. Akhdam are part of us and should receive all their rights as all other Yemenis. Why should they be deprived?

Isolation and discrimination have prevented them from assimilating to Yemeni ways of life and at the same time prevented them from moving ahead or advancing. When you are not given a share in attaining basic education, when you are not allowed to hold public office posts or access governmental jobs, and when your only means of living is sweeping the streets and house keeping, what else will you do? Akhdam are the only people who suffer from lack of food, live in rundown slums, and receiving little attention and care from the society. On many occasions, even the concerned authorities turn a deaf ear to

their demands. It is a matter of practicing discriminatory acts against this inferior class. We in this article wonder, why are Akhdam deprived of the right to dream of a safer home and environment?

We classify the aggregate human rights violations committed against this minority as follows:

1. **Exclusion from participation in economic activities:** A systematic banning from engaging in any economic activity outside the meaning menial tasks of clearing human and societal waste material is rampant in all the northern region of Yemen. A lack of accessibility to economic activities outside these prescribed and intentionally degrading and uncompensated menial tasks has kept this group to remain in abject poverty and subsist in an undignified existence. The State party officially supports this exclusion by exclusively employing “Al-Akhdam” only as manual street and gutter cleaners, employment that exploits this minority and denies them all civil benefits provided to other civil servants. There is literally no economic opportunity outside the menial task of street and gutter cleaning.
2. **Systematic Prohibiting from the Pursuit of Dignified Existence and Secure Family and Communal Environment:** Within the Republic of Yemen, especially the northern region, “Al-Akhdam” communities exist in conditions of perpetual exile and evictions where they have no control of their place of residence. Their makeshift dwellings in slums are constantly and systematically raided, destroyed, and burned. Families and entire communities are turned away instantaneously from their slum homes after an official order for demolition has been granted to some citizens or entrepreneurs. Other times it could be the State that may have a use for such localities. These unlawful destructions may happen for simple reasons such as a complaint for citizens that they do not want “Al-Akhdam” to live close by their residential or commercial places. With the continuous expansion of cities, the proximity of “Al-Akhdam” slums within certain visible radius is considered disdainful by dominant social groups. Paying bribes to corrupt officials such as police or the armed force with weapons and uniforms is all it may take to force slums residents to leave their only homes by threatening them with imprisonment or killing.
3. **Socio-cultural Persecution:** This involves the severe and intentional deprivation of individual and collective fundamental rights such as the right to live within mainstream society, the right to aspire to religious and moral life, the right to access public events, religious services. In rural areas, members from this minority are denied to dress or wear national attires, or to build their dwellings like the rest of the society if they manage the means to do so. In urban areas individuals from this minority are kicked out of public events such as movie theaters, mosques, and public religious or political gatherings. In many cases they are denied to attend or sell in market days or market centers. Men from this minority are banned to sell “Qat,” a locally grown and highly consumed narcotic otherwise sold and consumed by all other Yemeni men in specially designated official Qat markets. All these persecutions are carried out in manners that are contrary to international laws.
4. **Severe and forced physical exclusion, social isolation and subsequent physical endangerment:** Members of this minority are condemned to live in physically and geographically marginal spaces outside mainstream society as pariah. Members are

condemned to live in social exile and physical exclusion from the rest of society. In recent attempts, the government has burned wholesale entire communities in shanties and slums to force inhabitants to move away further from mainstream society in major northern cities like Sana'a, Taiz and Ibb; Due to the speedy way in which the population is expanded, members from this minority are constantly and violently evicted from their shanties to push them further away into new marginal spaces.

5. **Housing/Residence Discrimination:** In major urban cities and towns such as Sana'a, Aden, Ta'iz, Ibb, and Zabid, collectivities from this minority group are not allowed to live with mainstream society. Rather they are forced to exist only as squatters at the outskirts of main neighborhoods and around communal dumpsites or market places where they subsidize their existence through scavenging and recycling societal refuse. Nor would they be allowed (even though they are unable to afford) to rent or buy properties in neighborhoods. Their status as squatters constantly poses them to collective and systematic evictions, often violent in nature, via state agents whenever the larger society has a need for such squatter spaces. If they refuse eviction, violent methods of destroying the dwellings along with whatever material possessions they owned are used to force residents to leave. On these occasions, there are always brutal clashes and casualties and even deaths for which no one accounts. While the State party in their report refers to the construction of new housing units for this group, these constructions are abysmal in number and in kind and even though are constructed unilaterally by a European Union project which has nothing to do with the State party. In deed the State role in these issues has been reserved only to destroy and force residents to leave when public or private needs for such spaces arise.
6. **Lack of Equal Legal Protection:** While forced evictions are carried out often and systematically through various means including the application of physical force via police units, setting fire on an already vulnerable dwellings of an entire neighborhood have become the State's preferred mode in the last few years. Vulnerabilities posed by a lack of protective housing also pose extreme susceptibility to the victimization of and violence against women and children through many incidents of rape which often take place in broad daylight. When residents seek protection against the violence meted to them, they are never given any opportunity for legal protection against their culprits

One August afternoon in 2003, Naseem, an eight year old girl, left to play in a street close to her family's simple makeshift home in the highland city of Ibb, in the Republic of Yemen. She never came back. After several days of search her tiny corpse was found stuffed in a plastic bag in one of the public garbage container dispersed around main cities of the Republic of Yemen. From the injuries of skin wounds and broken bones that were visible on the corpse, it was evident that the child had gone through a hideous torment and inhumane death following torture and sexual abuse.

Yet despite the obvious criminality suggested by the victim's mutilated and raped body, the Yemeni police authority immediately dismissed Naseem's death as a case worth of criminal investigation once the identity of the child victim was determined as belonging to "*Al-Akhdam*"

7. **Discrimination in Public Services:** Unlike the rest of the society, “Al-Akhdam” neighborhoods do not receive services such as running water and electricity. Lack of supply of power/gas pushes them to carry out their everyday life activities using dangerous methods of generating power for cooking, and for keeping warm during the cold winter months, especially in the capital San‘a. Communal and familial vulnerabilities are also reflected in their constant exposure to homelessness whenever their makeshift dwellings are destroyed by the slightest storms. These unsafe dwellings coupled with a lack of clean water pose inhabitants to extreme health risks such respiratory diseases, eye infections, skin problems. Limited communal sanitation also increases chances of infant mortality from parasitical worms and infections.
8. **Discrimination in Education:** When parents from this minority seek to enroll their children in local public schools, they are turned away from enrollment via numerous excuses such as lack of spaces or being late. If admitted, they are received with mirth and humiliation or parents’ inability to harness school expenses for books. Other times, they are driven out of school via their exposure to severe public humiliation and unusual corporeal punishment from teachers who reprimand them for lack of clean outfits or shoes (See my report for Unicef, 1997).
9. **Discrimination in Access to land:** In rural area, “Al-Akhdam” are not allowed to farm or gain access to land as tenants or sharecroppers even if someone generated the income to buy a plot of land or engage in sharecropping. The very few who gained access to cash via illegal short term labor migration to neighboring Saudi Arabia are unable to own affordable piece of land because the “tradition” of social stratification does not allow such mobility.
10. **Systematic Rape, beatings and Exclusion from legal protection:** Members of this community especially women and children are constantly abused and violated physically. These acts include public beatings or while in custody, torture while in police or public custody, gang rape by youths or while in police custody. Rape of children and women and subsequent homicide are rampant. These violent criminal acts are perpetrated not just by individuals or mobs from the public by also by police squads or while in custody. Complaints from these violations and criminal acts are not taken seriously and subsequently ignored by the authorities. The perpetrators of these crimes are given impunity through a lack of legal prosecution. Society does not acknowledge individuals from “Al-Akhdam” as Yemeni and equal rights under the law, and meaningful political representation;
11. **Torturing to Death:** In early September 2000, a 22 year-old woman named Sabah Salem was physically tortured to death while in police custody in the district of Al-Udain of Ibb governorate in the northern region. The motive of her torture to death was to obtain confession for committing adultery. After receiving the mutilated body from the police station, the victim’s destitute relatives appealed to the local government authorities for investigation and justice. When they received no response,

the relatives with their neighbors gathered in front of the General Security Office. As usually is the case, they were cajoled and offered verbal consolation and a promise for a forensic investigation which never took place. As with many other cases there was no follow up. The only official recognition of this murder cases was a small mention in the cover of the Yemeni Times that read the following:

**Tortured to Death**

Relatives of Sabah Seif Salem have appealed to Minister of Interior, attorney general and chairman of Ibb's prosecution to investigate into the death of their relative, Sabah. Sabah, who belongs to "Al-Akhdam" (Yemenis of African origin) sector of people, died last Monday in jail in Al-Udain district of Ibb after being physically tortured to force her confess practicing adultery. Appellants expressed their hope that their 'black color' would not prevent justice to be on their side. On the other hand, tens of the victim's relatives gathered in front of the General Security Office in Ibb demanding investigation into this matter.

For his part, director of General Security Office in Ibb, urged the health office of the governorate to provide a forensic doctor for a post-mortum. In addition, he summoned director of security office of Al-Udain district for interrogation.

- 12. Severe Deprivation of Physical Liberty:** Individuals belonging to this minority are continuously exposed to unrestricted forms of deprivation of physical liberty. While some members of this minority, especially women, are prohibited from coming closer to certain public spaces such as places of worship (mosques) and religious schools where Quran's is taught, there are new forms of systematic practice depriving the physical liberty of this minority which are practiced mainly in big urban cities and towns in Sana'a, Tai'z and Ibb directly by the State through official edicts and acts. Commonly imposed are the official prohibitions imposed by the State of women from this minority by the State to walk after dark in urban places such as Tai'z and Sana'a. The following is one such Law recently pronounced by the State officials in Ta'iz and subsequently published by local newspapers. All security announcements concerning the public are generally announced during the news hours through the local TV station, which is owned by the Yemeni State. Subsequently local newspapers report them usually within one week. The following one comes from the Yemeni Times:

**Marginalized women banned from walking at night**

"TAIZ- A security decision was issued last week for banning women belonging to the marginalized category from walking in the evening in many zones in the city of Taiz. Colonel Nasser al-A'awash, General Director of the Police Department of West Taiz, told the Yemen Times that his department received numerous complaints by locals in al-Musalla Street urging policemen to arrest marginalized women ( from Akhdam category) who walk in the street over the night.

According to locals, these women commit immoral crimes with youths in the zone. Colonel al-A'awash added all the marginalized women are prohibited from walking in streets at night, and some of them were arrested and released after they pledged not to leave their homes at night. According to the police, whosoever violates the regulations will be arrested and punished." Yemen Times, May 2005.

**13. Forced Evictions and Intentional Physical Endangerment:**

A consistent and collective physical endangerment of this minority is a common practice. This generally takes the form of forced eviction, destruction of dwellings, and the physical abuse of those who try to resist eviction. And because of their abject poverty

and untouchable status, this minority has neither the means nor the right to choose or purchase their place of residence anywhere in the country. The only places open to them are the outskirts of cities, towns and villages and close to communal dumpsites also located outside main neighborhoods for sanitation purposes. These places are always the least desired places. But with population explosion, economic growth, and increased government infrastructure in the Republic, often previously undesirable places where this minority erects their makeshift slums may suddenly become desirable. In these cases the processes of evicting them are always outrageously cruel and physically violent. Often they are deceitfully told they will be given another site if they left their slum dwellings only to find themselves without any slum. Often the minority community puts resistance and refuses to leave in which case the State uses violent physical means of eviction by forcefully removing the slum dwellers out of their homes. Entire families and a whole community may find itself without a shelter in one act of bulldozing their homes as well as their belongings. Other times, police may just raid a slum neighborhood and order all residents to leave immediately without any explanation and simultaneously fencing the entire settlement and allowing people only to exit the site but not enter. This process of eviction usually takes about four to six hours with several casualties. A recent incident took place in the capital Sana'a as reported in the following newspaper:

**“War against Akhdam at Bab Al-Yemen”, November, 2001, Yemen Times**

The violent actions made against Akhdam (the black people who live near Bab Al-Yemen) by the security police are still taking place in an attempt to force them to leave the neighborhood and construct a government building. Their living conditions are tragic and their harassment represents a blatant infringement on human rights granted by the constitution and divine jurisprudence. We want this problem to be known by the Minister of Human Rights, Dr. Waheeba Farae, and the diverse human rights organizations presenting Yemen.

For a long time and up to this moment, Akhdam have been known as the black people in Yemen, particularly those who move from one place to another searching for shelter. Therefore, they are restricted to inferior jobs, such as street-cleaners and shoe-makers. Akhdam have diverse rituals, but their permanent ritual is misery, torture and slavery. They work like donkeys and they have a wretched life in Yemeni society. Three Akhdam were seriously injured by the police. At the same time, two women miscarried due to the horrible terror performed by the policemen. A source in the Human Rights Organization said that what has been practiced against Akhdam constitutes a flagrant infringement of human rights, and our government must reconsider these agreements as an international commitment. This critical issue should be treated rationally, and a sense of respecting the freedoms of human rights should be carefully considered. Above all, we are in dire need of national action and strong political will to save this inferior class, the class of Akhdam.

Over the last five years, however, the State has resorted to an even more violent means. There have been at least ten fires over the last two years in slums that were dwelled by this minority. These recent incidences of violence have instigated some responses from civil society as exemplified in the following editorial piece:

**“HOOD Calls for Probe into Fire at “Al-Akhdam” Homes”**

National Organization for Defending Rights and Freedom (HOOD), a local NGO has demanded that the Ministry of Human Rights and Parliament members form a joint commission of investigation into the fire incident last week in Al-Wahda, Sana'a City,

which destroyed 55 homes belonging to the marginalized “Al-Khadam” (black minority).

The organization, in its letters, expressed its conviction that the fire was set intentionally, as the alternative method to force the inhabitants to vacate the location following failed attempts to relocate them peacefully.

In March 2005, another huge fire destroyed an entire settlement in Sana’a this time causing even more damages and human casualties. It was the third fire in the same settlement within a period less than five years. As in all other cases fire fighters showed up when there was nothing left to be saved and the entire settlement was turned into ashes. The news is hardly considered fit for television but make it was to small columns in several local newspapers. As was the case with all other fire incidents, no investigation was considered uninvestigated. The following is one of the longest coverage the fire incident received:

**“Akhdam shelter catches on fire... again”**

A huge fire broke out on Tuesday March 28 in one of the Sana’a zones near Adhban School that is resided by Akhdam, a marginalized category in the Yemeni society, left 14 people injured. A number of modest huts and tents were also destroyed by the fire whose causes are still unknown.

