

Sifting the Grain

6,000 TESTIMONIES OF DISCRIMINATION AND INEQUALITY FROM YEMEN



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The Equal Rights Trust is the global centre for excellence in equality law. Our vision is an equal world and our mission is to eliminate discrimination and ensure everyone can participate in society on an equal basis. We work in partnership with equality defenders to secure the adoption and implementation of equality laws.

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Photo caption: "In Abyan, Yemen. On the few good days when she or her husband find work, they may have some vegetables. But most often they eat a heavy bread called "tawa" that fills the stomach longer, Yahia said."

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The development and production of this report was managed by Camilla Alonzo, Senior Legal and Programmes Officer at the Equal Rights Trust, with considerable assistance from the Trust's partner in Yemen, which cannot be named for security reasons. Significant editorial assistance was provided by the Trust's Legal and Programmes Assistant, Sam Barnes, and editorial oversight was provided by the Trust's Co-Director Joanna Whiteman. The Trust's Co-Director, Jim Fitzgerald, also provided valuable insight and input in relation to discrete aspects of the Methodology.

The original field research which led to the development of this report was conducted by teams of researchers in Yemen, who undertook research between July 2015 and March 2017 and who cannot be named for security reasons. The Trust is immensely grateful to these researchers for their brave and diligent work, which was undertaken in the most challenging of circumstances, and to the authors of this report who have displayed great dedication in their review, analysis and presentation of the field research. The Trust would also like to thank its Yemeni partner

for their unwavering commitment to protecting human rights and challenging discrimination in Yemen, in the face of extremely volatile circumstances on the ground and threats to their personal safety; this report would not have been possible without them.

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This report is an outcome of work conducted by the Equal Rights Trust in the context of a project aimed at protecting and empowering human rights defenders in Yemen and improving their capacity to challenge human rights abuses. This project is funded by the European Union, through its European Instrument for Democracy and Human Rights. The Equal Rights Trust is very grateful to the European Union for the financial support provided. However, the contents of this publication can in no way be taken to represent the views of the European Union. The European Union has not interfered in any way whatsoever with the research or contents of this report.

This report aims to provide an overview of the first-hand lived experiences of discrimination and inequality in Yemen, as understood and analysed by Yemeni human rights defenders. It is dedicated to all of those persons in Yemen who have suffered – and continue to suffer – discrimination and other human rights abuses, and to all those who continue to fight for justice and accountability for the victims.

ACRONYMS AND ABBREVIATIONS

AQAP	Al-Qaeda in the Arabian Peninsula
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
GCCI	Gulf Cooperation Council Initiative
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome
HRD	Human Rights Defender
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
IDP	Internally Displaced Person
LGBT	Lesbian, Gay, Bisexual and Transgender
PDRY	People's Democratic Republic of Yemen
NGO	Non-Governmental Organisation
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
YAR	Yemen Arab Republic

In 2014, in partnership with an incredibly courageous Yemeni human rights organisation (which cannot be named for security reasons), the Equal Rights Trust commenced work on a project with the objective of protecting and empowering human rights defenders in Yemen. Little did any of us know at the time that Yemen was about to begin a tragic and dramatic descent into a humanitarian and human rights crisis. For a time, as partners, we wondered whether our project objectives, conceived prior to the conflict, could ever be achieved. The personal security and, more recently, the very survival of human rights defenders – our key collaborators and beneficiaries – came into sharp focus. We thought all of our efforts would need to be diverted solely to securing their safety.

Before the outbreak of the conflict, our project envisaged research teams across the country conducting primary field research on discrimination, inequality and other human rights abuses in Yemen, with a view to increasing the availability of first-hand documentary evidence of the lived experience of groups exposed to discrimination and other human rights abuses, and thus raising awareness among the general public of human rights abuses including discrimination. However, after the outbreak of the conflict, we had very real concerns about whether it would be possible for researchers to conduct wide-scale research documenting human rights abuses in such an unstable and insecure environment. Indeed, human rights defenders were themselves becoming increasingly vulnerable to arrest, detention and violence.

But we were proved wrong: we underestimated the level of dedication and self-sacrifice Yemen's human rights defenders were prepared to give. The scale of the field research conducted exceeded all of the Trust's expectations: displaying remarkable resilience and courage, the research teams managed to overcome the challenges of operating in the midst

of an escalating armed conflict, and collectively documented over 6,000 cases of discrimination and other human rights abuses across 21 different governorates.

The size of the data represented a significant achievement, given the circumstances in which the research had been undertaken and our initial expectations about what would be feasible. However, the sheer volume of data collected also presented considerable challenges for the Trust. The purpose of the research was the collection of first-hand testimonies relating to inequality, discrimination and other human rights abuses in Yemen to incorporate into a country report on the topic, which also analysed a wide range of other reports and sources, and the country's legal framework, in order to identify, document and analyse patterns of discrimination in Yemen. We expected the collation of several hundred testimonies would be possible, not several thousand, and the wider research methodology was designed on that basis. Accordingly, while we were able to review and analyse a small sample of the 6143 testimonies the research teams gathered in this country report – "*From Night to Darker Night: Addressing Discrimination and Inequality in Yemen*" (June 2018) – we could not do justice to a data set of this scale in that publication.

However, we felt that we were in a unique position to be in possession of such a wealth of field research, and that we had a responsibility – both to the research teams, and to the individuals interviewed – to properly analyse and share this information more widely. As such, we decided to commission a team of researchers to conduct this analysis and draft a report presenting their findings.

We appointed a team of researchers in Yemen who would be able to review and analyse the primary materials in person at a time – early 2018 – when it was not safe for remote access to soft

copies of the primary data to be granted. These individuals were Mr Ghamdan Abdullah Mohammed, a national expert on women's rights with a background in human rights research and quantitative and qualitative data analysis, including for the Yemeni Observatory for Human Rights; Mr Samed Mohammed Al-Samei, Communications Officer and researcher for the Yemeni Observatory for Human Rights; and Ms Aida Abdullah Mohammed Saeed, a human rights activist and trained lawyer with experience of representing victims of discrimination and other human rights violations before the Yemeni courts.

In overseeing the development of this report, we provided the authors with guidance regarding the proposed report structure, along with copies of the research guidelines provided to the original research teams, and access to the original data and documents collated by the research teams, which were kept in a secure location by our partner. The authors were responsible for devising a methodology for analysing the field research, undertaking an overarching analysis of the data, and drafting a report in which they presented their findings. Our partner was able to provide logistical support to the authors in their review of the primary data. However, given the size of the data set, and the restricted access to the primary materials in Yemen, it was not possible for us at the Trust to review these primary materials and thus comment on the analysis conducted by the authors in Part 3 of this report. However, both we and our partner provided substantive feedback on the first draft, and the Trust provided editorial support in its finalisation.

We are very much aware of the limitations of the research presented in this report, constrained as the research teams were by the political and security environment and the willingness of interviewees to speak about sensitive and controversial issues; these limitations are explored in detail in the Methodology. As such, the report is not able to provide a comprehensive analysis of patterns of discrimination and inequality in the country, nor does it attempt to attribute legal responsibility for alleged violations to any particular actor or group of actors (whether state or non-state). Rather, the report is intended to present the patterns of discrimination and inequality as they are experienced by the individuals and groups affected, shedding light on the way in which different groups in Yemen experience discrimination and inequality in their everyday lives, and highlighting how the ongoing conflict has affected these experiences of discrimination and inequality. Readers are encouraged to read this report alongside "*From Night to Darker Night*", which complements this report by providing a detailed analysis of Yemen's legal framework on equality and discussion of patterns of discrimination based on extensive desk-based research.

We are extremely grateful to the authors and our partner for their considerable efforts in preparing this report. As with all other aspects of our joint-project, our partner has shown enormous dedication in ensuring that we were able to publish this report, despite the very many challenges they are facing on a daily basis. We hope that the report will prove useful to other organisations working to document discrimination and to raise public awareness in respect of human rights abuses in Yemen.



Joanna Whiteman and Camilla Alonzo
Equal Rights Trust, December 2018

This report, which has been prepared by Mr Ghamdan Abdullah Mohammed, Mr Samed Mohammed Al-Samei and Ms Aida Abdullah Mohammed Saeed (hereafter referred to as “the authors”), presents an analysis of field research conducted in Yemen by eleven local field research teams between July 2015 and March 2017. The purpose of the report is to present an overview of the different manifestations of discrimination and inequality documented by these field research teams in order to shed light on the lived experiences of different discriminated groups in Yemen.

1.1 Conduct of Original Field Research

In early 2015, the Equal Rights Trust and its Yemeni partner commissioned five field research teams to undertake primary field research in Yemen on discrimination and inequality and other human rights abuses; these researchers received financial and technical support to conduct research in the country from July 2015 onwards. An additional five groups of field researchers were appointed in October 2016 to conduct further research until March 2017. All field researchers were appointed by reference to: (i) their prior experience of human rights research and reporting; (ii) the relevance of the individual or organisation’s work to equality and non-discrimination; and (iii) their access to target groups.

The appointed research teams were commissioned to conduct field research on discrimination and inequality and other human rights abuses through conducting semi-structured interviews with individuals from discriminated groups. The Trust and its partner provided guidance to the research teams regarding the conduct of the field research, and the presentation of their findings, in order to ensure consistency in the collection of data:

1. The researchers were required to complete a **discrimination monitoring form** in relation to each interview conducted, in which they recorded:
 - the victim’s personal details;
 - a description of the facts of the case or incident;
 - details of the alleged perpetrator and any legal action taken;
 - the area of life in which the discriminatory treatment was alleged to have occurred (e.g. education or employment) and/or the rights alleged to have been violated (e.g. freedom of expression); and
 - the relevant ground(s) of discrimination (gender, race and ethnicity, religion or sect, political opinion, disability, health status, age, region, profession, social or economic status, colour, or other).
2. A **written transcript** of each interview was taken using a standardised document.
3. The research teams assigned a unique **reference number** to each interview, and inputted the data from the discrimination monitoring forms into a single **database**.

All interviews were conducted on a voluntary basis, with interviewees informed in advance of the purpose of the interview and how the information would be used.

Considerable challenges were faced by the research teams in conducting their research due to the volatile political and security context in which such research was being undertaken. In particular, restrictions in freedom of movement arising from the ongoing armed conflict and associated political unrest limited the researchers’ access to individuals in certain areas of the country; for example, the researchers were unable to access Al-Hawban and Hawdh Al-Asharaf districts and

the areas in between in Taiz, which formed the battle lines between Ansar Allah and the forces of the internationally recognised government at the time of the field research. The original five research teams were unable to carry out any monitoring and documentation between January and September 2016 without assuming an unreasonable level of risk both to their own personal safety and that of the populations with which they were seeking to speak. Four of the five research groups resumed their research in October 2016, with the fifth group having to be replaced as they were unable to continue their work. Of the second set of researchers appointed in October 2016, one group – which was commissioned to document cases in Hodeida governorate – was unable to commence their work until February 2017 due to the instability in the area. All research groups concluded their work at the end of March 2017.

Notwithstanding these challenges, the research teams were able to conduct interviews in various environments, including in individuals’ homes, workplaces, schools and hospitals. The research teams collectively conducted **6143 interviews** across **21 governorates**: Sana’a and Amanat Al Asimah, Aden, Lahj, Taiz, Al Bayda, Al Jawf, Marib, Abyan, Ad Dali’, Shabwah, Amran, Dhamar, Hajjah, Sa’dah, Al Mahrah, Hadramaut, Hodeida, Al Mahwit, Ibb and Raymah.

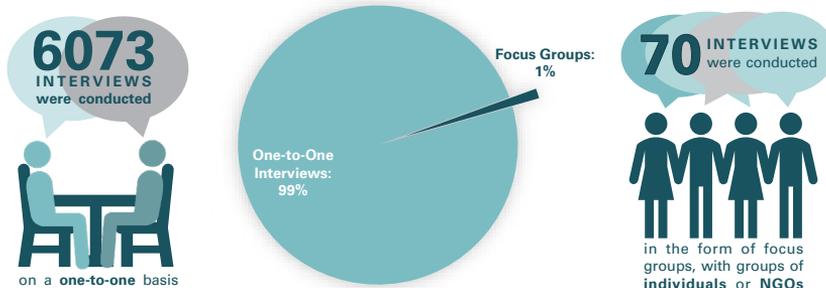
Of these interviews, **6073** were one-to-one interviews, and **70** interviews were conducted in the form of focus groups with groups of individuals or NGOs. Further information regarding the time periods during which interviews were conducted, and the number of interviews

conducted in each governorate, are included at **Annex I**.

The Trust and its partner adhere to rigorous research standards and, under ordinary circumstances, would have sought to verify the testimony obtained through seeking responses from alleged perpetrators and/or corroboration from third parties, including service providers and local authorities. However, given the sheer scale of the testimony documented by the research teams, the geographic scope of the research (which covered the entire country, with the exception of the island of Soqatra) and the insecure conditions under which the research was being undertaken, it was neither safe nor practically feasible for such verification to take place.

However, the Trust considered that the extent of the evidence documented in respect of different patterns of discrimination and inequality was, in itself, an indication of the weight to be attributed to the individual testimony provided. This conclusion was supported by the extensive desk-based research conducted by the Trust for the purposes of its comprehensive country report *“From Night to Darker Night”*, which uncovered significant evidence of discrimination on various grounds and across different areas of life, with that evidence deriving from a range of sources including reports by both the government and NGOs to UN treaty bodies and the Universal Periodic Review process, government and intergovernmental data and reports, and research published by international and national NGOs, academics and media institutions.





1.2 Analysis of Primary Data by the Authors

In order to conduct an overarching analysis of the testimony collected by the various research teams, it was necessary for the authors to review and categorise the interviews according to their own categorisation system in order to ensure a consistent approach to their analysis. The authors analysed the information in the **databases** prepared by the individual research teams, alongside the original **discrimination monitoring forms** and **interview transcripts**, and labelled each interview by reference to:

- i) the relevant ground(s) of discrimination; and
- ii) the right(s) engaged and/or the area of life in which the alleged discriminatory treatment occurred.

By categorising the testimony in this way, the authors were able to identify reports of discrimination on different grounds and in different areas of life across all governorates.

1.2.1 Categories Applied

Grounds of Discrimination

In analysing the original testimony, the authors identified reports of discrimination and inequality on the basis of **eleven** different grounds, which the authors categorised as follows:

1. **Political Opinion:** This category includes civil society activists, human rights defenders, journalists, political figures and others experiencing discrimination or inequality on

the basis of their actual or perceived political opinion or affiliation.

2. **Religion or Belief:** This category includes discrimination and inequality affecting members of religious minorities, such as Yemeni Jews, and discrimination experienced by Muslim individuals on the basis of their adherence to a particular branch of Islam.
3. **Gender:** This category includes discrimination and inequality affecting women and girls in Yemen.
4. **Ethnicity and Descent:** This category includes discrimination and inequality affecting the Afro-Arab group whose members self-identify as “*Muhamasheen*” (the marginalised). The Muhamasheen are the lowest ranking group in Yemen’s social hierarchy – which has been likened to a caste system – and are identified by their darker skin colour.
5. **Disability:** This category includes discrimination and inequality experienced by individuals with physical, mental, intellectual or sensory impairments.
6. **Health Status:** This category includes discrimination and inequality affecting individuals living with, or perceived to be living with, HIV/AIDS.
7. **Sexual Orientation:** This category includes discrimination and inequality experienced by individuals on the basis of their actual or perceived sexual orientation.

8. **Nationality:** This category includes discrimination and inequality affecting non-nationals, in particular refugees, migrants and asylum-seekers.
9. **Internal Displacement:** This category includes discrimination and inequality affecting internally displaced persons (IDPs).
10. **Region:** This category includes discrimination and inequality experienced by individuals on the basis of the region from which they or their family originated.
11. **Socio-Economic Disadvantage:** This category includes the disadvantage and inequality faced by the poor in enjoying and exercising their rights.

- Discriminatory violence (including alleged violations of the right to life and allegations of discriminatory torture and ill-treatment)
- Right to liberty
- Freedom of residence and movement
- Fair trial rights and access to justice
- Right to privacy
- Freedom of opinion and expression
- Freedom of thought, belief and religion
- Freedom of association
- Freedom of assembly
- Participation in public affairs
- Right to birth registration, name and nationality
- Right to organise and strike
- Right to an adequate standard of living
- Marriage and family life
- Property
- Education
- Healthcare
- Employment
- Social security and social services

Areas of Life and/or Rights Engaged

As noted above, the authors further categorised the interviews by reference to the right(s) engaged and/or the area(s) of life in which the discriminatory treatment occurred.

In completing the original discrimination monitoring forms, the research teams had indicated whether they considered the incident to fall within any of the following categories or areas of life: Right to life; Torture and other forms of ill-treatment; Freedom from arbitrary detention and conditions of detention; Freedom of religion, belief or conscience; Freedom of expression, assembly and association; Political participation; Employment; Education; Healthcare; Housing; or 'Other'. However, in analysing the original data, the authors found that (i) a broader range of rights and areas of life were engaged than those expressly listed in the discrimination monitoring forms; and (ii) the research teams had not necessarily categorised the interviews in a consistent manner.

As such, in order to ensure the accuracy of the findings and conclusions of this report, the authors recategorised each interview, labelling it according to the following list of rights/areas of life:

Furthermore, the authors identified a large number of interviews in which the interviewees reported experiencing less favourable treatment which fell outside the above categories. This included accounts of individuals being subject to stigma and marginalisation by other members of society, for example individuals who reported being excluded from community and social events on account of having a disability. Such testimony was categorised by the authors as evidence of broader **discriminatory societal attitudes**.

1.2.2 Approach Taken to Categorising Interviews

In the process of reviewing the interview records, it became apparent that many of the interviewees had reported incidents which engaged **a number of different rights**: for example, one incident involving the arbitrary detention and ill-treatment of a journalist may have engaged both the right to liberty *and* the right to freedom from torture. In such cases, the interview was labelled as being an example

of an incident concerning both relevant rights – i.e. an example of the discriminatory interference with the right to liberty on the basis of political opinion, and an example of the discriminatory interference with the right to freedom from torture on the basis of political opinion.

At the same time, the authors noted that certain interviews entailed reports of **multiple discrimination**; for example, in some cases the discrimination suffered by an individual (for example, on the grounds of gender) was compounded or aggravated by discrimination on one or more other grounds (such as ethnicity or disability). Where an individual reported being subject to multiple discrimination – for example, on the grounds of both gender and disability – the interview was labelled as being both an example of discrimination on the grounds of gender and an example of discrimination on the grounds of disability. It was not possible for the authors to conduct a separate analysis in respect of different forms of multiple discrimination experienced by particular groups in Yemen (for example, the experiences of women with disabilities, or Muhamasheen IDPs) within the timeframe available. As such, the report does not properly reflect the extent to which individuals may experience discrimination on a combination of subtly interacting grounds, or the cumulative impact of discrimination on these different grounds. However, illustrative examples of multiple discrimination have been noted where relevant throughout Part 3 in order to highlight the ways in which certain individuals are particularly vulnerable to discrimination.

Having categorised the interviews in this way, the authors conducted an overarching analysis of the data in order to determine:

- the number of reports of discrimination documented on the basis of different grounds (e.g. the number of interviews involving reports of discrimination on the grounds of political opinion);
- the number of interviews concerning particular rights or areas of life (e.g. the number

of interviews raising an allegation of a violation of the right to liberty, or the number of interviews concerning discrimination in employment); and

- the number of reports of broader societal discriminatory attitudes.

The authors also referred to the discrimination monitoring forms and interview transcripts in order to present qualitative evidence of the range of different discriminatory incidents documented by the field research teams, and to provide illustrative examples through including extracts of the original testimony provided by interviewees. In selecting which testimony to present in the report, the authors chose examples which exemplified the most commonly documented rights violations.

1.3 Drafting of this Report

This report was drafted through the joint efforts of the Trust, its Yemeni partner and the authors. The field research analysis set out in Part 3 was drafted by the authors, with substantive feedback provided on the first draft by the Trust and its partner, and editorial support provided by the Trust in its finalisation. This Methodology and the Conclusions in Part 4 were co-written by the Trust and the authors. The discussion of the social, political and legal context in Part 2 was drafted by the Trust, with input from the authors.

1.4 Limitations of the Present Report

The primary data collected by the research teams was subject to a number of limitations, which impacted on the data analysis conducted by the authors and thus the findings presented in this report:

- **Firstly**, as noted above, the political and security situation in Yemen at the time during which the field research was conducted restricted the research teams' ability to access

certain areas of the country, which impacted their ability to document patterns of discrimination and inequality in such areas.

- **Secondly**, the political and security environment in the country during the research period affected the research teams' ability to conduct interviews with individuals from across the political spectrum. There are inherent difficulties for HRDs in documenting politically-motivated human rights violations in the context of an armed conflict which is, in its essence, political: HRDs cannot be expected to be completely objective about such a conflict and the parties to it. This is particularly true in circumstances where HRDs are widely perceived to be supportive of one party to that conflict, and have themselves experienced human rights abuses on that basis. For reasons of actual or perceived political affiliation, or due to risks to personal safety, HRDs in such circumstances may be unable to access victims of politically-motivated violations perpetrated by all sides. Inevitably, access to interviewees rested, in part, on the research teams' own political allegiance, or their perceived political allegiance. Furthermore, the methods of triangulation which might ordinarily be applied could not be undertaken, given the potential security implications for HRDs of undertaking research with those on the "other side" of the conflict. These facts affected the evidence documented in respect of discrimination on the grounds of political opinion, with the research teams finding significantly more evidence in respect of alleged violations by Ansar Allah than by any other party.
- **Thirdly**, each research team brought with it its own expertise and made use of its pre-existing contacts and networks in order to gain access to members of different discriminated groups. For example, certain research teams were more experienced in working on issues of gender discrimination, whereas others were more experienced in

working with persons with disabilities; as such, the research teams did not necessarily have equal levels of access to the target groups in the geographic areas in which they were each conducting field research.

- **Finally**, high levels of societal stigma and discrimination against particular groups, in particular LGBT+ persons and persons with HIV/AIDS, reduced the prospect of engagement with potential interviewees, as individuals are generally unwilling to disclose or speak publicly about their sexual orientation or health status.

As such, this report is not able to – nor does it purport to – provide a comprehensive analysis of patterns of discrimination and inequality in Yemen. The availability or absence of evidence of discrimination in a particular area of life or in respect of particular rights is not necessarily reflective of the ambit or scale of discriminatory practices in existence in Yemen.

In particular, as noted above, the fact that the majority of reports of political discrimination documented by the research teams relate to the conduct of Ansar Allah cannot be interpreted as representative – or unrepresentative – of the extent to which discrimination has been perpetrated by Ansar Allah as compared to any other state or non-state actor in Yemen. The nature of the research environment was such that the authors are not in a position, based on the evidence generated through this research, to assess whether the number of cases attributed to Ansar Allah is representative or not. Readers are referred to the Trust's report "*From Night to Darker Night*" for broader discussion of the extent to which journalists, human rights defenders and civil society activists have been targeted by all parties to the conflict on the grounds of their actual or perceived political opinions.

Similarly, the absence of information concerning discrimination against a particular group should not be interpreted as an absence of

discrimination. Furthermore, differences in the number of incidents documented in particular governorates should not necessarily be interpreted as being indicative of the relative levels of discrimination experienced in different governorates. In terms of the authors' categorisation of the data, it should be noted that, whilst the authors have made every effort to adopt a consistent and rigorous approach, their decisions in relation to categorisation were affected by the quality and comprehensiveness of the evidence collected by the research teams in each individual case.

It is also important to note at the outset that, whilst in the majority of instances the research teams conducted interviews with the victim of the violation in question, this was not always the case. For example, in relation to alleged violations of the right to life, the field research teams conducted interviews with friends and family members of the victim. Where such indirect testimony has been relied upon in this report, it has been clearly indicated.

As explained above, it was not possible under the circumstances for the Trust and its partner to verify the individual testimony documented by the research teams. As such, it is important to emphasise that the individual allegations reported by interviewees have not been corroborated. However, for the reasons discussed above – in particular, the sheer volume of the evidence documented, and the findings of the Trust's extensive desk-based research – the Trust and the authors consider the evidence collected by the research teams to have weight even in the absence of such verification.

Finally, throughout the report, in presenting the testimony of interviewees, all names and other personal identifying information have been withheld out of respect for the interviewees' wishes for anonymity and to eliminate any personal risk to the victims in disclosing their identity. Each interview referenced or quoted herein has been given a unique code, in order to preserve anonymity. Information regarding the identities of the individuals interviewed is kept on file by the authors.

The Republic of Yemen is a small, densely populated country located at the tip of the Arabian Peninsula. The territory that forms modern-day Yemen has a rich and complex history, having experienced multiple periods of colonisation and social upheaval.¹ In 2016, Yemen was estimated to have a population of 27,584,213 people, making it the 48th most populous country in the world.² Approximately 49.48% of the population is female (13,647,498).³

The overwhelming majority of Yemenis are Muslim and adhere to the Shafi'i and Zaidi schools of Islam.⁴ Religious minorities include Ismailis, Jews, Christians, Hindus and the Bahá'í community.⁵

The country is not ethnically or racially homogenous, despite assertions by the government to the contrary,⁶ and is in fact home to a number of different ethnic and racial groups. The largest of such groups is the Afro-Arab group whose members self-identify as "*Muhamasheen*" (the marginalised) and who have been pejoratively labelled "*Al-Akhdam*" (servants) by many in Yemeni society.⁷ The Muhamasheen account for up to 12.7% of the Yemeni population.⁸ Yemen possesses a large migrant and refugee population, estimated at around 280,000 people by the United Nations High Commissioner for Human Rights (UNHCR) in 2018,⁹ the majority of whom are of Somali origin.¹⁰

2.1 Political Context: Recent History

Yemen's modern history can be traced back to two significant events of the mid-19th century: reoccupation of northern Yemen by the Ottomans, and the seizure of the southern port of Aden by the British Empire. In the following decades, the Yemen Arab Republic (YAR) was established in the North, and the People's Democratic Republic of Yemen (PDRY) in the South. Inter-state conflict broke out in 1972

and was eventually resolved with the signing of the Cairo Declaration, which established a roadmap for the unification of the two states.¹¹ Unification negotiations, dominated by the YAR under its president Ali Abdullah Saleh,¹² came to fruition on 22 May 1990 and the Republic of Yemen ("Yemen") was born.

However, relations between the northern and southern leadership quickly deteriorated following unification, resulting in a short civil war between the government and southern separatists.¹³ The war ended in July 1994 with the position of the northern elite significantly strengthened.¹⁴ The Saleh regime's economic, political and military power was grounded in an alliance between a network built around President Saleh and one surrounding the *Islah* party (the Yemen Congregation for Reform, Yemen's main Sunni Islamist party), with each network



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effectively having its own military wing.¹⁵ However, as President Saleh consolidated his power, tensions grew;¹⁶ groups who felt excluded from President Saleh’s patronage system, including southern separatists and Ansar Allah (a Zaidi Shia movement from the northern province of Sa’dah, commonly referred to as the “Houthis”) repeatedly clashed with government.¹⁷ In 2010, following proposed constitutional amendments that sought to remove presidential term limits, protests broke out across Yemen.¹⁸

The protests were met with violent resistance by government and armed groups affiliated with President Saleh,¹⁹ resulting in hundreds of deaths and widespread international condemnation.²⁰ In April 2011, concerns that Yemen was on the brink of economic and political collapse led the Gulf Cooperation Council to draft a power transfer deal, known as the Gulf Cooperation Council Initiative (GCCII), which called for President Saleh to step down; this was signed by Saleh in November 2011.²¹ Vice-President Abd Rabbu Mansour Hadi was elected President in peaceful elections in February 2012, and a Constitutional drafting committee was convened to draft a new Yemeni Constitution.²² A transi-

tional dialogue process, known as the National Dialogue Conference, was organised and took place between March 2013 and January 2014.²³

Despite attempts to shape a politically comprehensive transitional phase following the adoption of the GCCII, instability remained. Poor living standards, and a decision to remove oil-subsidies, fuelled demonstrations in the state capital Sana’a in mid-2014.²⁴ By September 2014, fighting had broken out, and multiple government buildings were seized by Ansar Allah-affiliated groups.²⁵ President Hadi’s government fled to Aden, requesting that the Gulf Cooperation Council and League of Arab states intervene militarily in Yemen.²⁶

Multiple national and international state and non-state actors have since become embroiled in the conflict, which is still ongoing as at the date of finalising this report.²⁷ This has resulted in the fragmentation of the state and the creation of a humanitarian crisis in the country, with an estimated 22 million people (75% of the population) in need of humanitarian assistance.²⁸ The outbreak of the conflict has also resulted in significant levels of internal displacement; ac-

According to the UNHCR, over 2.3 million people have been internally displaced by the conflict since March 2015.²⁹

2.2 Legal Framework

Overview of International Obligations

Yemen is party to **seven** of the nine **core UN human rights treaties**: the International Covenant on Civil and Political Rights (ICCPR); the International Covenant on Economic, Social and Cultural Rights (ICESCR); the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); the Convention on the Rights of Persons with Disabilities (CRPD); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); and the Convention on the Rights of the Child (CRC).