This is considered the third fire incident in the zone over the past few years. The horror-stricken Akhdam expressed melancholy over such incidents that compelled them to sleep on the streets. Many of the residents were cited carrying their furniture and kitchen tools to escape the fire to safer places in the neighborhood. Fire vehicles were also cited at the scene, in an attempt to put out the fire and save the lives of women and innocent children.

Some of the victims confirmed that such fire incidents cause recurrent catastrophes and makes their living standards go from bad to worse, also saying that the government does not pay any attention to them.

They added that they do not receive any help except at the times of catastrophes and most of the previous aids were tents and kitchen tools that were destroyed by the fire. They demanded that the concerned sides build them houses out of stones and cement instead of tents in order to enable them to maintain their dignity and live equally like other people in the society. They cried that they live in tents where no public services such as electricity and water are provided.

It is worth mentioning that marginalized Akhdam is considered one of the poorest categories that dwell in different areas all over the country and they mostly live in thatched huts. Most of these people work as street cleaners and their career has become prominent over the last period of time in the main cities. They proved to be able to make the capital more tidy and clean despite their low payments. With respect to this marginalized category, many researchers hold the view that the role of government and the non-governmental organizations operating in Yemen are totally absent and no attention is drawn to their problems.

#### **IV. I Constitutional Failure and Legal Problems**

The Yemeni Constitution maintains a bill of rights that states a wide range of rights and freedoms (articles 41-61) to “all citizens.” It also states to provide citizens equal opportunities in all fields of economic, social, political and cultural activities (article 24) and guarantees equal treatments in the eyes of the Law. In addition to the ICERD, the State party is signatory to many other international contentions including the Covenant on Economic, Social and Cultural Rights.

Yet despite all these statements of commitment to human rights, and the rosy pictures of accomplishments that the State party provides, our research shows a gruesome reality of systematic discrimination and brutal practices of human rights violations that are specific to the minority. The Constitution is neither implemented nor adequate nor responsive to address the specifically ethnic-based and continuous caste-like discrimination perpetrated against this minority. But more importantly, “Al-Akhdam” ethnic minority in Yemen, numbering less than one million individuals, face human rights abuses and violations not only from mainstream society but also from State agents (ministries and the police). These abuses range from systematic discrimination in employment, access to education, health, water, the right to legal protection to open-ended violence such as torture until death while in custody, collective communal eviction, burning of entire communities as a form of eviction, destruction of properties in market places, and publicly performed physical abuses of men, women and children, lack of response to investigate crimes (homicide, rape, etc.) committed against children and women.

Those labeled “Al-Akhdam”, like the Jewish minority in Yemen, are seen as subjects of the Yemeni Muslim state but not deserving equality with the larger citizens. Rather they are conceived outside the category of “citizens” or *Al-muwatin*. Hence while the State party can refer to Constitutional rights to all its citizens, these rights are not extended to minorities perceived to be outside the category of citizens. This perception is very subtle and part of the collective consciousness of the dominant society including state officials. It is a perception often reflected in the ways in which local news media report on this minority. “Al-Akhdam” is commonly and unabashedly juxtaposed vis-à-vis the “citizen.” The institutions of the State, especially those established for human rights, human advancement (education), and legal protection, do not provide services to these ethnic and religious minorities. For example a Jewish Yemeni, while economically independent, is a *dhimi*, who can not hold a political position under the current State. Whereas a person belonging to “Al-Akhdam” minority do not enjoy the basic rights for social mobility, equality in front of the law, and equal protection against systematic violence.

Today, “Al-Akhdam” minority, and to some extent the Jewish minority in Yemen, live in constant state of siege that resemble very much the brutal conditions of Black Africans under the previous South African Apartheid regime, the segregation of Black American under the Jim Crow white supremacist policy of the 1960s in the USA. Our report finds very disturbing and entirely disingenuous that the State party has superficially condemned these regimes and systems while perpetuation its own similar systems of operation and even more horrifying human rights violations pertaining to socio-cultural persecution under its own jurisdiction.

## **PART V: Conclusion and recommendations**

### **V.I Conclusion on the findings**

1. While the social reality of systematic persecution of discrimination against “Al-Akhdam” and practices are amply documented by many credible local and international sources (including UN observers, the European Union, several scholarly publication and ethnographic descriptions, local newspapers, and reports by local

NGOs) the State party continuously refuses to deny the reality of persecution and practices of discrimination against this minority. In so doing the State party also refuses to acknowledge the need for specific legislative measures and affirmative policy actions that will protect this minority against human rights abuses carried out under the State party's jurisdiction. In this denial, the State party also refuses this minority to enjoy constitutionally guaranteed human rights.

2. We summarize the discrimination against "Al-Akhdam" and the violations of their basic human rights in the following manner:

- Lack of Constitutional protection against institutionalized and centuries-old socio-cultural persecution as an ethnic minority perceived to be of a non-Arab ethnic descent within a larger dominant society that identifies itself as an Arab society;
- Lack of protection from systematic cultural stigmatization as an untouchable outcaste;
- Lack of constitutional protection against severe and systematically carried out economic marginalization and social exclusion from mainstream society;
- Lack of Constitutional protection against forced labor and enslavement in rural areas;
- Lack of access to protection of children and women from sexual exploitation, violence, rape, and torture;
- Prohibition of economic activities outside the narrowly defined and culturally prescribed roles of dealing with pollution and demeaning menial activities;
- Lack of access to the minimum rights to pursue dignified living conditions;
- Lack of protection from indirect forced labor by the State;
- Lack of access to minimum housing or the right to aspire to such
- Lack of access to documentation (birth certificates and travel documents),
- Lack of protection against illegal and arbitrary detention,
- Lack of protection against collective and individual violence perpetuated by the public and the State (homicide, beatings, evictions, destruction of dwellings)
- Lack of access to legal protection and representation in front of the law,
- Lack of State intention to criminalize and persecute violent acts against this minority especially children and women;
- Lack of State intention to change societal attitudes of prejudices against this minority;

3. The current State report misinforms the Committee by providing wrong and disingenuously and intentionally misleading analysis on the conditions of marginality by suggesting that the issue of “Al-Akhdam” stems from the larger issue of inaccessibility to land and overall poverty conditions that the country is experiencing. Our report, through our ethnographic work, showed that this is not the case. The discrimination against “Al-Akhdam” is not a vestige of Yemen’s feudal social realities. Rather it represents a socio-cultural practice of discrimination against an ethnic minority persecuted as descendents of a non-Arab invaders within a larger dominant society that perceives itself as an Arab;
4. Given the impermissibility to support ethnic/racial discrimination under Islam’s wider paradigm of equality, the persecution of “Al-Akhdam” as fellow Muslims is carried out and subsequently rationalized as a persecution of a “fallen” minority failed to fully adhere to the moral codes of both Islam and Yemen’s dominant Arab majority;
5. While it is true that the Constitution of Yemen clearly maintains the equality of all citizens, there are no contemporary legislative acts and policy measures that ensure the inclusion of those Black Yemenis labeled “Al-Akhdam” in the category of “citizens” in any substantial or meaningful way.
6. The category of “citizens” as stated in the Constitution is an empty category void of any meaning in a country where descent and social origins still play major roles in accessing the basic documents (birth certificate, traveling documents, etc) that entitles you to benefits of citizenship.
7. Equally true is the lack of any legislative acts and policy measures that seek to address and remedy not just the economic ramifications of a long history of discrimination and exclusion from main stream society but also the sociological and psychological consequences of segregation, marginalization and dehumanization, all of which have been proven elsewhere to require sincere commitments through concise constitutional amendments and affirmative legislative actions if equal opportunity, social justice, and equal protection against all forms of discrimination is desired for a historically marginalized minority.
8. As a direct result of the systematic discrimination and specific persecutions waged against the minority, there are diverse ramifications that range from deep psychological wounds, devastating human casualties especially with regard to children and women through rape, murder, and torture, and undignified and humiliating social existence and conditions of extreme poverty that are unparalleled by any other forms of poverty.
9. There are also the everyday brutality of continuum exile, displacement and lack of personal, family and communal security all of which are created through forced evictions, displacement, and destruction of homes, and endangerment through the burning of residential cites.