Notably, Yemen is not party to the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, or the International Convention for the Protection of All Persons from Enforced Disappearances.

Yemen is required to ensure the **equal enjoyment of all rights** guaranteed under the **ICCPR** and the **ICESCR without discrimination** on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.³⁰ Additionally, under Article 26 ICCPR, Yemen is required to ensure equal and effective protection against discrimination in all areas of life regulated by law, including on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

The interpretation of this open list of prohibited grounds of discrimination under the ICCPR and ICESCR has been elaborated on by treaty bodies. In particular, in its General Comment No. 20, the Committee on Economic, Social and Cultural

Rights has clarified that the term “birth” under Article 2(2) ICESCR includes descent,³¹ and that disability, age, nationality, marital and family status, sexual orientation and gender-identity, health status (including HIV status), place of residence (including a person’s current or former place of residence) and economic and social situation fall within the category of “other status”.³²

In accordance with the principle that international human rights instruments should be applied in a manner which is consistent,³³ Yemen is required to guarantee not only the rights contained in the ICESCR but also the rights in the ICCPR without discrimination on these grounds.

Furthermore, Yemen has specific obligations to ensure the equal enjoyment of rights and the elimination of discrimination under the other international human rights treaties to which it is party. For example:

- Under the **CEDAW**, Yemen is required to eliminate and prohibit all forms of discrimination against women, and to take all appropriate measures to ensure the full development and advancement of women for the purposes of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on an equal basis with men.
- Under the **ICERD**, Yemen is obliged to eliminate racial discrimination in all its forms, with racial discrimination encompassing discrimination on the grounds of colour, ethnicity and descent. The Committee on the Elimination of Racial Discrimination has explained that the term “descent” may include “discrimination against members of communities based on forms of social stratification such as caste and analogous systems of inherited status”.³⁴ Yemen is further required to take positive action to ensure the development and protection of particular racial groups for the purposes of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms.

- Under the **CRPD**, Yemen is required to ensure and promote the full realisation of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability.

Conceptual Framework

In conducting their analysis in Part 3 of this report, the authors have applied the Equal Rights Trust's unified human rights perspective on equality, which emphasises the integral role of equality in the enjoyment of all human rights. The unified human rights framework on equality is expressed in the Declaration of Principles on Equality ("the **Declaration**"), a statement of best practice based on concepts and jurisprudence developed in international, regional and national contexts, which promotes a unified approach to equality and non-discrimination.³⁵ It

was initially signed by 128 equality law experts, and has subsequently been endorsed by thousands of experts and activists on equality and human rights from around the world.

Under the Declaration, the **right to equality** is understood as the right of all human beings to be equal in dignity, to be treated with respect and consideration and to participate on an equal basis with others in any area of economic, social, political, cultural or civil life. The **right to non-discrimination** is a freestanding right, subsumed within the right to equality. It encompasses four prohibited forms of discrimination: direct discrimination, indirect discrimination, harassment, and failure to provide reasonable accommodation. In order to be effective, the right to equality requires states to take **positive action** measures in order to remove disadvantage caused to particular groups by underlying structural inequalities.

By Mr Ghamdan Abdullah Mohammed, Mr Samed Mohammed Al-Samei and Ms Aida Abdullah Mohammed Saeed

This Part of the report provides an overview of the different manifestations of discrimination and inequality identified by the authors following their review of **6143 interviews** documented by field research teams in Yemen.

3.1 Discrimination on the Basis of Political Opinion

The suppression of opposition political activism, independent journalism and civil society activity by both state and non-state actors in Yemen has been relatively well-publicised, both during the Saleh-era and in the context of the current conflict. Since the escalation of the conflict in 2015, repression of political opponents – in particular violent repression – has increased. Both national and international non-governmental organisations (NGOs) have exposed the increase in arbitrary arrests, detentions, enforced disappearances and other rights violations, with members of opposing political parties, journalists, human rights defenders, and civil society activists being targeted by various actors on the grounds of their actual or perceived political opinions.³⁶

The authors identified a total of **842** reports of discrimination on the grounds of political opinion. These included discriminatory interferences with the right to liberty (188); freedom of expression (47); freedom of residence and movement (99); the right to privacy (30); fair trial rights and access to justice (33); marriage and family life (6); property (23); freedom of assembly (5) and association (5); participation in public affairs (1); the right to an adequate standard of living (46); the right to organise and strike (4); and instances of discriminatory violence (144). Individuals were found to have faced discrimination on the basis of their political affiliations in various areas of life, including employment (173), social secu-

urity (2), healthcare (9), and education (27). Illustrative examples are provided below.

In addition, the authors identified **57** reports of discriminatory societal attitudes, with individuals experiencing societal stigma, exclusion and marginalisation on account of their actual or perceived political opinions and/or affiliations. Such instances included individuals who reported having been excluded from social events, including weddings, on account of their actual or perceived political affiliations.³⁷

As noted in the Methodology, the political and security environment in the country during the research period affected the research teams' ability to conduct interviews with individuals from across the political spectrum. There are inherent difficulties for HRDs in documenting politically-motivated human rights violations in the context of an armed conflict which is, in its essence, political: HRDs cannot be expected to be completely objective about such a conflict and the parties to it. This is particularly true in circumstances where HRDs are widely perceived to be supportive of one party to that conflict, and have themselves experienced human rights abuses on that basis. For reasons of actual or perceived political affiliation, or due to risks to personal safety, HRDs in such circumstances may be unable to access victims of politically-motivated violations perpetrated by all sides.

Inevitably, access to interviewees rested, in part, on the research teams' own political allegiance, or their perceived political allegiance. Furthermore, the methods of triangulation which might ordinarily be applied could not be undertaken, given the potential security implications for HRDs of undertaking research with those on the "other side" of the conflict.

These facts have affected the evidence documented in respect of discrimination on the

grounds of political opinion. The research teams found significantly more evidence in respect of alleged violations by Ansar Allah than by any other party. This cannot be interpreted as representative – or unrepresentative – of the extent to which discrimination has been perpetrated by Ansar Allah as compared to any other state or non-state actor in Yemen. The nature of the research environment was such that the authors are not in a position, based on the evidence generated through this research, to assess whether the number of cases attributed to Ansar Allah is representative or not.

Discriminatory Violence

One of the most serious discriminatory rights violations identified by the authors concerned discriminatory violence. **144** instances of individuals being killed or subject to torture and ill-treatment in detention on account of their actual or perceived political opinions were reported to the research teams. Reports were received from 16 governorates, including Sana'a and Ammanat Al Asimah (12); Aden (8); Lahj (5); Ad Dali' (12); Hodeida (8); Ibb (1); Sa'dah (12); Raymah (2); Marib (15); Al Jawf (27); Dhamar (13); Hajjah (5); Amran (5); Abyan (14); and Al Bayda (5).

Some of these incidents were alleged to have occurred prior to the present conflict, both during the Saleh administration³⁸ and during the transitional period.³⁹ Six of the incidents documented concerned the deaths of members of the Islah party (the Yemen Congregation for Reform, Yemen's main Sunni Islamist party).⁴⁰ As one interviewee, discussing the death of her husband in 2009, explained:

[A]n armed group belonging to Ansar Allah killed my husband because he is a member of the Islah party and forced me out of my house at midnight. Then they blew the house up and forced me to leave the area with my children and without taking any of our belongings.⁴¹

One individual recalled how a group associated with Ansar Allah attacked their friend in 2013 on account of his Islah party membership:

[The victim] was 37 years old with a mild mobility impairment. He belonged to the Islah Party. In 2013, a number of Ansar Allah members assaulted and shot him. One of his legs was broken. Then they took him to an unknown destination and did not treat him. They only provided him with first aid treatment. A long time later, his family learnt where he was located and contacted the competent authorities. After many attempts, they were allowed to visit him and pay money for his medical treatment.⁴²

The field research teams also received reports of violence against six Islah party members by armed groups affiliated with Ansar Allah following the breakout of the conflict in 2015.⁴³ The men were allegedly killed by Ansar Allah on account of their membership of the Islah party, despite refusing to participate in the hostilities.⁴⁴ The research also documented cases of severe physical abuse perpetrated against individuals who had been detained by Ansar Allah on account of their political affiliations to the Islah party;⁴⁵ and the detention of individuals in overcrowded, dirty and poorly ventilated cells.⁴⁶

The field research teams spoke to several of the family members and friends of individuals who had suffered torture and ill-treatment in detention. In a particularly serious incident, the victim died after being arrested and tortured in detention. As the victim's family member recalled:

[The victim] was a member of Islah party. One day he was returning to his village from the city of Sana'a and Ansar Allah arrested him at a checkpoint near his village and hid him away for four months. He was severely tortured until he became unable to walk. They took him to the hospital after getting worse. He died a month later in the hospital due to an infection in the brain resulting from the torture.⁴⁷

One individual also explained to researchers that he had been forced to stay away from members of his family due to his political af-

filiations to the Islah party; upon attempting to return home, he was subject to severe violence: "I was a fugitive from my area controlled by Ansar Allah and when I tried to return I was stopped and shot."⁴⁸

Deprivations of Liberty

The authors identified **188** deprivations of liberty committed on the grounds of political opinion, with reports received from 15 governorates, including: Abyan (7); Ad Dali' (5); Aden (5); Al Bayda (20); Al Jawf (17); Amran (14); Dhamar (28); Hadramaut (10); Hajjah (10); Hodeida (9); Marib (15); Sa'dah (23); Sana'a and Amanat Al-Asimah (22); and Shabwah (3).

Individuals interviewed by the research teams reported allegations of politically-motivated kidnappings,⁴⁹ arrests,⁵⁰ and enforced disappearances,⁵¹ with many reports involving the detention of journalists and human rights defenders.⁵² Individuals were reported to have been arrested in a broad range of public and private settings, including: at individuals' homes,⁵³ at work and business premises,⁵⁴ in public in the streets⁵⁵ and market places,⁵⁶ at security checkpoints,⁵⁷ at police stations,⁵⁸ and during peaceful public demonstrations.⁵⁹

Whilst some victims were released within days or weeks, others reportedly remained in prison for months at a time.⁶⁰ One victim was reportedly arrested and detained for seven months without charge or being referred for trial.⁶¹ Some victims' families were immediately informed about the whereabouts of their relatives,⁶² whilst others were aware that their relatives had been arrested and detained but were not told by authorities where they were being held.⁶³

The research teams spoke with an individual who had been detained by Ansar Allah in Al Jawf governorate:

I was under unjustified detention in Al Jawf governorate. They arrested me with no real charge and I was tortured. A long time later, I knew that

*the reason of my arrest was that my father was a member of the Islah Party ... I was released over a year later.*⁶⁴

Freedom of Expression

The authors identified **47** reports concerning interferences with the right to freedom of expression on the grounds of political opinion. Reports were received from 14 governorates including: Hadramaut (11); Sa'dah (7); Dhamar (7); Sana'a (4); Ibb (3); Raymah (3); Al Mahwit (3); Abyan (3); Marib (1); Al Jawf (1); Amran (1); Lahj (1); Shabwah (1) and Ad Dali' (1).

Examples of interferences with the right to freedom of expression included: the blocking of websites;⁶⁵ the prevention of press coverage of demonstrations;⁶⁶ and intimidatory violence against journalists, including death threats, which interfered with their ability to conduct their work.⁶⁷ The research teams also received testimony from individuals who had lost their jobs after writing about politically sensitive or controversial issues:

*I am a civil society activist and field reporter. I was deprived of employment during the Saleh regime, because my journalistic writings were criticising the state's policies at that time.*⁶⁸

*I am an activist writing in social media. I wrote posts criticising [Ansar Allah] on Facebook. They arrested me for 10 days and kept me in solitary confinement. After being released, I had the shock of being dismissed from my job. Then I realised that I had to leave the governorate.*⁶⁹

Freedom of Movement and Choice of Residence

The authors identified **99** reports concerning interferences with the right to freedom of movement and choice of residence on the grounds of political opinion. Violations were reported in 13

governorates, including: Al Jawf (56); Shabwah (12); Abyan (8); Hadramaut (5); Ad Dali' (4); Sana'a (4); Marib (3); Ibb (2); Aden (1); Lahj (1); Dhamar (1); Sa'dah (1) and Abyan (1).

The field research teams found evidence that, since the outbreak of the conflict, individuals who are perceived to affiliate with a particular political group have been forced from their homes; as one interviewee explained:

I was displaced by armed men belonging to the Popular Resistance, an armed group fighting alongside the [internationally recognised] government. I was accused of loyalty to Ansar Allah because my relationship with them was good, so they forced me to leave my city and go to Sana'a.⁷⁰

Property

The authors identified **23** reports concerning alleged interferences with individuals' property on grounds of political opinion, with reports received from 11 governorates, including Al Bayda (2); Abyan (1); Hajjah (3); Dhamar (1); Al Jawf (3); Sa'dah (3); Ad Dali' (6); Lahj (1); Aden (1); and Sana'a and Amanat Al Asimah (2).

Alleged interferences, committed on the basis of the victim's political opinion, included the destruction of homes belonging to political opponents;⁷¹ the confiscation of property;⁷² the looting of business premises;⁷³ the searching of houses without a warrant;⁷⁴ and the requisition of houses for use as military barracks.⁷⁵

Employment

Discrimination in employment on the basis of political opinion was widely reported by interviewees, with **173** instances identified in 17 governorates, including Al Jawf (40); Lahj (31); Hadramaut (19); Abyan (14); Al Bayda (13); Marib (13); Sana'a (8); Shabwah (8); Aden (5); Hajjah (4); Amran (4); Hodeida (3); Sa'dah (3); Ad Dali' (2); Taiz (2); Dhamar (2) and Al Mahwit (2).

Less favourable treatment in employment manifested in various ways, including: dismissal from work on the basis of political affiliation;⁷⁶ the confiscation of salary;⁷⁷ and denials of promotions.⁷⁸ Some individuals reported being transferred to other job posts without their consent on account of their political affiliations, including being forcibly transferred from a posting in one governorate to another governorate.⁷⁹

Education

The authors identified **27** reports of discrimination in education experienced by individuals on account of their actual or perceived political affiliations. Reports were received from 7 governorates, including Al Jawf (11); Hadramaut (6); Sa'dah (1); Lahj (3); Aden (2); and Sana'a and Amanat Al Asimah (4).