10. While the European Union and United Nations have openly recognized the crises created by the systematic socio-cultural persecution of this minority (as evidenced by the issuance of the above cited reports from ECHO and UN OCHA), none of these human rights atrocities and conditions have received the international attention and response it deserves. Our testimonial research and first hand documentation strongly evidence that the continuous atrocities committed against this minority in the name of ethnic discrimination amounts to “crimes against humanity” (as defined by the International Criminal Court) including torture, murder, rape, persecution (intentional and severe deprivation of fundamental rights), apartheid, sever deprivation of physical liberty, enslavement and forced labor. Our report shows that these crimes were committed not only with the knowledge of the State party but also in complicity with its policies and practices.
11. We would like to point out that the most difficult obstacles to any efforts in advocating social changes in the centuries-old of caste, ethnic, and descent based discrimination practices in Yemen today resides in the State party’s lack of interest in the issue. As of today the State party continuously refuses, and in defiance to provide official statistical figures on the ethnic composition of the country’s population and the specific size of “Al-Akhdam” minority within the population. While we agree with the State Party that conditions of absolute and extreme poverty are rampant in the country and constitute major concerns, we also believe that there are specifically systematic cultural attitudes, social perceptions that produce the extreme marginality and abject poverty that are experienced by this minority. We argue that these conditions are neither incidental nor generic but rather supported and maintained by the State party’s refusal to acknowledge them. We also argue that such refusal is exemplified in the current State party’s report and its tangential references to practices of discrimination in Yemen as the outcome of “generic” socio-economic conditions of landlessness pertaining to Yemen’s persistent semi-feudal economic arrangements. Although semi-feudalism in Yemen which is manifested as the control of land by tribalist congregations and the remnants of Imamic religious authorities poses and while still a major hindrance to Yemen’s economic development, it alone can not be held culpable of producing the inhumane social marginality and the undignified conditions of poverty of “Al-Akhdam” as a mere manifestation of socio-economic classes of servants as capitulated in the State report. In deed the report tries to evade the specificity of “Al-Akhdam” ethnic minority as minority and descent and ethnic dimension of their plight in the Republic of Yemen.

## **V.II Overall recommendations to the Committee**

1. Take seriously the human rights atrocities perpetrated against this minority in Yemen and call for the immediate stop of this heinous persecution and human rights atrocities against a vulnerable minority;
2. Urgently intervene on behalf of the victims by sending Special and Independent Rapporteurs to investigate and report on the ongoing persecution of this minority;

3. Hold the State party responsible for all the individual and collective crimes that are perpetrated against this minority and for failing to protect them from the ethnic based and caste-related human rights violations committed under its sovereign jurisdiction;
4. Take concrete measures against the State party by calling for an adequate compensation of the victims of these atrocities for their long suffering through the immediate introduction and implementation of cogent measures of affirmative action policies (especially in education, employment and economic opportunities), specifically designed to redress the effects of a long history of socio-cultural practices of ethnic and descent based discrimination;
5. Call for the immediate introduction of special and effective legal measures that will stop the continuous violations of the rights of this minority through the criminalization of such acts;
6. The Committee should specifically ask the State Party to submit a special report on the conditions of “Al-Akhdam” in Yemen. This should include the following:
  - a. Precise census data on this population and their presence in the different regions in the country;
  - b. The state of their housing;
  - c. The conditions of social services provided by the state (health, education, economic activities);
  - d. The state of children (education, welfare, provision of health services)
  - e. The state of women from this community;
  - f. The state of employment by the State as “sanitation workers”, the condition of their employment, wages, and benefits.

### **V.III Overall recommendations to the State Party**

1. The State party must publicly admit the existence of a very vulnerable ethnic minority that requires the protection of the State;
2. The eradication of ethnic/descent-based practices of discrimination against “Al-Akhdam” minority in Yemen must be treated as an urgent matter;
3. These practices of discrimination are the direct manifestations of a caste-like persecution of an ethnic minority perceived to be of a non-Arab origin within a dominant majority that perceives itself as Arab. The perpetrators of these practices of discrimination and include the State party and involve systematic crimes against humanity as defined by the Rome Statute;
4. The Yemeni state should publicly renounce the usage of the derogatory social label of “Al-Akhdam”. It should recognize that the application of this label is in itself part of the collective violence against this minority. Any future designation must originate from the group itself.
5. The Yemeni Constitution does not protect this minority from discrimination and persecution and the State party does not show any willingness to ensure a genuine effort and actions to eradicate these practices. This is clear from the evasive nature of the State party’s past and present reports to the Committee. The continuation of these practices and the failure to condemn them, therefore, should be viewed as a failure of the State party to uphold and honor

its international responsibility with the ICERD and many other international Conventions, including the Convention on the Rights of the Child, to which the State party is signatory;

6. The State party should protect this minority from ethnic, racial and caste-related prosecution and discrimination by extending the following constitutional rights to them:
  - a. Equality under the law (Article 40) for oppressed minorities within Yemen's otherwise hierarchically structured society;
  - b. Personal dignity and security (Article 47) and protection from the caste-related violence and systematic collective prosecution detailed in this article;
  - c. The provision of equal rights in local courts and in the justice system (Article 49).
  - d. Protection of this minority under Article 56 from practices of internal extradition of members of "Al-Akhdam" from their home villages and subsequent denial to return. Article 56 of the Constitution addresses the rights of citizens for protection from deportation outside Yemen and denial to return.
7. The Committee must take immediate action to investigate and respond to the allegations against the State party. To this end we urge the Committee to:
  - a. Investigate the August 2003 kidnapping, raping, murdering and mutilating of the body of Naseem, an 8-year-old girl in the Governorate of Ibb and the allegation that the State police dismissed the case as unworthy once the identity of the girl was revealed as belonging to "Al-Akhdam".
  - b. Investigate and respond to the September 2000 death by torture of 22-year-old Sabah Seif Salem while in police custody in Al-Udain District of Ibb Governorate. Sabah's mutilated and murdered body was collected from the police station for burial by her destitute relatives after being physically tortured to death by the police. The purpose of her torture was explained as extracting confession to committing prostitution and adultery. Investigate this case and why the perpetrators of this crime were never prosecuted; The family and relatives who belonged to "Al-Akhdam" minority not knowing where to seek justice gathered in front of the police station where Sabah was killed until they were threatened by police forces.
  - c. Respond to the causes of the many fire "incidents" that destroyed "Al-Akhdam" slums in San'a, the capital of Yemen. These include Aser Al-Kasara (June 6, 2003), Al-Wahdah (June 2004) and near Adhan (March 28, 2005). Several sources in Yemen including the National Organization for the Protection of Rights and Freedom (HOOD) are convinced that these fires were set intentionally to force the inhabitants of these slums to give up the sites on which their makeshift huts were built. These fires have left entire communities devastated and homeless.
  - d. Respond to the security decision that bans women belonging to "Al-Akhdam" from walking in the city after sunset. This decision was announced on May 2005 by Colonel Naser Al-Awash, General Director of the Police Department of Ta'iz.
  - e. Respond to the threat of arrest and punishment of women from this minority who dare to walk outside after sunset;
8. The State party should demonstrate its intention to foster changes in the conditions of "Al-Akhdam" by immediately establishing a special commission dedicated to redressing long

histories of injustices by ameliorating the present conditions of this minority. It should stipulate concrete commitments that will reverse the isolation of this group from the larger society. Since isolation is not this group's choice but rather the result of the larger society's prejudice, the government's concrete measurements must involve a serious intention to integrate this group into the larger society. To this end, the government should educate its employees and the public about the inalienable rights of "Al-Akhdam" as citizens and should criminalize their humiliation and abuses perpetrated against them on the basis of their ethnicity. A series of public policies should be initiated with the intention of facilitating their integration into the larger Yemeni society. This policy series should include the following policies:

- a. Establish Minority Acts and Rules to legally address the problems of ethnic-related violence and discrimination perpetrated against "Al-Akhdam". To ensure compliance, implementation and monitoring committees should be initiated along with these Acts and Rules.
  - b. Establish special committees for the purpose of ensuring the provision of constitutionally guaranteed and obligatory basic education (Article 53) to children of this minority group. Since access to education is not only denied exclusively by prejudice, these committees should also address economic factors such as the ability to purchase school uniforms and socially appropriate clothing (especially for girls), all of which factors are crucial to children's ability to attend and remain in classrooms.
9. The Yemeni state, through the Minority Commission recommended here must ensure that all its governorates, especially those with large communities of "Al-Akhdam", (e.g. Sana'a Ta'iz, Ibb, and Al-Hudeidah, and Aden), comply with the Minority Acts and Rules advocated here. It should also monitor the implementation of the advocacy recommendations stipulated here.
10. The provision of public health services (Article 54), social security (Article 55), and other basic social services to this minority group should be enforced and monitored. Like access to education, public health services have been made unavailable to members this group, not by law but by the power of social perceptions and prejudices held by public health workers. The special committees should ensure that public health workers are educated about human rights and human dignity and are informed about the illegality of discrimination on the bases of caste and ethnic prejudice. The State party.
11. The Yemeni government must immediately discontinue its own practices of discrimination against "Al-Akhdam" by stopping its unconstitutional practices of forced labor (Article 29) through its recruitment of members of "Al-Akhdam" only as "manual sanitation workers" and by refusing them any other employment opportunity and economic activities outside this field.
12. The Yemeni government must stop its discriminatory practices through its denial of "sanitation workers" employment benefits that are provided to all other civil servants. To this end:
- a. Pay them fair wages that allow for a dignified and secure life;
  - b. Provide them secure employment contracts;
  - c. Provide this workers with medical services;
  - d. Provide these workers with a pension plan;

- e. Give them sick and annual leave
  - f. Demonstrate a commitment to changing the cruel and unconstitutional practice of forced recruitment by providing members of this minority with educational opportunities such as skills training, vocational education, and technical assistance that can help to prepare members of this group for other government posts and economic activities. Involve educated members and activists from this minority group in the monitoring committees for the Minority Acts and Rules, as advocated above.
  - g. Provide them with the constitutionally guaranteed social security rights (Article 55);
13. The Yemeni state must provide special consideration to the most vulnerable members of this minority group, namely women and children, and honor their constitutional right to protection under Article 30. To this end it should:
- a. Discontinue the harassment and humiliation of women from this minority group in public areas and in custody;
  - b. Discontinue the prosecution and detention of male relatives who come to the assistance of women from this minority group when they are harassed in public;
  - c. Discontinue the rape of women from this minority group while in custody;
  - d. Discontinue the detention of women from this minority group for the purpose of sexual enslavement;
  - e. Discontinue the detention of children conceived and born to women from this minority group while in custody.
14. The government should actively encourage the representation of women from this minority group in the current overall Yemeni Women’s Union commissioned by and registered under the ruling party.
15. The Yemeni government must protect “Al-Akhdam” communities from systematic police raids, which are currently carried out in the name of “disciplinary procedures” and “public safeguarding” and “public order.” The government must discontinue the policy of arbitrary eviction of members of this minority group from their makeshift dwellings without compensation in the form of dignified living spaces. The government must discontinue the illegal prosecution of members of this group who try to defy such violence and unlawful evictions.
16. The state should provide equal opportunities for economic activities as guaranteed under Article 24 of the constitution for members of this minority group who desire occupation other than the “traditional” task of manual cleaners. The government must discontinue the public and police harassment of men from this minority group who try to take up professions or economic activities other than sanitation work. The Yemeni government must discontinue the practice of lengthy, indefinite, and unlawful detentions of members of this minority group. When people from this group are in custody, they must be provided with legal assistance and be subject to normal due process in front of a court of law. Civil authorities must discontinue subjecting members of this group to humiliation and physical abuse while in public and while in custody and must inform their families about their whereabouts. The

government must ensure that members of this group receive equal and fair re-documentation before the law as guaranteed under Article 47 of the Yemeni Constitution.

17. The Yemeni Human Rights Ministry should continuously document in its Annual Human Rights Report the conditions of “Al-Akhdam” minority by providing regular updates on the progress it has made towards implementation of the recommendations listed in this advocacy project.
18. The Yemeni Human Rights Ministry must accredit and collaborate with the Organization of the Free Blacks in Yemen and other grassroots organizations representing this minority in Yemen.

## **PART VI: The State Party and ICERD**

### **ARTICLE I**

In this Convention, the term “racial discrimination” shall mean any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

1. The practice of descent-based discrimination against “Al-Akhdam” minority and their systematic exclusion from mainstream society in the Republic of Yemen clearly correspond to the broader definition of “racial discrimination” as articulated in Article I of the ICERD to which Yemen is signatory. While this discrimination is culturally and historically specific and is based on a historicized popular myth that identifies “Al-Akhdam” as the descendants of non-Arabs Christians within a dominantly Muslim Arab majority, the ramifications of this myth recall other forms of discrimination practiced elsewhere in the world. On the one hand, the notion of a dehumanized “untouchable” caste quickly brings to mind the abominable caste system in South Asia (especially India and Nepal) to which the Dalit people are subjected. On the other hand, the racial/ethnic supremacist ideology implied in the superiority of the Arab versus an inferior non-Arab African distinction and the systematic subjugation and exclusion of the allegedly inferior non-Arab have very much commonality with other supremacist systems such as South Africa’s apartheid regime.
2. The State party is not only accountable of failing to protect a vulnerable minority under its jurisdiction from socio-cultural persecution (through the provision of special measures to secure adequate legal protection and socio-economic and cultural advancement of “Al-Akhdam”) but also in participating in the persecution of this minority. And because it denies to acknowledge the historical plights of this minority (as evidenced in the lack of mention of this persecution its current report to the Committee), the State party is also accountable for blocking efforts of protection and advancement in the future. To this end it has taken no steps towards providing for 1) the rehabilitation of this minority from centuries of persecution and 2) their integration into the larger society. Based on the testimonial evidence we presented, we would like to call for the State party to take special

and time-bound measures that will make sure the advancement, protection, rehabilitation and integration of this marginalized group into mainstream society;

3. The descent-based discrimination against “Al-Akhdam” and their subsequent exclusion as castigated “untouchable” caste nefariously combines the atrocities of these two systems of discrimination (i.e. caste and apartheid). While we agree with the State party report that the color of one’s skin and physical characteristics may not be determining factors in one’s marginal positions, we emphasize that descent category and one’s ethnic proximity and ability to claim an Arab identity matter a great deal in establishing social capital in Yemen. In other words, ability to claim Arab descent (or failure to do so) matters a great deal in Yemen. We call for the complete abolition of this form of discrimination through specific constitutional amendments and the provision of legislative measures for protection from such discrimination by criminalizing such acts. In this matter, we urge the State party to learn from the experiences of India, South Africa and the US in laying down legislative measures and police procedures for eradicating the unlawful discrimination against “Al-Akhdam”.