By way of example, one student reported having been expelled from university on account of his political affiliations,⁸⁰ and another student reported having been refused entry to his school because he refused to chant Ansar Allah's slogan.⁸¹

3.2 Discrimination on the Basis of Religion or Belief

Whilst official data regarding the religious demographic in Yemen is lacking, the government has stated that "more than 99.7 per cent of Yemenis are Muslims", the majority belonging to Shafi'i and Zaidi schools of Islam.⁸² Religious minorities include adherents of the Ismaili Islamic school (numbering around 14,000 individuals),⁸³ Jews, Christians, Hindus and members of the Bahá'í community.⁸⁴

Most of the instances of religious discrimination identified by the authors were perpetrated against Muslims on the basis of their doctrinal affiliations; for example, there was evidence of individuals being targeted on account of their adherence to the Salafi movement, or on account of their affiliation with the Zaidi Shia movement. However, the authors also identified examples of discrimination against mem-

bers of religious minorities, in particular Yemen's Jewish community.

The authors identified a total of **159** instances of discrimination on the grounds of **religion or belief**. These included discriminatory interferences with the right to liberty (23); fair trial rights and access to justice (19); freedom of thought and belief (24); the right to privacy (10); freedom of movement and choice of residence (17); property (16), and instances of discriminatory violence (33). Individuals were alleged to have faced discrimination on the grounds of their religious beliefs in various areas of life; for example, the authors identified 8 instances of discrimination in employment, and 9 instances of discrimination in education. Illustrative examples are provided below.

In addition, the authors identified **3** reports of discriminatory societal attitudes, with individuals experiencing stigma, exclusion and marginalisation on account of their actual or perceived religion or belief.

Discriminatory Violence

One of the most serious discriminatory rights violations identified by the authors was discriminatory violence on grounds of religion. **Thirty-three** such instances were recorded in total, with reports received from six governorates, including Aden (1); Ad Dali' (3); Ibb (2); Sa'dah (14); Hadramaut (11), and Marib (2). The research teams documented reports of violence perpetrated against individuals who were targeted on account of being followers of the Zaidi Shia movement,⁸⁵ including the cases of four soldiers in Hadramaut who were reportedly killed because they belonged to the Zaidi Shia movement.⁸⁶ The research teams also documented the killing of six individuals who belonged to the Salafi movement,⁸⁷ and identified reports of violence against members of Yemen's Jewish community (discussed in more detail below).⁸⁸

Deprivations of Liberty

The authors identified **23** cases involving interferences with the right to liberty on the grounds

of religion or belief, with reports received from several governorates: Al Bayda (1); Dhamar (1); Marib (5); Sa'dah (12); Ad Dali' (3); and Sana'a and Amanat Al Asimah (1). These included instances of arbitrary detention,⁸⁹ enforced disappearances,⁹⁰ and imprisonment where individuals were released on condition of leaving the area and never returning.⁹¹ One Jewish individual interviewed by the research teams explained how he was detained, investigated and only released after signing a pledge not to practice his religion:

In 2013, armed men belonging to Ansar Allah came to me and asked me to go with them to the police station in the area. I went with them without objection. However, they imprisoned me in solitary confinement as soon as I arrived the station. I was released after they forced me to sign a pledge not to engage in any Jewish religious activities.⁹²

Freedom of Movement and Choice of Residence

The authors identified **17** reports of interferences with the right to freedom of movement and choice of residence on the basis of religion or belief: 14 from Sa'dah and one from each of the governorates of Sana'a, Lahj and Ad Dali'. Some of the reported incidents took place before the present conflict: for example, six interviewees belonging to the Salafi movement told interviewers that they had been forced to leave their homes in 2009 on account of their religious affiliations and prohibited from returning to the area.⁹³ Reports received by the research teams suggested that, since the outbreak of the conflict in 2015, Ansar Allah has restricted freedom of movement and choice of residence for individuals based on their religious affiliations, including through the imposition of travel bans preventing individuals from leaving the governorate.⁹⁴

Property

The authors identified **16** instances in which individuals had been denied enjoyment of their

property on the grounds of religion or belief. All reports came from Ad Dali' (2) and Sa'dah (14).

Alleged violations included restrictions on the purchasing of land,⁹⁵ the confiscation of property,⁹⁶ and the closure of business premises, as happened to one member of the Jewish community when groups affiliated with Ansar Allah reportedly closed his place of work by force.⁹⁷ Similar instances of discrimination were reported by members of other religious groups:

I was prevented from running my business in the governorate because I follow the Sunni doctrine. My property was confiscated and looted, and my shop was closed. After that, I was told that I had to leave the governorate within three days; otherwise, I would be killed. Therefore, I left.⁹⁸

3.3 Discrimination on the Basis of Gender

Whilst gender discrimination can affect both men and women, discriminatory state laws and policies, coupled with societal stereotypes which perpetuate discrimination against women and girls, mean that women in Yemen face gender discrimination which limits *inter alia* their opportunities for educational, political and economic participation.¹⁰⁸ Gender inequality in Yemen is amongst the most pronounced of any country in the world: in the 2017 Global Gender Gap Report, Yemen ranked 144th out of 144 countries for gender equality.¹⁰⁹

The authors identified a total of **1447** reports of discrimination on the grounds of gender. These included interferences with a number of rights and in a number of areas of life, including gender-based violence (218), the right to liberty (13), access to justice (34), marriage and family life (223), freedom of movement and choice of residence (18), birth registration and nationality rights (3), property (232), freedom of association (1), and the right to an adequate standard of living (95). Individuals were found to have

Spotlight: Discrimination against the Jewish Community

The Jewish community of Yemen has existed for hundreds of years, although their numbers have significantly diminished in recent years; thousands of Yemeni Jews have left the country since the mid-20th century on account of the severe discrimination they have faced, much of which has been perpetuated by state actors over the years.⁹⁹

Interviewees explained that, since the 2011 protests and the subsequent deterioration in political security – which has seen Ansar Allah exercising *de facto* control over areas inhabited by the Jewish community – Yemeni Jews have experienced a number of discriminatory rights violations. As described above, one individual told researchers that he had been arbitrarily detained by members of Ansar Allah and subsequently prohibited from practising his religious activities.¹⁰⁰ Another individual explained that he was beaten by armed members of Ansar Allah on account of his religious beliefs when he entered a market.¹⁰¹ Other Yemeni Jews interviewed by the research teams reported that Ansar Allah prevented them from buying land,¹⁰² confiscated their properties,¹⁰³ and prevented them from operating their businesses.¹⁰⁴ One interviewee reported the destruction of a Jewish school by members of Ansar Allah:¹⁰⁵

In 2013, the school in which I was teaching Jewish children was destroyed. I was threatened to be killed if I resumed my religious activities, so I stayed in my house. They also forced me to sign over the ownership of school land in exchange for not assaulting me or my family.¹⁰⁶

Individuals interviewed by the research teams also recounted experiencing discriminatory treatment at the hands of non-Jewish members of their community. For example, a Jewish student told researchers that he was beaten by his classmates on account of his religious beliefs; instead of punishing the students who had perpetrated the violence, the school principal, he said, forced him to leave the school.¹⁰⁷

faced discrimination on the basis of their gender in employment (51), social security (25), healthcare (35), and education (499). Illustrative examples are provided below.

In addition, the authors identified **335** reports of women and girls experiencing discriminatory attitudes amongst their families and communities. For example:

My friend always faces discrimination from her family who believe she is lacking in intelligence (...) they believe also that her brothers are better than her and that she is only fit to cook and take care of the house, even though she is educated and graduated from college.¹¹⁰

My friend, a 15-year-old girl, was prevented from getting a smartphone, although her brothers had this equipment. The reason was that she was a girl and girls were not entitled to the technology.¹¹¹

Gender-Based Violence

The authors identified **218** reports concerning acts of gender-based violence. Reports were received from 19 governorates including Al Jawf (2); Aden (45); Sana'a (41); Hodeida (35); Abyan (26); Marib (9); Lahj (7); Taiz (7); Al Jawf (7); Raymah (5); Al Mahwit (5); Hadramaut (5); Hajjah (5); Ad Dali' (5); Ibb (5); Sa'dah (3); Amran (3); Al Bayda (2) and Dhamar (1).

Gender-based violence took various forms, including harassment,¹¹² physical abuse,¹¹³ rape,¹¹⁴ verbal assaults,¹¹⁵ and domestic violence perpetrated by the victim's father,¹¹⁶ brother,¹¹⁷ or husband.¹¹⁸ In particularly serious cases, women were alleged to have died after being subject to gender-based violence.¹¹⁹ For example, the research teams received testimony concerning one woman who was allegedly murdered by her brother after informing him of her intention to attend university.¹²⁰ Another interviewee reported that a girl had been killed by her brother after a video (filmed by the daughter's friend),

in which the girl's face was shown uncovered, was shared amongst members of the community; this was considered to bring shame on the family.¹²¹ Another woman was allegedly stoned to death by members of Al-Qaeda in the Arabian Peninsula (AQAP) after having been accused of having extra-marital sexual intercourse.¹²²

Acts of gender-based violence were often reported to have affected the rights of women in other areas of life. For example, one woman explained how she had considered leaving her job as a consequence of repeated acts of harassment and physical assaults that occurred as she walked home at night:

I worked until late and on the way home I was harassed and faced disrespectful acts by some of the young people on the streets. One day, I was harassed and assaulted by number of young people who pulled my bags and attacked me. Fortunately, people who were passing by in the street helped and defended me. The attackers fled and no one could catch them. I hope these acts will be put to an end. I have to work until this late time because I am from a simple family and our economic condition is difficult. Sometimes, I think of leaving work because of the harassment.¹²³

The authors also identified testimony suggesting that women with disabilities are particularly vulnerable to gender-based violence. For example, one interviewee reported that her 45-year old neighbour, who had Down's Syndrome, was allegedly raped by another neighbour who had exploited her vulnerability; after the incident, the victim's family reportedly forced her to stay inside the house and never let her go outside.¹²⁴

Child Marriage and Forced Marriage

Child marriage and forced marriage are forms of gender-based violence.¹²⁵ Many women interviewed by the research teams reported experiencing restrictions on their freedom to choose a husband.¹²⁶ The research teams also

interviewed a number of women who were forced to marry before the age of 18.¹²⁷ One woman reported the consequences of having been forced to marry against her will as a child:

I was forced to marry someone I didn't want to marry and this deprived me of my education. I was in the seventh grade and had to leave school in order to be married. On the first day of marriage, my husband beat me and forced me into drinking unknown things. He used to tie me up and on the third day he burned my face. He went to my father and questioned my virginity; my father then came to my house and said that he wanted to kill me. My mother and little brothers stopped him (...) Our tradition says that when a man proposes to a woman a father has to say yes or no. If the girl says what she thinks, then this is "aib" (shame) on the family. Unlike the man who can marry according to his own choice, I have been deprived of an education, my future is ruined, I have had psychological disorders. I hate anything related to marriage now.¹²⁸

One girl explained that child marriage was prevalent in the area in which she lived, and her parents believed that if she waited until the age of 20 it would be too late for her to find a husband.¹²⁹ One woman reported that she had been attacked by her husband after being forced to marry against her will at the age of 12; she reported being physically abused by her husband and, some years later, was abandoned and left to care for their children, leaving her dependant on charitable donations.¹³⁰ Another interviewee reported as follows:

My father forced me to get married when I was nine years old to a man who was 44. I didn't know anything about marriage then. Although my husband was a teacher, I suffered ill-treatment from him: insults, raising his voice when calling me and treating me as a servant and not as his wife. I was imprisoned in his home and he prevented me from visiting my family and relatives. Before I was 20 years old, I had three children. Because I was so

young, I almost died during the three pregnancies and childbirths. This marriage continued for 12 years, until I made a divorce request to the court. The court granted me the divorce, and instructed that my ex-husband would have to pay alimony for my children: 5,000 Riyals [approximately 17 US\$] per month. But my ex-husband refused to pay and abandoned his responsibilities. None of my brothers nor my mother cared about my children, so I decided to find work (...) I faced strong objections from my brothers and the whole family [about this], because in our culture, a woman cannot work but must stay at home. Another man (...) proposed to marry me, and my family agreed on the condition that he would allow me to take my children with me. I agreed without objection, because it is shameful to be divorced in our community.¹³¹

Property and Access to Justice

The authors identified **232** reports of interferences with property on the ground of gender. Reports came from 18 governorates, including Al Bayda (56); Sana'a and Amanat Al-Asimah (41); Al Jawf (33); Aden (14); Marib (12); Amran (11); Lahj (10); Dhamar (10); Sa'dah (9); Hajjah (9); Taiz (6); Hodeida (6); Ad Dali' (5); Ibb (3); Al Mahwit (3); Raymah (2); and Hadramaut (2). Furthermore, **34** reports of an alleged denial of access to justice were received from six governorates, which broadly concerned women's inability to enforce their inheritance through the courts: Abyan (3); Amran (1); Dhamar (3); Raymah (5); and Sana'a and Amanat Al-Asimah (22).

The reported interferences with property predominantly concerned women being deprived of their inheritance by members of their family on account of their gender.¹³² The cost of bringing legal proceedings to challenge such denials of inheritance deterred certain women from pursuing court action to enforce their rights.¹³³ Some women reported they had not been able to go to court to claim their inheritance due to local customs and traditions, under which it is considered shameful for a woman to raise a case against her brothers or male relatives in the courts.¹³⁴ Some women chose not to do so in order to maintain a positive

relationship with their family members, in particular their brothers.¹³⁵ Of those women who did go to court, few secured redress: several women indicated that positive court judgments were not forthcoming,¹³⁶ and cases were often subject to severe delays, left pending for several years with no decision issued.¹³⁷ One woman explained how she had to wait for twenty years before receiving a favourable judgment in the case.¹³⁸

Education

The authors identified **499** cases concerning gender-discrimination and inequality in education, which were recorded across 18 governorates, including Al Bayda (124); Hodeida (83); Sana'a (76); Al Jawf (26); Taiz (23); Raymah (23); Sa'dah (21); Hajjah (19); Aden (18); Ibb (17); Marib (17); Ad Dali' (14); Lahj (10); Amran (10); Abyan (6); Al Mahwit (5); Dharmar (4) and Hadramaut (3).

The testimony received by the research teams suggests that women face multiple discriminatory barriers to education, with many girls dropping out of school early. Various reasons were given for women's and girls' exclusion from the education system, including: early marriage;¹³⁹ a lack of nearby schools and unwillingness to let girls travel long distances;¹⁴⁰ a lack of female teachers;¹⁴¹ displacement and the deteriorating security situation;¹⁴² and harmful social attitudes towards girls' education,¹⁴³ particularly in rural and remote areas, where girls are reportedly taught that they should be satisfied with achieving only a minimum level of education (i.e. the ability to read and write).¹⁴⁴ A lack of single-sex schools for girls was also highlighted as an obstacle to girls' education.¹⁴⁵ As one girl explained to researchers:

The new school was far away and was mixed boys and girls. My father told me, "You are a girl and your place is in the home." This happened because the state refused to provide a school for girls in my area. I got married one week after the conversation with my father and my new husband lived in a different village. I thought I could perhaps continue my education there, but that village suffers from the same problem; there is no school there either.¹⁴⁶

Poverty and the poor economic situation of families was also cited as a reason for girls not attending school, meaning that girls from low socio-economic backgrounds were particularly disadvantaged.¹⁴⁷ Several girls reported that they had been kept at home in order to work, rather than attending school, explaining to researchers that they were required to undertake domestic chores, herding and agricultural work.¹⁴⁸

Interviewees also reported that girls were discouraged from attending school as there were concerns that an educated girl would demand her inheritance.¹⁴⁹ One girl explained to researchers how she had to agree to disavow her inheritance rights in order to attend university:

I was one of the smartest students in school and I had a great desire to study. When I made it to the eighth grade, my family took me out of school and forced me to stay at home. They explained that the school was co-educational and it was forbidden to study with boys. Two years later, I tried so hard to go back to study and convinced my family. After completing my secondary grade, my family did not allow me to pursue university studies. I begged them and insisted until they agreed that I could study at university in exchange for renouncing my right to my father's inheritance.¹⁵⁰

One of the most serious allegations came from a girl who told researchers of her former classmate's attempts to attend school:

She was a minor married girl who was unable to complete her studies. After a period of time, her husband divorced her and she had a son and a daughter. She wanted to continue her education, but her brothers rejected her decision. They threatened that they would kill her because she was divorced and, according to customs and traditions, divorced woman did not have the right to leave the house. Nevertheless, she refused to obey and tried to go to study. One of her brothers shot her and she died immediately.¹⁵¹

Employment

The authors identified **51** reports concerning gender discrimination in employment. Reports were received from 15 governorates, including Hodeida (11); Sa'dah (6); Sana'a (5); Aden (5); Raymah (5); Al Bayda (4); Taiz (3); Al Jawf (3); Abyan (2); Marib (2); Ad Dali' (1); Ibb (1); Al Mahwit (1); Hajjah (1); and Amran (1).

Women reported experiencing inequality in working conditions,¹⁵² being denied a promotion due to their gender,¹⁵³ and explained how a lack of flexible working hours affected their ability to work.¹⁵⁴ Additionally, some women reported being prevented from working by members of their family.¹⁵⁵ For example:

I got a job in a computer training institute. My brother stopped me from working and from leaving the house. He stopped me from work, saying I was a woman and leaving the house is forbidden from a religious point of view. This has saddened me deeply because he stopped me from my work and from making a living; had I not been treated this way I would have received a monthly income to support my needs.¹⁵⁶

Healthcare

The authors identified **35** cases concerning gender-discrimination and inequality in the field of healthcare. Reports were received from nine governorates, including Sana'a (9); Al Mahwit (9); Ibb (4); Aden (3); Lahj (3); Raymah (3); Amran (2); Sa'dah (1) and Abyan (1). Multiple reports were received concerning poor healthcare services for women,¹⁵⁷ particularly for pregnant women,¹⁵⁸ and a lack of gender-appropriate and maternal healthcare provision in prisons.¹⁵⁹

3.4 Discrimination on the Basis of Ethnicity and Descent

Yemen's social structure has been likened to a caste system due to the "ascribed or inherited

nature" of its various occupation-based categories.¹⁶⁰ At the top of the hierarchy are the *Sada* (Sayeed), also known as Hashemites, who claim descent from the prophet Muhammad; they have traditionally occupied a prominent role in religious, judicial and political life, and are also landowners.¹⁶¹ At the lowest level of the Yemeni social stratum are individuals thought to be "lacking in origin" (*nuqqas al-asl*), including service-providers such as restaurateurs and barbers, and beneath them, the Afro-Arab group whose members self-identify as "*Muhamasheen*" (the marginalised) and whose main occupations are cleaning and begging.¹⁶² The Muhamasheen are often identified by their darker skin colour, which distinguishes them from other individuals belonging to the social group that is "lacking in origin" and makes them more vulnerable to discrimination.¹⁶³

The authors identified **1011** reports of discrimination and inequality on the basis of ethnicity or descent. These included discriminatory interferences with a number of rights and in various areas of life, including discriminatory violence (161); the right to liberty (23), access to justice (27), the right to privacy (19), freedom of movement and choice of residence (7), birth registration and nationality rights (4), property (51), freedom of expression (2), freedom of association (1), participation in public affairs (7), marriage and family life (140), and the right to an adequate standard of living (202). Individuals were found to have faced discrimination on the basis of their ethnicity or descent in employment (156), social security (17), healthcare (74), education (103), and social services (17). This section of the report focuses on discrimination and inequality experienced by the Muhamasheen on the grounds of ethnicity and/or descent, with illustrative examples provided below.

In addition, the authors identified **434** reports of individuals experiencing discriminatory societal attitudes, including stigma, exclusion and marginalisation on account of their ethnicity or descent. For example, one Muhamasheen individual reported being called *Khadim* (servant) every time they went out in public in their

town.¹⁶⁴ Another man explained to researchers as follows:

I have been exposed to discrimination almost every day and everywhere. Society despises us and treats us with inferiority. During my work hours, I clean the streets. In the market, in the groceries, and everywhere, everyone calls me "servant", a discriminatory word, because I am dark-skinned.¹⁶⁵

Discriminatory Violence

The authors identified **161** reports of discriminatory violence committed on the basis of ethnicity or descent across 18 governorates, including Sana'a and Amanat Al Asimah (15); Aden (15); Lahj (3); Ad Dali' (3); Hodeida (7); Taiz (14); Ibb (12); Sa'dah (3); Raymah (5); Shabwah (1); Marib (15); Al Jawf (1); Dhamar (4); Hajjah (14); Amran (5); Abyan (41); and Al Bayda (3). These incidents included, *inter alia*, physical assaults¹⁶⁶ and harassment.¹⁶⁷

One woman explained how her family and home were attacked after she confronted a man who had "harassed" her:

In 2012 it happened. I was getting sexually harassed every time I went to the well to collect water. One day, I shouted "Aib" [shame upon you] at the man, and everyone at the well also said it to him. I returned to my family and told them about what had happened. They went to the man while he was sitting around the well with a group of people from his tribe and asked him to stop the harassment. He replied, "She is only a member of the Muhamasheen class – a Khadima" [servant]. They started to fight. Afterwards the perpetrator took some young people from his village and went to my village. They beat my family and destroyed part of the house. My family was so scared, we left the village and never came back.¹⁶⁸

Living Standards

The authors identified **202** reports of discrimination and inequality in the living standards enjoyed by the Muhamasheen across 18 governorates, including Sa'dah (29); Sana'a (29); Al Mahwit (23); Raymah (20); Aden (18); Marib (18); Lahj (16); Abyan (9); Hodeida (8); Taiz (6); Ibb (5); Amran (5); Al Bayda (4); Dhamar (3); Hajjah (3); Hadramaut (3); Ad Dali' (2) and Shabwah (1).

The reports received by the research teams suggest that the Muhamasheen do not enjoy a high standard of living.¹⁶⁹ Some of the individuals interviewed were living in homes constructed from cardboard and tin,¹⁷⁰ and stated that they lacked basic living essentials.¹⁷¹ Sanitation projects and facilities were reported to be largely unavailable in the areas where they live.¹⁷² One man interviewed in Al-Houta, an impoverished area predominantly populated by members of the Muhamasheen community, informed researchers that the area in which he lived had been without a water supply for several years.¹⁷³ One woman informed researchers of the unsanitary conditions in which she was forced to live:

We live next to the stream with the other Muhamasheen families. Sewage comes to us daily from the neighbouring towns. We have raised our grievances with the local council but they don't care at all, because we are Muhamasheen.¹⁷⁴

Muhamasheen interviewees also reported being omitted from official social security lists and, since the outbreak of the conflict, from aid distribution lists. As millions of Yemenis have become impoverished by the war, relief organisations have begun to distribute essential humanitarian aid; however, a large number of interviewees complained that they had been denied humanitarian assistance on account of the fact that they are Muhamasheen.¹⁷⁵

I was discriminated against by relief distributors who did not give me a share of the food aid (...) [They said] I would sell the food and that I am used to begging. They looked down on me and called me Khadim [servant]. However, they distributed the food baskets among those who belonged to tribes or those with personal connections [to the distributors]. They gave the assistance to undeserving families whereas I could not cover my daily needs or the needs of my kids, who usually sleep with empty stomachs. I call upon all relief NGOs to stand by and save us from the scorn of society and treat us as humans.¹⁷⁶

We are being discriminated and considered inferior because we are Muhamasheen. We do not find equal treatment like others. We are not welcome to engage with the society. We have asked the government to register us for social security, but they have not responded to us. We have also been denied access to any relief aids like the rest of the people in need. Our demands are dealt with unfairly. The priority is to tribal men and the powerful. I hope we get our rights and I ask the authorities to apply equal and fair measures to all citizens.¹⁷⁷

Employment

The authors identified **156** cases concerning discrimination based on ethnicity and descent in the area of employment distributed across 17 governorates, namely Abyan (31); Al Bayda (25); Aden (24); Marib (15); Taiz (11); Sana'a (10); Hajjah (10); Lahj (8); Dhamar (6); Al Mahwit (4); Hodeida (3); Ibb (3); Raymah (2); Ad Dali' (1); Hadramaut (1); Shabwah (1) and Amran (1).

Many Muhamasheen individuals reported having been subject to less favourable treatment on account of their ethnicity/descent, including being refused a position during recruitment processes,¹⁷⁸ deprived of wages,¹⁷⁹ subject to unlawful salary deductions,¹⁸⁰ and denied eligibility for promotion.¹⁸¹ For example, one interviewee reported that he was refused employment in a school because he was Muhamasheen, despite possessing the proper educational qualifications:

I applied for a job as a teacher in the Ministry of Education. My request was rejected and ignored because I am from the category of the Muhamasheen, despite my studies. I could not find a job and suffered from unemployment.¹⁸²

Another individual reported that his job application was rejected on the basis that his Muhamasheen status meant he did not "deserve" the position:

I applied for [a supervisor] position to the general manager, who rejected my application because I was Muhamasheen. He said that I do not deserve it, adding that my job is in the streets, cleaning trash and unclogging sewers, which the white people would not touch or smell. Such a position is exclusively for white people [he said]. Muhamasheen do not have the right to demand such a position. As for white people, they are directly appointed over the black or the marginalised people without their asking for it. We have to be silent and accept whatever work is given to us (...) and accept all that they impose on us, including the way they behave towards us and discriminate against us and look down on us.¹⁸³

Others reported that they had not been paid equally to other employees:

I work in ploughing the land with a farmer. My complaint is that I do not receive a fair wage. I receive 1,000 riyals per day, while others receive 2,000 riyals. Although I work harder than they do, I am discriminated because I am one of the Muhamasheen.¹⁸⁴

Education

The authors identified **103** reports of discrimination and inequality in education on the grounds of ethnicity and descent. Reports were received from 16 governorates, including Aden (18); Taiz (12); Hodeida (9); Marib (9); Lahj (6); Ibb (6); Haj-

jah (6); Amran (6); Abyan (6); Sana'a (5); Ad Dali' (5); Al Mahwit (5); Raymah (4); Dhamar (3); Al Bayda (2) and Sa'dah (1). Several interviewees reported dropping out of school or being denied the opportunity of participating in education on account of their ethnicity or descent. Individuals reported dropping out of school as a consequence of harassment and bullying by school principals,¹⁸⁵ teachers¹⁸⁶ and classmates.¹⁸⁷

I was forced to leave [school] by one of my teachers. He would kick me out of the class saying that because I was Muhamasheen I did not deserve to study with white people. My white classmates would avoid sitting next to me and refuse to play with me (...) I was the best behaved [student] in my class. I never hit anyone or caused any problems (...) I hate school, I hate the discrimination and the marginalisation I faced there. The teacher expelled me because he said I said a bad word, but I didn't. He said to me "You don't belong here, you are Khadim [servant]".¹⁸⁸

*I was studying (...) until other students started to bully me. They shouted at me, calling me, in their words, "Khadim" [servant]. [They asked] why was I studying? This made me abandon my studies and return to the streets, cleaning cars. I complained to the administration and they asked the students about it, but it didn't lead to anything (...) I've suffered a lot – I entered the institute and there were even problems at that stage registering because of my situation (...) The bullying and abuse has really affected me and I feel that we Muhamasheen are really neglected in society. I wanted to learn to get a good job – to move away from working on the streets – but the tribes won't let this happen to our people.*¹⁸⁹

In one case, a child was allegedly refused admission to a school due to their Muhamasheen status.¹⁹⁰

The poverty experienced by members of the Muhamasheen also reportedly prevented some students from purchasing the necessary school supplies, such as school uniform,

with socio-economic disadvantage intersecting with ethnicity/descent to exacerbate the marginalisation experienced by Muhamasheen students.¹⁹¹ Others were forced to drop out of school to work and support their family.¹⁹² As one former-student explained:

*Two years ago I was a middle school student and I passed my exams successfully, but I could not continue high school because of my family. They forced me to leave school to look for work to help them to secure daily needs. We are Muhamasheen and poor and that means we do not get any attention. My family told me that even if I finish my school and college, I will stay as poor as I am now because the Muhamasheen stay Muhamasheen until they die.*¹⁹³

Healthcare

The authors identified **74** reports of discrimination and inequality on the grounds of ethnicity/descent in the field of healthcare. Reports were received from 15 governorates, including: Sana'a and Amanat Al Asimah (1); Aden (26); Lahj (3); Ad Dali' (2); Hodeida (3); Taiz (10); Ibb (3); Sa'dah (2); Raymah (6); Al Mahwit (4); Marib (4); Dhamar (2); Hajjah (2); and Abyan (6). Many Muhamasheen individuals interviewed by researchers for the purposes of this report complained about a lack of adequate healthcare. One woman explained that she had received a poor standard of service at a hospital after seeking treatment for issues relating to her reproductive health, which she believed was due to her Muhamasheen status; she left feeling ashamed and neglected by hospital staff, and returned home after receiving no medical assistance.¹⁹⁴ A second interviewee, who entered hospital with kidney stones, was ignored by hospital staff due to his Muhamasheen status:

*Some doctors even refused to examine me because they felt disgusted to do that. My health condition got worse as a result of this continuous ill-treatment and I developed kidney failure.*¹⁹⁵