## **ARTICLE II**

States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end:

1. Constitutions are the best possible legal framework of rights that a State party could provide to its citizens. While the Yemeni Constitution clearly condemns discrimination in a general way, it does not address the specifically ethnic-based discrimination against “Al-Akhdam”. Despite the wider social belief and cultural practices that castigate “Al-Akhdam” as condemned minority of Ethiopian origins, neither the Constitution nor any other official State document condemns the specificity of this ethnic-based discrimination.
2. The State does not engage in any public effort to denounce the persecution of “Al-Akhdam”. Nor does it engage in any effort to change the negative and atrocious public perceptions about this minority.
3. On the contrary, and considering paragraph (a) of Article II, the State party feeds the public perception by participating in the collective violence against this minority through its exclusive and inhumane engagement of employing this minority only within the caste-like prescribed menial task of dealing with polluting substances in the most inhumane conditions;
4. The State party also engages in acts of discrimination by paying very low and unfair wages (unparalleled by any other civil service sector) to these workers while failing to provide any pension plan as it does to other categories of employees. In so doing the State party is actively engaged in the perpetuation of the age-old and caste-like socio-cultural practices of work-based exclusion and economic marginalization against this minority group

5. This exclusive employment is in reality forced employment achieved by not providing any other economic opportunities outside this field. Because of this exclusivity, over the last two decades the category of “Sanitation workers” has become synonymous with “Al-Akhdam” and is often used as a euphemistic State (official) expression for identifying this minority.
4. Considering paragraph (b) the State party sponsors acts of discrimination which is currently evidenced by its denial to the reality of specific practices of discrimination against “Al-Akhdam” and by lumping this reality with that of “landlessness” and general conditions of extreme poverty. The State party must show its opposition to practices of ethnic-based discrimination by publicly condemning such practices as illegal/unconstitutional;
5. Considering subparagraph (c) of Article Two, the State party does not have effective (or ineffective) measures or plans to review the conditions of this minority. Subsequently, it has not taken any measures to annul the socio-cultural persecution of this minority. Therefore the State party needs to speak openly and clearly about the specific socio-cultural norms and practices that castigate this minority, and therefore it should immediately demonstrate its willingness to do so first by publicly announcing the existence of age-old ethnic-based persecution against this group.
6. Considering subparagraph (d) of Article Two the State party does not prohibit the specific practices of socio-cultural persecution of this minority. Nor does it address the ethnic-bases for this persecution. Therefore we request from the State party to draw legislative measures and amendments that will prohibit the specific discrimination against this group by criminalizing all acts of violence perpetuated against this minority.
7. Considering subparagraph (e) the State party does not have any specific measures that promote the integration of this extremely marginalized minority to mainstream society. Nor does it have any measures for reducing the current separation of this minority from mainstream society. There is a dire need for cogent measures of inclusion and reduction of existing barriers. We request the State party to immediately come up with such measures.
8. Considering paragraph 2, while the State party promotes the ethnic identity of Yemen as an Arab, it indirectly legitimates the exclusion of “Al-Akhdam” as a non-Arab entity; In other words, while the “Arabness” of the nation is emphasized, there is no space for promoting difference. The different becomes an unauthentic national category.

### **ARTICLE III**

States Parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction.

1. The conditions of discrimination and exclusion from mainstream society to which “Al-Akhdam” ethnic minority are subjected under the jurisdiction of the State party

are akin to the conditions and ramifications of past segregationist systems else where in the world. Putting aside the apologetic arguments of cultural relativism, these conditions of discrimination and exclusion produce extremely disenfranchised collectivities and totally ghettoized communities that resemble those produced by the apartheid regime in South Africa and by the Jim Crow policy of segregation in the southern regions of the United States of America.

2. Yet, while segregation and apartheid systems were severely castigated and unanimously condemned by the international community around the globe, the Yemeni system of segregationist discrimination still remains rampantly operational and outrageously legal within the jurisdictions of the State party. The following instances will highlight both the segregationist aspects of the descent-based practices to which “Al-Akhdam” are subjected:

a. Housing/Residence Discrimination: In major urban cities and towns such Sana’a, Aden, Ta’iz, Ibb, and Zabid, collectivities from this minority group are not allowed to live with mainstream society. Rather they are forced to exist only as squatters at the outskirts of main neighborhoods and around communal dumpsites or market places where they subsidize their existence through scavenging and recycling societal refuse. Nor would they be allowed (even though they are unable to afford) to rent or buy properties in neighborhoods. Their status as squatters constantly poses them to collective and systematic evictions, often violent in nature, via state agents whenever the larger society has a need for such squatter spaces. If they refuse eviction, violent methods of destroying the dwellings along with whatever material possessions they owned are used to force residents to leave. While the State party in their report refers to the construction of new housing units for this group, these constructions are abysmal in number and even so are constructed by international organizations namely international NGOs with funding from the European Union; This insignificant change represents a drop in a bucket compared to the magnitude of miseries faced by this minority; the mention of it and the State’s claim of ownership shows that the State has nothing to show; The preponderance of discrimination and persecution is more rampant in rural areas where it has its roots. Yet neither the State party nor any other foreign donor has addressed the issue of persecution and systematic discrimination in the rural areas of Yemen. Subsequently this abysmal urban housing becomes a cosmetic effort. But more importantly, these abysmal housing units still maintain segregationist ideologies hence still maintains this community outside the mainstream society;

b. Lack of security and physical protection: The majority (almost 90%) of squatter neighborhoods are made of makeshift dwellings of huts constructed out of discarded cardboard boxes and plastic materials that do not provide physical protection and safety from intruders both from outsiders and from within. Often these dwellings are quickly destroyed in the face of the smallest environmental hazards such as heavy rains not to mentions floods. Sometimes

an entire family of ten is cramped into one tiny hut of less than three square meter where cooking, cleaning, and sleeping are conducted with in the same tiny space.