Access to Justice

The authors identified **27** reports of discrimination and inequality in accessing justice. Reports were received from 11 governorates, including: Sana'a and Amanat Al Asimah (7); Ad Dali' (1); Taiz (2); Ibb (7); Sa'dah (2); Marib (1); Dhamar (1); Hajjah (2); Amran (1); and Abyan (3). There is evidence that members of the Muhamasheen face difficulties in securing legal redress where they are subject to violence or other unlawful conduct. For example, an individual who was assaulted said that when he filed a complaint at the police station, he did not receive any redress; he went to a tribal sheikh in order to obtain assistance, but the sheikh ignored him and did not respond adequately to him.¹⁹⁶ Other individuals interviewed reported having no means to secure redress for crimes committed against them or their families:¹⁹⁷

My little brother was discriminated against at the police station. He was raped by someone in the neighbourhood while he was selling books. He was taken in front of other people and raped somewhere inside the neighbourhood. Then we filed a report to the police about the incident, but they put the report away and didn't bring the person who raped my brother forward for investigation. Because my family is Muhamasheen, and therefore my brother is too, we were marginalised and we couldn't do anything [to take the case further].¹⁹⁸

My brother was raped by a man on the street. The rapist confessed to his friend about this, and my brother brought an accusation against him. The courts were closed in [the governorate] because of the current events, so instead we made a complaint to the head of the neighbourhood who locked the rapist up. The next day, however, he was released. When we asked the head of the neighbourhood why this had happened, he said to us, "You are Akhdam, you don't have the right to put someone on trial for this act. Your children are always raped on the streets, so what is the point of punishing this person now?" We have all suffered psychologically. We were frustrated, my brother has become scared of everyone, and he dropped out of school and stayed at home.¹⁹⁹

3.5 Discrimination on the Basis of Disability

According to World Health Organisation estimates, approximately 15% of the world population has some form of disability.²⁰⁰ When assessed against this estimate, rates of disability in Yemen appear to be substantially under-reported: according to the 2004 census, just 1.93% of the Yemeni population (379,924 persons) had some form of disability.²⁰¹ However, separate surveys have produced different results: for example, in the 2013 National Health and Demographic Survey, 3.2% of respondents reporting having some form of disability.²⁰²

The authors identified **1043** reports of discrimination and inequality on the basis of **disability**. These included interferences with several rights and in various areas of life, including discriminatory violence (127), the right to liberty (2), property (1), and the right to an adequate standard of living (156). Individuals were found to have faced discrimination on the basis of disability in employment (60), social security (64), healthcare (279), education (322), and social services (32). Illustrative examples are provided below.

In addition, the field research teams documented **438** reports of individuals experiencing discriminatory societal attitudes, including being subjected to stigma, exclusion and marginalisation on account of their disability. Many families reportedly consider it to be shameful for one of their family members to have a disability; for example, one woman told researchers that her husband divorced her because she gave birth to three disabled children.²⁰³ Another woman explained that her neighbours keep their children isolated and invisible because they have Down's Syndrome.²⁰⁴

A number of persons with disabilities expressed that they suffer from social isolation and condemnation from members of their community.²⁰⁵ One girl told researchers that society does not value persons with disabilities, and that they are not allowed to marry because no one wants to marry a person with a disability.²⁰⁶ Individuals

reported being prevented from participating in social activities by their families,²⁰⁷ and being exposed to inferior treatment by members of society,²⁰⁸ with one individual explaining that they prefer to isolate themselves at home due to the inferior treatment they experience.²⁰⁹

I am a 23-year-old blind man. I have been abused and discriminated. People look at me as inferior because I am blind. In 2013, we had an appointment to meet the manager of [an organisation] to talk about some projects that we hoped would be done in cooperation with him. I was chosen among the group because I was able to present and use the computer well. When he knew that I was blind, he asked me, "Are you blind? How can you eat?" I was shocked by his inferior view of the blind and how he had this bad attitude.²¹⁰

One individual with a disability explained that his family kept him isolated in a small room outside their house, explaining: "[My] room does not contain any furniture and is not cleaned; no one would stay in a room like this if he was not disabled".²¹¹

The authors also identified reports of individuals seeking a divorce or annulment on the basis of their spouse's disability. For example, the researchers documented a case in which a husband sought to divorce his wife after learning that she had a disability,²¹² and the case of a wife whose family requested the annulment of her marriage as soon as they learned that her husband had a disability.²¹³ Another man was reported to have divorced his wife after she was left with a disability following an accident.²¹⁴

Discriminatory Violence

The authors identified **127** reports concerning discriminatory violence against persons with disabilities. Reports were received in 14 governorates, including: Lahj (30); Al Mahwit (23); Aden (18); Sana'a (14); Raymah (11); Hodeida (8); Taiz (6); Abyan (6); Hadramaut (4); Marib (2); Amran (2); Al Jawf (1); Hajjah (1) and Ad Dali' (1).

Reports of discriminatory violence against persons with disabilities included the physical abuse of persons with disabilities by family members,²¹⁵ members of the community,²¹⁶ and co-workers.²¹⁷ As noted above, women with disabilities were reported to be particularly vulnerable to gender-based violence, including sexual violence.²¹⁸

Social Security and Assistance

The authors identified **96** reports of discrimination and inequality in access to social security and assistance. Reports came from 13 governorates, including: Sana'a and Amanat Al Asimah (6); Lahj (24); Ad Dali (3); Hodeida (1); Taiz (2); Raymah (7); Al Mahwit (35); Marib (2); Dhamar (6); Hajjah (4); Amran (2); and Abyan (4).

Interviewees reported a lack of access to social security benefits and assistance for persons with disabilities,²¹⁹ with individuals having been denied financial aid by the state-run Disability Welfare and Rehabilitation Fund.²²⁰ A lack of state-funded assistive technologies, including wheelchairs,²²¹ audio equipment for individuals with hearing impairments,²²² and mobility vehicles,²²³ was highlighted as a significant issue by several interviewees. For example, researchers interviewed the relative of a 13-year-old boy with a hearing impairment, who discussed the inadequate provision of social assistance for persons with disabilities in Yemen:

[He] is a 13-year-old child, suffering from a hearing impairment. [He] does not attend school because of his disability and does not receive any social security from the state. He went to the Disability Welfare and Rehabilitation Fund, but his visit was worthless. The Fund did not even provide him with audio devices or any other service.²²⁴

One interviewee noted that social security benefits for persons with disabilities had effectively halted due to the ongoing conflict.²²⁵

Healthcare

The authors identified **279** complaints concerning discrimination and inequality in healthcare on the grounds of disability. Instances of discrimination were documented in 15 governorates, including: Al Mahwit (91); Aden (30); Raymah (26); Lahj (25); Marib (25); Ibb (18); Sana'a (14); Taiz (12); Hodeida (8); Abyan (8); Hajjah (6); Ad Dali' (6); Al Bayda (4); Al Jawf (3); and Amran (3).

Interviewees highlighted a number of issues with the provision of healthcare services to persons with disabilities including: a lack of adequate care and rehabilitation services;²²⁶ inability to afford medicines;²²⁷ a lack of state hospitals with the necessary medical expertise to treat persons with disabilities;²²⁸ and the absence of mental healthcare facilities.²²⁹

Members of the Muhamasheen community with disabilities were found to be particularly affected by a lack of access to healthcare. One mother who spoke to the Trust's researchers had a daughter with a disability, and stated that she could not provide for her daughter's health needs as the government distanced itself from the Muhamasheen and disabled communities in Aden.²³⁰ Another mother recounted the difficulties she faced in securing treatment for her son:

My son has a physical disability caused by cerebral atrophy. For this reason he cannot walk. We could not afford to buy treatment for him because the treatment was very expensive. I went to a centre for the disabled to see if they could look after him, and they said they could not. When I asked why, they said it was because he was Muhamasheen (...) I felt very sad that they refused to register my son.²³¹

Several interviewees highlighted the detrimental impact of the ongoing conflict on the access of persons with disabilities to healthcare; specifically, interviewees noted the cessation of government support for rehabilitation and care centres;²³² the

discontinuation of medical treatment for persons with disabilities;²³³ rises in medicine prices and the suspension of healthcare workers' salaries.²³⁴

Education

In total, **322** cases of discrimination against persons with disabilities were identified in the field of education. Reports were received from 16 governorates, including: Al Mahwit (98); Raymah (32); Hodeida (31); Lahj (22); Aden (20); Sana'a (18); Hajjah (15); Ibb (14); Ad Dali' (14); Abyan (14); Taiz (13); Amran (13); Al Bayda (7); Marib (5); Dhamar (4) and Hadramaut (2).

Testimony received by the research teams indicates that children with disabilities in Yemen face barriers in accessing and enjoying education on an equal basis with other children.²³⁵ Reasons provided by interviewees were varied, and included: long distances between schools or rehabilitation centres and students' homes, which inhibited school attendance;²³⁶ discouraging behaviour from teachers, with teachers treating children with disabilities with inferiority and refusing to teach them;²³⁷ the lack of appropriate curricula for students with disabilities in schools and universities;²³⁸ and the failure of schools to provide reasonable accommodation for the specific needs of students with disabilities.²³⁹

My son has a mental disability (...) When he was in the third grade, the teachers used to treat him inhumanely and beat him. We went to make a complaint to the school but they didn't do anything. He dropped out of school. If he had finished his studies, he would have given a job instead of being dependent on his father. Because the teachers did not take into consideration his health condition, he dropped out of school.²⁴⁰

The research teams documented testimony indicating that girls with disabilities in Yemen may face particular challenges in accessing education, with several interviewees noting that their family members had prevented them from studying.²⁴¹

The testimony collected by the research team indicates that the conflict has negatively affected access to education for children with disabilities, with many children with disabilities having dropped out of school.²⁴² For example, students were reported to have dropped out of education after the cancellation of teaching programmes using braille and sign language.²⁴³ Furthermore, the detrimental impact of the conflict on the provision of healthcare services for persons with disabilities has impacted on students' ability to continue their education, with certain individuals reporting that they were unable to continue attending school as a result of not receiving the medical treatment they require.²⁴⁴

Employment

The authors identified **60** reports of discrimination in employment affecting persons with disabilities from 14 governorates, including: Hodeida (10); Sana'a (10); Lahj (8); Al Mahwit (7); Al Bayda (6); Taiz (4); Raymah (3); Aden (2); Ibb (2); Marib (2); Hajjah (2); Amran (2) Hadramaut (1); and Dhamar (1). Interviewees reported being denied employment in both the public and private sector due to their disability;²⁴⁵ being denied employment benefits made available to other employees without disabilities;²⁴⁶ receiving a lower salary than other employees;²⁴⁷ and being subject to salary deductions.²⁴⁸ For example, the research teams spoke with a 25-year-old girl with a hearing impairment who had gained a computer diploma; she explained that she had applied for a job, but was refused by the manager because of her disability:

I went to apply for a job in an institution after I finished my studies, believing that I would be encouraged and hired, but my request was rejected. I was shocked when I knew that the reason for the rejection was not because I was unqualified, but because I was disabled. Even though the job I was applying for only needed a worker to print and photocopy papers, the manager told me that he did not hire disabled persons.²⁴⁹

3.6 Discrimination on the Basis of Health Status

The first case of HIV in Yemen was reported in 1987,²⁵⁰ and there has been a steady increase in the number of people living with HIV since then: according to the Joint United Nations Programme on HIV/AIDS (UNAIDS), there were an estimated 9,900 people living with HIV in Yemen in 2016.²⁵¹ People living with HIV and AIDS in Yemen are subject to high levels of societal stigma, with many facing exclusion from social, family and religious activities.²⁵²

The authors identified only **four** reports of discrimination on the basis of HIV/AIDS status,²⁵³ which is perhaps indicative of the high levels of social stigma surrounding HIV and AIDS and individuals' consequent reluctance to discuss or disclose their HIV status.

Two of these instances were reported by the neighbours of individuals who had allegedly been diagnosed with HIV/AIDS and had consequently been subject to ill-treatment by members of the community. One individual explained:

My neighbour is a 30-year-old man. He is infected with HIV and subjected to insulting, harsh words and inappropriate treatment by members of his family and society. He was not allowed to participate in any events and initiatives of the community where we live.²⁵⁴

One of the individuals interviewed told researchers of the violence and discrimination in employment that he had suffered after being diagnosed with HIV:

I underwent a medical examination as one of the travel procedures I had to complete. I was required to conduct the HIV test. The result was positive. I could not see the road in front of me when I returned home. I could not keep the secret and I told one of my colleagues that I was unable

to travel because the medical tests showed that I was infected with HIV. He then spread the news and I was humiliated and treated badly. One day, when I was in the market with my colleagues, and they asked me to pay for them. I refused. One of them grabbed my head and started beating my head and chest violently asking me to confess to everyone that I suffer from AIDS. Insults and annoyances continued and I was forced to leave my apartment and move to another district. The news of my infection spread there too and I was dismissed from my work as a salesman in a small cafe for fear of infection.²⁵⁵

Another woman explained that she had been refused employment after being falsely accused of being HIV positive:

I am a widow. Because of the lack of services and my urgent need to work to support my mother and my children who have no other provider, I have worked to provide hospitality to people in my humble home. I served them food and drink and provided accommodation for small amounts of money. I applied to work as a women's prison guard. I hoped that I would be like others who lived a decent free life. I was surprised by the bad treatment of others and that I was fired due to my profession as a "coffee maker". They falsely accused me of being infected with the HIV virus, thus I was deprived of my right to work on an equal basis with those who have been accepted in jobs. I have no one but God to do justice to me.²⁵⁶

3.7 Discrimination on the Basis of Sexual Orientation

The size of the lesbian, gay, bisexual and transgender community in Yemen is unknown. The Joint United Nations Programme on HIV/AIDS has estimated that there are 44,000 men who have sex with men in Yemen;²⁵⁷ however, no statistics are available regarding the number of lesbian, bisexual or transgender persons. There are extremely high levels of social stigma sur-

rounding homosexuality and bisexuality in Yemen, with same-sex intercourse criminalised, and individuals reportedly afraid to reveal their sexual orientation due to the severe threats they face.²⁵⁸

The authors identified **12** reports of discrimination on the grounds of sexual orientation. It should be noted that these reports were in the form of second-hand testimony from the friends or family members of individuals who had allegedly been subject to ill-treatment on the grounds of their perceived sexual orientation. The research teams did not meet anyone who was prepared to discuss his or her sexual orientation openly. The incidents documented included interferences with a number of rights, including discriminatory violence (7); the right to liberty (1); access to justice (2); freedom of residence and movement (1); and property (1). One individual spoke of broader discriminatory societal attitudes affecting sexual minorities.

Given the potential safety risks for those interviewed, the authors have not reproduced any of the testimony in full in this report. However, the testimony received included reports of individuals being ostracised by their close relatives and community after they were suspected of being gay,²⁵⁹ and individuals being exiled from the area in which they lived after being accused of being gay.²⁶⁰ The most serious allegations received were reports of the targeted assassinations of gay men by armed groups, including groups associated with AQAP, with the families of these individuals explaining that the sensitivity of the cases meant they were unable to take any action to hold the alleged perpetrators accountable for such violence.²⁶¹

3.8 Discrimination against Non-Nationals

Due to its geographical position, Yemen is a natural crossing point between the Horn of Africa and the Gulf countries and has a long history of migration from the Horn of Africa. Yemen consequently possesses a large migrant and refugee population, estimated at around 280,000 people

by the United Nations High Commissioner for Human Rights (UNHCR) in 2018,²⁶² the majority of whom are of Somali origin.²⁶³

The authors identified **47** reports of discrimination against non-nationals, including refugees, asylum-seekers and migrants. These instances included discriminatory interferences with a number of rights and in various areas of life, including discriminatory violence (16); the right to liberty (4); and fair trial rights and access to justice (8). The field research teams documented 12 instances of discrimination in employment, and 7 instances of discrimination in education. Illustrative examples are provided below.

In addition, the authors identified **21** reports of individuals experiencing discriminatory societal attitudes, including being subjected to exclusion and marginalisation from society on the basis of being non-citizens; for example, one non-national 35-year-old woman explained that she did not receive visits from her neighbours:

Six months have passed since I arrived in Yemen. I live in Sana'a, in a room, with 7,000 riyals rent a month, but I find my neighbours are not happy with my presence in the building. We do not exchange visits, the reason being because I have another nationality.²⁶⁴

The exchange of visits between neighbours is an important social practice in Yemen, with a lack of visitations indicating that an individual is not accepted by members of their community.

Discriminatory Violence

The authors identified **16** reports of refugees, migrants and asylum seekers experiencing various forms of violence and ill-treatment, both during the journey over to Yemen, and on arrival. Reports were received from 6 governorates, including: Sana'a and Amanat Al Asimah (5); Aden (1); Hadramaut (1); Marib (8); and Al Mahrah (1). Individuals interviewed reported being subject

to violence by smugglers responsible for transporting migrants from Africa to Yemen,²⁶⁵ and to verbal and physical violence – including sexual abuse²⁶⁶ – by members of Yemeni society on account of their non-national status.²⁶⁷

Employment

The authors identified **12** reports of discrimination in employment on the grounds of nationality. Reports were received from 4 governorates: Marib (5); Hodeida (1); and Sana'a and Amanat Al Asimah (6).

Individuals interviewed reported difficulties in obtaining employment,²⁶⁸ the denial of salary payments on account of their nationality,²⁶⁹ and wage disparities with Yemeni nationals.²⁷⁰ For example, one Ethiopian refugee explained that he earns around 1500 Riyals per day as a construction worker, whilst his Yemeni colleagues are paid 2500 Riyals for the same work.²⁷¹ A Somali refugee explained that he was only paid 1000 Riyals per day, which was 500 Riyals less than that paid to a Yemeni national for the same work.²⁷²

The research teams also documented reports of both Somalis and Ethiopians facing discrimination and harassment in employment. One man interviewed stated that he worked in a car wash in Sana'a, and told researchers that his colleagues tease him, beat him and have stolen his money on account of his Somali origin.²⁷³ Researchers also interviewed an Ethiopian man working as a cleaner in a hospital, who told them that his treatment was different to that of other staff, as he was verbally abused by colleagues and made to perform additional tasks.²⁷⁴

Education

The research teams documented **7** cases in which the children of migrants and refugees experienced discriminatory treatment in education. Reports were received from four governorates: Marib (1); Aden (5); and Sana'a and Amanat Al Asimah (1).

Such cases included children being denied access to education on account of schools refusing to enrol non-national students,²⁷⁵ and children being subjected to bullying and contempt from their classmates.²⁷⁶ A particularly serious allegation concerned a migrant child who had dropped out of school after being raped.²⁷⁷

3.9 Discrimination against Internally Displaced Persons (IDPs)

Since unification in 1990, Yemen has experienced several serious periods of violent conflict, which have given rise to large-scale displacement of the local population. For example, fighting between government and Ansar Allah between 2004 and 2010 forced hundreds of Yemenis to leave their homes, and thousands were also displaced during the clashes that broke out during the 2011 revolution. As noted in Part 2, the outbreak of the conflict in 2015 has been accompanied by a significant increase in the number of new displacements, with over 2.3 million people having been internally displaced by the conflict since March 2015.²⁷⁸

The authors identified a total of **154** reports of discrimination against internally displaced persons (IDPs). These instances included discriminatory interferences with a number of rights and in various areas of life, including discriminatory violence (22); freedom of residence and movement (9); and the right to an adequate standard of living (105). Individuals were found to have faced discrimination in employment (5), education (10) and healthcare (3). Illustrative examples are given below. The authors also identified **73** reports of IDPs being stigmatised by members of their host communities.²⁷⁹ For example, one IDP explained that they had been forced to leave the area in which they were residing after being harassed by members of the host community.²⁸⁰

Discriminatory Violence

The authors identified **22** cases of discriminatory violence against IDPs. Reports were re-

ceived from 7 governorates, including: Aden (1); Lahj (4); Taiz (1); Marib (2); Hajjah (2); Abyan (7); and Al Bayda (5).

The IDPs interviewed reported being subject to sexual harassment,²⁸¹ and verbal and physical assault by members of the host community.²⁸² In one incident, an IDP explained that their camp had been stoned by a group of unidentified individuals from the host community.²⁸³ Another IDP reported that they had to pay money to members of the host community in return for protection against violence and harassment.²⁸⁴

Whenever I tried to leave the house to go the market, my parents and I were subjected to abusive and words, and provocation, because I was a displaced person. I was repeatedly harassed by a person who used to harass me whenever I left house. When I complained to my brother, the abuser called a gang which assaulted my brother until he lost consciousness. We could not complain because they continued to threaten to assault the rest of my brothers.²⁸⁵

Housing, Shelter and Living Standards

The authors identified **105** examples of IDPs experiencing a lack of adequate accommodation, shelter and living standards. Reports were received from 10 governorates, including: Aden (2); Lahj (6); Hodeida (4); Taiz (6); Sa'dah (29); Raymah (6); Hadramaut (30); Marib (1); Hajjah (4); and Abyan (17). For example, a number of IDPs reported that host communities in Hadramaut and Aden had refused to rent houses to IDPs,²⁸⁶ and in one case an IDP reported that their water supply had been cut off by the host community.²⁸⁷ One individual explained as follows:

In June 2016 we arrived in Hadramaut and we wanted to rent a house, but the residents refused to rent their houses, so we had to stay with someone we knew. The house was small so the families were unable to stay with each other; the women stayed in one room, and the men in another.²⁸⁸

IDPs also reported suffering from a lack of food and other basic amenities after having been denied relief supplies or excluded from relief distribution lists by the local community,²⁸⁹ with one IDP reporting that they had to resort to begging for basic food supplies.²⁹⁰

Education

The authors identified **10** reports of IDPs who had reportedly been subject to discrimination in education. Reports were received from 8 governorates: Aden (1); Hodeida (1); Sa'dah (1); Al Mahwit (2); Hadramaut (1); Marib (2); Al Jawf (1); and Al Bayda (1).

This included IDP children who were denied enrolment in schools on account of their lack of documents,²⁹¹ and children who were refused admission on the pretext that there was insufficient space in the school in question.²⁹² Children were also reported to have stopped going to school due to the contempt displayed towards them on account of their IDP status.²⁹³

Muhamasheen IDP children were reported to have faced particular challenges in accessing education.²⁹⁴ An IDP father explained to researchers that his 11-year-old daughter had tried to enrol in a local school, and the school had asked them to provide an order from the Education Bureau as a condition of her enrolment; after the family provided the order, the girl was still denied admission. The father considered that the reason for the refusal was that his daughter was not only an IDP, she was also Muhamasheen.²⁹⁵

3.10 Discrimination on the Basis of Region

In reviewing the primary data collated by the research teams, the authors found considerable evidence of north/south regional discrimination, where individuals experienced discriminatory treatment on the basis of the region from which they or their family originated. Such discrimination emerged following the short civil war between the government and southern separatists in July 1994; the war left the

northern elite in a position of political dominance, with the Saleh regime favouring northern Yemenis in its policies relating to taxation, land, employment and representation in the political system.²⁹⁶ Regional discrimination has become more pronounced since the outbreak of the conflict as the southern secessionist movement has grown, and tensions between the north and south of Yemen have increased.

The authors identified a total of **593** reports of discrimination on the grounds of region. These instances included discriminatory interferences with a number of rights and in various areas of life, including discriminatory violence (81); the right to liberty (83); freedom of residence and movement (78); birth registration and nationality rights (22); the right to an adequate standard of living (46); and property (30). Individuals were found to have faced discrimination in employment (95), education (39); and healthcare (44). Such incidents were concentrated in southern governorates, with individuals originally from northern regions facing particular hostility in southern Yemen since the outbreak of the conflict. Illustrative examples are provided below.

In addition, authors identified **79** reports of individuals experiencing societal stigma on account of their region of origin. According to the testimony collected by the research teams, individuals from northern regions of Yemen are referred to as "*Dhabsha*" by southern Yemenis, a slang term which has derogatory connotations,²⁹⁷ whilst southern Yemenis living in northern Yemen are treated with inferiority.²⁹⁸ An individual interviewed by researchers explained that he was insulted because of the fact that he was from Taiz,²⁹⁹ explaining that he was called "*Borgholi*" (a derogatory word used to describe individuals from Taiz).

Discriminatory Violence

The authors identified **81** cases of discriminatory violence against individuals on the basis of their region of origin. Reports were received from 20 governorates, including: Sana'a and Amanat Al Asimah (1); Aden (6); Lahj (2); Ad

Dali' (4); Hodeida (1); Taiz (1); Ibb (1); Sa'dah (2); Raymah (5); Hadramaut (1); Shabwah (1); Marib (1); Al Jawf (4); Dhamar (1); Hajjah (2); Amran (1); Abyan (27); Al Bayda (16); and Al Mahrah (4).

These included cases of individuals who had allegedly been tortured by armed groups in southern Yemen on account of the fact that they were from the northern governorates,³⁰⁰ and individuals who had been subject to abuse in areas of southern Yemen on account of the fact that they were from Taiz.³⁰¹ An individual interviewed in southern Yemen explained as follows:

I am originally from Taiz. I have my own house and a workshop. I was harassed and insulted because I came from another region. One day, a group of armed men came and threatened us inside the house and looted the contents of the house. I was forced to transfer my workshop and this cost a lot of money (...) I was threatened, harassed, abused and exploited; there are debts on me I could not repay, and I am also owed money by people but I cannot collect it because I was evicted.³⁰²

Freedom of Movement and Choice of Residence

The authors identified **78** cases of individuals who were reportedly denied freedom of movement and choice of residence on account of their region. 63 such cases were reported in southern governorates, whereas 15 cases were documented in the northern regions.

These included cases involving the forced expulsion of northerners from the southern governorates,³⁰³ cases where northerners had been prevented from moving to southern governorates,³⁰⁴ and cases where southerners living in northern Yemen were prevented from moving between governorates due to their suspected loyalty to the internationally recognised government of President Hadi.³⁰⁵

Birth Registration and Identification

The authors identified **22** cases where individuals had been denied a birth certificate or identification documents on the basis of their region of origin. Reports were received from two governorates: Al Mahrah (21) and Aden (1).

Examples of such cases included a refusal by the authorities to issue a passport to an individual from outside the governorate,³⁰⁶ and refusals by the authorities to grant birth certificates³⁰⁷ and identity cards³⁰⁸ on account of an individual's region of origin. One interviewee explained as follows:

The Civil Status Department refused to give my son a birth certificate. I also went to the hospital so that they would give me proof that he was born here – my son was delivered at home by a midwife, but she works at the hospital; however, the hospital administration refused [to provide the proof] because we are originally from outside the governorate.³⁰⁹

3.11 Discrimination on the Basis of Socio-Economic Disadvantage

In their review of the primary field research, the authors found significant evidence of discrimination on the basis of socio-economic disadvantage. This included evidence of direct discrimination against individuals of low socio-economic status, with such individuals being treated less favourably than others on account of the fact that they are poor, and experiencing significant societal stigma. There was also evidence of indirect discrimination arising from the significant wealth disparities in Yemen, and the widespread nepotism and financial/administrative corruption within Yemeni society. This has a disproportionate impact on individuals of low socio-economic status: there is inequality in the way in which laws are applied to those of high and low socio-economic status, and individuals of higher socio-economic

status make use of intermediaries to mediate on their behalf in order to conclude transactions, often through the payment of bribes.

A large number of individuals interviewed reported having experienced discrimination on the basis of their low socio-economic status, with **1226** such instances identified by the authors. These included discriminatory interferences with a number of rights and in various areas of life, including discriminatory violence (176); the right to liberty (48); fair trial rights and access to justice (71); marriage and family life (81); freedom of residence and movement (10); property (44); and the right to an adequate standard of living (152). Individuals were found to have faced discrimination on the basis of their socio-economic status in employment (162), education (263) and healthcare (152). Illustrative examples are provided below.

In addition, the authors identified **193** instances in which individuals experienced societal stigma, marginalisation or less favourable treatment on account of socio-economic disadvantage.

Discriminatory Violence

The authors identified **144** cases in which individuals had been subject to violence or ill-treatment on account of their low socio-economic status. Such incidents were documented in Sana'a and Amanat Al Asimah (41); Aden (20); Abyan (13); Al Bayda (12); Hodeida (11); Taiz (8); Ibb (7); Lahj (6); Al Mahwit (5); Ad Dali' (5); Marib (4); Hajjah (3); Amran (3); Sa'dah (2); Al Jawf (2); Al Mahrah (1); Raymah (1).

By way of example, a girl from a low socio-economic background who was in prison reported being subject to violent treatment by the prison officer, who treated her with cruelty and inferiority due to her socio-economic status.³¹⁰ One individual reported that an 11-year-old girl had been raped by the son of the landlord from which the girl's family rented their apartment, telling researchers that the perpetrator had "exploited the low socio-economic level of the family" as he knew that they would not be able

to raise any complaint with the authorities on account of their low socio-economic status.³¹¹

Education

The authors identified **263** reports of individuals experiencing discrimination in education on account of their low socio-economic status. Such cases were recorded across a range of governorates, including Al Bayda (43); Lahj (35); Abyan (33); Hajjah (26); Sana'a (25); Amran (19); Taiz (17); Aden (16); Ibb (13); Dhamar (7); Al Mahwit (6); Ad Dali' (6); Hodeida (6); Raymah (4); Marib (4); Al Jawf (2) and Sa'dah (1).