- c. Discrimination in Public Services: Unlike the rest of the society, “Al-Akhdam” neighborhoods do not receive services such as running water and electricity. Lack of supply of power/gas pushes them to carry out their everyday life activities using dangerous methods of generating power for cooking, and for keeping warm during the cold winter months, especially in the capital San‘a. Communal and familial vulnerabilities are also reflected in their constant exposure to homelessness whenever their makeshift dwellings are destroyed by the slightest storms. These unsafe dwellings coupled with a lack of clean water pose inhabitants to extreme health risks such respiratory diseases, eye infections, skin problems. Limited communal sanitation also increases chances of infant mortality from parasitical worms and infections.
- d. Discrimination in Education: When parents from this minority seek to enroll their children in local public schools, they are turned away from enrollment via numerous excuses such as lack of spaces or being late. If admitted, they are received with mirth and humiliation or parents’ inability to harness school expenses for books. Other times, they are driven out of school via their exposure to severe public humiliation and unusual corporeal punishment from teachers who reprimand them for lack of clean outfits or shoes (See my report for Unicef, 1997).
- e. Lack of Access to land: In rural area, they are not allowed to farm or gain access to land as tenants or even in the exploitative conditions of sharecropping.
- f. Lack of access to personal identification and travel document ensures that this minority do not benefit from labor migration to neighboring countries. The very few who gained access to cash via illegal short term labor migration to neighboring Saudi Arabia are unable to own affordable piece of land because the “tradition” of social stratification does not allow such mobility.
- g. Prohibitions to live within mainstream neighborhoods maintains this minority to exist in isolation from the cultural activities of mainstream society;
- h. Isolation at the margins of mainstream society and social spaces does not allow social interactions with the rest of society and access to the wider society’s institutions including mosques, schools, cultural centers, public centers, etc.; This lack of opportunities to interact with mainstream society disadvantages both culturally and socially, children from this minority by forcing them to grow not knowing anything about the aspirations and the norms of the larger society. Ironically, this forced isolation and ensuing lack

of knowledge of the larger society's norms only leads to further circulation of more negative images of this minority as cultural chimera.

- i. Lack of access to jobs and economic opportunities also produces poverty and reinforces stereotypes

#### **ARTICLE IV**

States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, inter alia:

1. The State party has never condemned any of the persistent and negative conceptions popularly held about this minority. Local newspapers openly publish ill-informed and offensive gossipy articles portraying this minority as cultural freaks.
2. These articles contain racially motivated apathies that further damage the already demented public perception of this minority.
3. These articles generally position this minority outside the category of citizens and therefore increase their sense of isolation from mainstream society.
4. While engaging in racial slurs, these media propaganda portray the conditions of extreme poverty that affect this minority as a result of the victims' "idleness" hence normalizing the further economic marginalization and discrimination against this minority;
5. While providing the main public with pornographic fantasies about the wild sexuality of the marginal woman, these articles continue to construct minority women as an "immoral" category that lures the "citizen" into immoral acts. Hence the immoral woman can be violated by any body at their will because she is culpable for enticing the perpetrators; This open discussion practice is psychologically interesting since this is a country that does not allow any public expression of sexuality;
6. Often these articles serve as a general propaganda that tells the larger society that the margin is devoid of Islamic and Arab morality and modesty;
7. While such gossips about the margins tell more about the gossipier than the margins, they nevertheless inform the wider society that it is OK to violate the humanity of this minority; When such violations happen they are never investigated and perpetrators are never prosecuted;
8. Dominant societal perceptions of this minority as lowly and immoral creatures undeserving of human compassion allow for the "rationalization" of collective violence against them. Mainstream society is given a moral carte blanche to enact in any way it

pleases towards castigating and persecuting this minority. Consequently violence, aggression, and cruelty against this minority are rampantly carried out with impunity.

9. The State party made no effort in curtailing the spread of these negative propaganda and racial apathy. Nor does it hold responsible for their source and contents. The liberty with which these damaging propagandas and slurs are ignored by the State shows not an exercise in freedom of press. Rather it shows a widely shared antagonism and collective practiced violations of the humanity towards this minority a collective consciousness and ere is not an extreme case of journalistic freedom but rather While the spread of these incriminating materials incite violent acts, these acts are never persecuted by the State.
10. The State party never declared an offense punishable by law any of the socio-cultural practices of persecution of “Al-Akhdam” including the denial of this minority to attend and receive public health centers, market places. It has also not declared an offence the denial of children to attend public schools, the humiliating public beatings of men and women, destruction of property, the rape of children and women, and the prohibition and limitation of physical freedoms of this minority.
11. The State party does not corrected the negative images that entice violent acts or declared the spread of these perpetual images punishable by law. On the contrary the State joins the spread of similar negative descriptions.

#### **ARTICLE V**

(See our comments to Article 2)

#### **ARTICLE VI**

States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

#### **Some of the violations to this Article can be summarized as follows:**

- No adequate place to file grievances
- Public displays of lamentations are either ignored or persecuted as public nuisances
- States persecutes instead of providing protection
- Levels of discrimination- institutional, societal
- Institutional perpetuates social
- Cases and discussion of: judicial system, social injustices, and connection
  
- The current situation for the “Al-Akhdam” in Yemen is self-perpetuating. The judicial and law enforcement institutions actively discriminate against “Al-Akhdam”, which legitimizes the behavior of the broader society. Conversely, the attitudes shaping the law-makers and law enforcers, come from a system of unchallenged racism and discrimination.

- One specific event involves a young girl, eight years old, named Naseem. One day Naseem went out to play just outside of the small, shantytown of her family in the city of Ibb, and never returned. After days of searching, she was found dead, her body stuffed into a plastic bag and discarded in a public garbage container. There were marks on her body indicating physical and sexual abuse. In a case where criminal investigation would normally occur, the police did nothing. Because she was a member of the “Al-Akhdam”, they did not deem her death worthy of further inquiry and dismissed the case entirely. The outraged community expressed its frustration and anger over the case in a local newspaper. The article highlighted the negligence of the criminal justice system and the overall implication of justice and human rights available to the members of the “Al-Akhdam” community. There was no change in the status or further investigation as a result of the article. Lack of interest from local government officials and the broader society can be explained by the general belief that these people do not deserve better.
- There are many examples of individuals of this community either being dismissed, harassed or otherwise mistreated when trying to seek justice or access to the justice system. Police and courts engage in active discrimination. There are testimonies of Akhdam members who have tried to approach the police after being wronged only to be beaten on arrested as public nuisances. Any attempt of integration at this level is either met with discrimination or mistrust.
- Instead of taking active and appropriate measures to assure “effective protection and remedies, through competent national tribunals and other State institution” as stated in Article VI of this Convention, law enforcement actively perpetuates the discrimination against this group. Similarly, the judicial processes itself has deeply rooted discriminatory practices. “Al-Akhdam” do not have access to the justice system as recourse to the discrimination, their community finds that the system actually reinforces society’s discrimination.
- Currently in Yemen, neither the institutional nor the social discrimination is being challenged. The court system, which is supposed to be free of racial discrimination or bias, is an active participant in discrimination.

## **ARTICLE VII**

States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion and Belief, the CERD General Recommendation No. 29 regarding descent, and the ICERD.

**The following are some of the critical points pertaining to violations against this Article:**

- Low retention rates in schools for children due to discrimination
- Protests from parents on conditions were ignored—parents were physically beaten
- Discriminatory views are perpetuated rather than challenged by media and other sources of public information
- Misconceptions/misinformation is the root of discrimination against “Al-Akhdam”—also tradition and needs to be actively and specifically addressed
  - Story that everyone knows but nobody challenges the origins or validity of
- Government has not recognized and therefore cannot address this issue effectively
  
- The education system of the Republic of Yemen has failed the “Al-Akhdam” people, at the formalized education level as well as in cultural education and awareness. It is evident that the government at local and national levels fails to meet the criteria of actively educating “Al-Akhdam” and others about “Al-Akhdam”. Furthermore, there are many instances in which the government and government officials actively work to exclude this minority group from education and engage in perpetuating negative stereotypes and discrimination.
  
- At local levels there are daily occurrences of “Al-Akhdam” children dropping out of school due to harassment by other students, teachers and administrators. Between taunting from children and unfair treatment from their actual teachers, many of these children have little choice but to leave. The parents of other children will often complain about Akhdam children integrated into the classrooms. Meanwhile, if the parents from the Akhdam community try to address the harassment or complain, are often physically beaten or humiliated. There have even been cases where there was retaliation against the Akhdam community just for sending children to schools.
  
- In a March 2005 article, “Al-Akhdam”: Living Through Centuries of Inequalities” author Shane Bauer writes, “most attribute the reason of “Al-Akhdam” poverty to a combination of an unwillingness to better themselves and a strange primordial desire to live a savage life.” While countless interviews, testimonials and documentary analysis shows that this is clearly not the case. Members of this community want to access to a better situation but no facet for betterment are available. Unfortunately, mainstream society continues believing in the laziness of the “Al-Akhdam”, keeping them categorically inferior.
  
- The root of the problem lies in a common story that members of the mainstream society understand and leave unchallenged. While they might not know exactly why, yet they all acknowledge that “Al-Akhdam” deserve to be treated the way that they are. Without addressing or even acknowledging it, this narrative is allowed by the government. Even worse, it is often perpetuated by media and common social and cultural discourse. Authority figures both socially and in the government set examples legitimizing extreme discrimination rather than bridging communities.

- Even in cases where it is not actively involved in these processes, by not recognizing the problem that exists, the government of Yemen cannot actively address it. Therefore, it is responsible for the ever-worsening situation of the “Al-Akhdam” people all over the country.

## **PART VII: Concluding remarks**

- This report and the credible testimonies exhibited here suggest that the systematic discrimination against “Al-Akhdam” is very much a practiced social reality in contemporary Yemeni society. As our analyses and documentation have exposed, this discrimination is part of an ancient socio-cultural persecution and is carried out against a very small and vulnerable minority persecuted as the descendents of Ethiopian invaders within a society where the dominant collectives celebrate its ethno-cultural identity as “Arabs.”
- Like all other ethnic nationalism, there is a level of collective fantasy and imagination that generates systematic violence perpetrated against those perceived to be the non-ethnic “Other”. Because of the ways in which the history of Yemen and Ethiopia is intertwined through the mythical stories of kingdom of Sheba, the Yemeni case of vindicating a minority perceived to be the descendants of Ethiopian warriors is severe and deeply rooted in the collective consciousness of the dominant Arab social groups in Yemen.
- In this context, the classification and recognition of the Yemeni Arab identity is very much dependent on the castigation, deprecation, and denouncement of the non-Arab “Other.” Hence the more castigation exhibited against this “Other” the more real the “Self” identity becomes. It is a vicious, archaic, and unrestrained form of imagining and realizing the “Self.”
- Yet unlike other ethnic discriminations, the violence against the allegedly non-Arab Yemeni case is restrained by Islam’s larger paradigm of equality between Muslim Arabs and non-Arab Muslims. This issue is demonstrated in the fact that the State party has no difficulty in categorically refusing equal political rights to its Jewish minority considered “dhimi” under Yemen’s Muslim-Arab State. The same denial to “Al-Akhdam” (who are all Muslims) would be unsupportable under Islam’s paradigm of equality between Muslims; Yet a systematic discrimination against them is legitimated as a societal persecution against an “immoral” or “fallen” Muslim group.
- Hence the Yemeni Muslim Arab nationalism ( as stated at the beginning of the Constitution) and its animosity to those Muslim minorities perceived to be of non-Arab descendents can only be rationalized through caste-like practices of “untouchability” and extreme social exclusion that castigate a minority who have allegedly failed to uphold Islamic moralities. The persecution and discrimination against “Al-Akhdam” therefore is rationalized as a persecution of “fallen Muslims” who failed to uphold Islamic moral codes;
- To this end, we have established that systematic socio-economic persecution of (and discrimination against) “Al-Akhdam” in Yemen is quite distinct than the marginalization of the larger landless category in Yemen’s semi-feudal society. We also established that the discrimination against this minority and the causes of their abject poverty are not caused by their lack of access to agricultural land. On the contrary, their lack of access to land is an aspect and outcome of their wider descent/ethnic persecution;
- We have demonstrated through our research and testimonies that mainstream society and the State in Yemen collaboratively participate in carrying out this system of persecution and ensuing discrimination against “Al-Akhdam” as a whole .

- While the State party belligerently disregards the Committee's previous recommendations and request for information on minorities, the ethnic composition of the population and socio-economic statuses of this composition, other official sources estimate "Al-Akhdam" minority as 200,000-500,000 individuals or close to 3% of the Yemeni population.
- While the State party relentlessly denies not just the realities of systematic discrimination against this minority but the very existence of this minority, it surreptitiously perpetuates systematic crimes against this minority as we speak. The credible testimonies including the European Union, UN OCHA, and prominent local newspapers presented here all provide evidence that incriminate the State party as a chief perpetrator of the crimes of discrimination and persecution against this minority.
- The findings of our research and the credible testimonies presented here, attest not just to the realities of systematic discrimination and persecution of a vulnerable minority protected by the ICERD but also to the urgent need to hold the State party accountable for failing to provide legal provisions and policy plans for protecting the rights of this minority.
- We have demonstrated the most of the crimes committed against this vulnerable minority violate not just the rights and protections implicated in ICERD but also in many other international conventions;
- We have also implicated that some of the deliberate crimes committed against this minority are categorical "crimes against humanity" as defined by the Rome Statute of the International Criminal Court [as corrected by the procès-verbaux of 10 November 1998 and 12 July 1999]. These crimes include, persecution, forced labour, torture, apartheid, forcible transfer of population through eviction and burning of residential areas, and severe limitation of physical liberty;
- As civil society concerned with the restoration of social justice and human rights to society's most vulnerable sectors, we have carried our responsibility to document these unacceptable atrocities in the most possible manner and within our capacity. It is now time for the Committee to act wholeheartedly and quickly against the State party's efforts of making human rights a travesty.
- We urge the Committee to immediately dispense Special Rapporteurs to investigate this case so as to alleviate the magnitude of this minority's persecution;
- Specifically, we request the Committee to urge the State party to fully adhere to and implement the recommendations of the General Recommendation No. 29: Article 1, paragraph 1, of the Convention (Descent): 01/11.2002. Gen. Rec. No. 29 (General Comments).
- To this end, the State party to explicitly show its honest intention to pursue this adherence through the incorporation of an explicit prohibition of descent-based discrimination in the Constitution and to pass legislative measure that penalize such acts;
- We want to remind the world that human rights principles are not useful unless they are enforced and only when those violating them are held accountable for their actions, lack of actions, and crimes. The children, women, men and elderly of this minority, are not in a power position to demand their rights here today and to hold the State party accountable for their heinous crimes and to request for restitution and an opportunity for a dignified life. This is demonstrated by the fact there is no

representative of this community here today even though they are close to 500,000 individuals in Yemen.

- Alternative World in association with the International Dalit Solidarity Network (IDSN), calls on the Committee to officially acknowledge the existence of this minority and their severe persecution and dehumanization on the basis of ethnic/descent origins. This acknowledgement will encourage the State party to refrain from its own participation in the perpetual execution of these practices of discrimination. But more critically, such acknowledgment will force the Yemeni State that the reality of “Al-Akhdam” is a reality they can no longer deny.

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