By way of example, one individual interviewed by the research teams explained that he was subject to less favourable treatment in class on account of the fact that he was from a low socio-economic background: the teacher forced him to sit at the back of the class whilst sitting a student from a rich family at the front of the class, and refused to let him ask or answer questions in class.³¹² Interviewees also reported being discriminated against on the grounds of their low socio-economic status in university admissions processes,³¹³ and in applying for scholarships.³¹⁴ A 21-year-old individual interviewed by one of the research teams explained as follows:

I obtained 95% in my high school diploma and applied to the Ministry of Higher Education for a scholarship [to attend university]. However, I was not granted a scholarship, but it was granted to others who obtained a lower average than me because they have social influence and the ability to mediate with individuals in the Ministry of Higher Education.³¹⁵

More generally, students from low socio-economic backgrounds reported that they were unable to attend school due to their family's inability to cover their school expenses: for example, one 17-year-old boy told researchers that he had stopped going to school as his father could no longer afford to pay for his school expenses, and so he had left school in order to work with his father.³¹⁶

Healthcare

The authors identified **166** cases where individuals were subject to discriminatory treatment on account of their low socio-economic status in the field of healthcare. Such cases were documented across a range of governorates, including Aden (37); Lahj (27); Ibb (20); Abyan (18); Marib (13); Dhamar (11); Taiz (8); Hodeida (7); Amran (7); Raymah (4); Al Jawf (4); Hajjah (3); Sana'a (2); Ad Dali' (2); Al Bayda (2); and Hadramaut (1).

Such cases included individuals who reported having received inadequate medical treatment on account of their low socio-economic status. For example, the relative of an 8-year-old child told researchers that the child had been admitted to hospital with high blood pressure but received the wrong treatment, meaning that his condition deteriorated; the interviewee reported that the doctors had not paid adequate attention to the boy's treatment due to the fact that he was from a low socio-economic background, and the family were consequently unable to make any complaint against the hospital.³¹⁷

Another individual reported that his neighbour – who was extremely poor – had received an operation after suffering a stroke, and was transferred to the intensive care unit after the operation; however, he was moved from the intensive care unit to make room for a patient from a wealthy family, and subsequently died after his condition deteriorated.³¹⁸

Employment

The authors identified **162** cases in which individuals had experienced discriminatory treatment

in employment on account of their low socio-economic status. Such cases were distributed across 18 governorates: Abyan (27), Aden (21), Taiz (17), Hadramaut (16), Hodeida (15), Lahj (14), Sana'a (13), Al Bayda (6), Amran (5), Dhamar (5), Raymah (5), Marib (5), Sa'dah (3), Al Jawf (3), Ibb (2), Al Mahwit (2), Al Mahrah (2) and Hajjah (1).

Examples documented by the research teams included individuals who were refused employment on the basis that they were poor and did not have the ability to mediate with those holding power and influence,³¹⁹ individuals who received a lower salary and less favourable benefits on account of their low socio-economic status,³²⁰ individuals who had amounts deducted from their wages because they were from a low socio-economic background,³²¹ the denial of promotion due to nepotism,³²² and individuals who were suspended³²³ or dismissed from work on account of their low socio-economic status.³²⁴

One individual told researchers of the discrimination that his daughter had faced in obtaining employment:

My daughter is contracted [as a teacher] at a literacy school. She had the opportunity to work with the rural teachers program. However, because of nepotism and corruption, she was unable to apply for the job. I went to the school where she was working to authenticate her documents, but the school principal refused to authenticate her documents, so that he could register his cousin for the position instead – because only one person was required and there was competition for the opportunity.³²⁵

CONCLUSION

In their review of the field research, the authors found considerable evidence of discrimination and inequality on a range of grounds, and across various areas of life:

- As regards discrimination on the grounds of **political opinion**, the authors identified reports of members of political parties, journalists and human rights activists being subject to discrimination on the basis of their actual or assumed political beliefs or affiliation, with interviewees reporting instances of discriminatory violence, arbitrary deprivations of liberty, and interferences with freedom of expression and freedom of movement. The authors also identified examples of individuals being treated less favourably in employment and education on account of their political opinion or affiliation.
- In terms of discrimination on the grounds of **religion or belief**, the authors identified reports of discrimination perpetrated against Muslims on the basis of their doctrinal affiliations, including instances of discriminatory violence, arbitrary deprivations of liberty, and restrictions on freedom of movement. The authors also identified evidence of discrimination experienced by members of Yemen's Jewish minority, including reports of arbitrary detention, prohibitions on the practice of religious activities, and discriminatory violence.
- In reviewing the field research for evidence of **gender** discrimination, the authors found considerable evidence of discrimination and inequality faced by women and girls in Yemen, including reports of discriminatory societal attitudes that perpetuate discrimination against women and girls. The authors found that Yemeni women reported being exposed to gender-based violence, including domestic violence, harassment, and rape. They also reported facing discrimination and inequality in their enjoyment of property, and in education, healthcare and employment.
- The authors identified a number of reports of discrimination and inequality experienced by members of the Muhamasheen on account of **ethnicity and descent**. The authors found that the Muhamasheen reported facing high levels of societal stigma and experience discrimination and inequality in various areas of life, from discriminatory violence to discrimination in employment, education, healthcare and access to justice.
- As regards **disability** discrimination, the authors found that persons with disabilities face considerable societal stigma and discrimination. Persons with disabilities reported being subject to various forms of physical violence, and face challenges in accessing healthcare and social security benefits. Persons with disabilities also reported experiencing discrimination in education and employment, including being denied employment on account of their disability.
- The authors identified only a handful of reports of discrimination on the grounds of **health status**, which may be attributed to the high levels of social stigma attached to the high levels of social stigma attached to HIV/AIDS in Yemen. However, the testimony received gave an indication of the discrimination that persons with HIV/AIDS experience in their communities and in employment.
- The authors also identified very few reports of discrimination on the grounds of **sexual orientation**, most likely stemming from the extremely high levels of social stigma surrounding homosexuality and bisexuality in Yemen, where same-sex conduct is criminalised. However, the limited testimony documented by the research teams indicates that individuals who are suspected of being gay are vulnerable to societal exclusion, with interviewees reporting that a number of men had been killed by armed groups after being accused of being gay.

- The authors identified a number of reports of discrimination against **non-nationals**, including refugees, asylum-seekers and migrants. Most of these reports concerned discriminatory treatment and inequality experienced by individuals from the Horn of Africa, including discriminatory violence, and discrimination in employment and education.
- As regards discrimination against **internally displaced persons (IDPs)**, the authors identified evidence of IDPs experiencing discriminatory violence and a lack of adequate shelter and living standards, as well as discrimination in employment. The authors also identified reports of IDPs being stigmatised and marginalised by members of their host communities. There was evidence that Muhamasheen IDPs are particularly vulnerable to experiencing discrimination.
- In reviewing the field research, the authors found considerable evidence of **regional** discrimination, with individuals experiencing discriminatory treatment on the basis of the region from which they or their family originated. The authors identified reports of discriminatory violence, restrictions on freedom of movement and refusals to provide birth registration and identity documents to individuals on the basis of the region from which they originated.
- The authors found significant evidence of discrimination on the basis of **socio-economic disadvantage**, namely discrimination and inequality faced by the poorest in Yemeni society in enjoying and exercising their rights. This included reports of discriminatory violence against individuals of low socio-economic status, less favourable

treatment in education and healthcare, and discrimination in employment.

The research has also highlighted that the conflict has had a particular impact on certain groups in Yemen – including members of the Muhamasheen community, and persons with disabilities – who have experienced increased discrimination and inequality, and has also created a new group vulnerable to discrimination, namely IDPs.

It is evident from the research presented in this report that **Yemen is failing to respect, protect and fulfil the rights to equality and non-discrimination** in accordance with its international human rights obligations. The Trust and the authors recognise that, whilst the conflict in Yemen persists, action to secure the enjoyment of the rights to equality and non-discrimination is necessarily constrained. As such, our **primary call** is for all parties to the conflict, and all third party states which provide support to the parties to the conflict, to **bring an end to the current hostilities** through inclusive, peaceful political dialogue, and to refrain from discrimination and discriminatory human rights violations. Looking forward, the Trust also **recommends** that the restoration of the rule of law in Yemen be accompanied by steps to **ensure the comprehensive protection and guarantee of the rights to equality and non-discrimination** in accordance with Yemen’s international obligations.



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Overview of Interviews Conducted

	Governorates	Research Team	Period in which field research was conducted	Number of Interviews
1	Sana'a and Amanat Al Asimah (two Governorates)	B	September – December 2015 December 2016 – March 2017	594
2	Aden	A	August – December 2015	118
		F	November 2016 – March 2017	522
		K	January 2017 – March 2017	10
3	Lahj	A	August – October 2015	119
		K	November 2016 – March 2017	175
4	Taiz	D	September – December 2015	90
		E	November 2016 – March 2017	442
5	Al Bayda	C	August 2015 – January 2016 October 2016 – March 2017	464
6	Al Jawf	C	December 2015 – January 2016 October 2016 – March 2017	308
7	Marib	C	December 2015 – January 2016 October 2016 – March 2017	329
8	Abyan	A	August – October 2015	101
		J	November 2016 – March 2017	320
9	Ad Dali'	A	August – December 2015	94
		K	November 2016 – March 2017	109
10	Shabwah	G	August 2015 – January 2017	69
11	Amran	B	September – December 2015 December 2016 – March 2017	60
		I	November 2016 – March 2017	193

	Governorates	Research Team	Period in which field research was conducted	Number of Interviews
12	Dhamar	B	November 2015 December 2016 – March 2017	130
13	Hajjah	B	October 2015 December 2016	101
		I	November 2016 – March 2017	132
14	Sa'dah	B	October 2015 December 2016 – March 2017	162
15	Al Mahrah	G	August 2015 – January 2017	29
16	Hadramaut	G	August 2015 – January 2017	323
17	Soqatra	G	Not feasible	0
18	Hodeida	D	September – December 2015 February 2017 – March 2017	170
		H	January 2017 – March 2017	311
19	Al Mahwit	D	September – December 2015 October 2016 – December 2016	209
20	Ibb	D	September – December 2015 October 2016 – March 2017	249
21	Raymah	D	August – December 2015 October 2016 – February 2017	210
TOTAL				6143

In these Endnotes, the Trust and the authors have included the anonymised interview references in order that readers might be able to cross-refer the testimony in the report with Annex I, and see the number of interviews cited in each case where relevant.

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 - 38 Interview C124.
 - 39 Interviews C123, C133, C135, C139 and C142.
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 - 46 Interviews B701 and B702.
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 - 48 Interview C486.
 - 49 Interview 799.
 - 50 Interviews C396, C546, C709, C862, C862, C865, C867, C933, C935, C762, B 295, B293, B296, B304, B307, B651, B828, G295, G178, G296, G213, G221, G225, G293, G222, B 73, B 568, B569, B23 B27, B57, B288, B289, B290, B287, B522, B559, B564, B570, B714 and B725.
 - 51 Interview B708, B570 and B564.
 - 52 Interviews B1034, B1018, B1031, B1024, B1027, B1025, B1032, B702, B712, G121, G122, G133, G144, G145 and B136.
 - 53 Interview B1034.
 - 54 Interviews B1018 and B1031.
 - 55 Interview B1024.
 - 56 Interview B1027.
 - 57 Interview B1025.
 - 58 Interview B1032.
 - 59 Interviews B702 and B712.
 - 60 Interview B828.
 - 61 Interview B522.
 - 62 Interview B652.
 - 63 Interview B651.
 - 64 Interview C862.
 - 65 Interview G49.
 - 66 Interview B646.
 - 67 Interviews G7 and G134.
 - 68 Interview K3.
 - 69 Interview B52.
 - 70 Interview B836.
 - 71 Interview K142.
 - 72 Interview C613.
 - 73 Interview B322.
 - 74 Interviews B567 and B802.
 - 75 Interview C582.
 - 76 Interviews A75 and A148.
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 - 88 Interviews B632 and B622.
 - 89 Interviews B294, B295, B301, B302, B303, B647 and B20.
 - 90 Interviews B718 and B719.
 - 91 Interview B725.
 - 92 Interview B623.

- 93 Interviews B524, B525, B526, B527, B528 and B529.
- 94 Interview B620.
- 95 Interview B633.
- 96 Interview B627.
- 97 Interview B638.
- 98 Interview B635.
- 99 See above, note 1, p. 152.
- 100 Interview B623.
- 101 Interview B622.
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- 117 Interview B390.
- 118 Interviews B33, B643 and B904.
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- 127 Interviews B740, B496, B744, B298, B311, B492, B526, B903, B905, B82, B246, B694, B456, B532, B1000, B737, B999, B566, B692, B727, B986, K143, K141, K138, K140, K138, G298, B390, B399, B290, B285, B286 B284, B519, B565 and D204.
- 128 Interview E272.
- 129 Interview D240.
- 130 Interview B718.
- 131 Interview E253.
- 132 Interviews B850, B939, B962, B964, B981, B982, B991, B998, B954, B1012, B308, B280, B254, B752, B753, B757, B832, B229, B184, B156, B918, K215, K219, K222, K246, K260, D773, D786, B204, B302, B305, B518, B521, B523, B530, B713, B631, D195 and D652.
- 133 Interview K267.
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- 136 Interviews K245, B736 and B910.
- 137 Interviews B1013, B1012, B630 and D675.
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- 139 Interviews D204, B456, B492, B496, B694, B290, B285, B286, B284, B519, B565, B625, G298, K143, K141, K138, K140 and K138.
- 140 Interviews B809, B813, B1001, B1002, B937, D98, D99, D102, D103, D105, D286, D291, D295, D305, D778, D789, D809, D617, D608, B150, B153, B270, B732, B739, B912, B804, B498, B912, B955, B911, B516, B520, B951, B744, B646, D629, D546 and G187.
- 141 Interview D100.
- 142 Interviews J119 and J226.
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- 144 Interviews B234, B298, B350, B535, B985, B426, B914 B588, B741, B841, B636, B637, B639, B645, B715, B716, B1008, B1009, B1006, B1005, B743, B908, B907 and B184.
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- 146 Interview D305.
- 147 Interviews B447, D801 and D812.
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- 149 For example, Interview B95.
- 150 Interview B955.
- 151 Interview B744.
- 152 Interview D44.
- 153 Interview D792.
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- 176 Interview E331.
- 177 Interview D293.
- 178 Interviews K145 and B303.
- 179 Interview D177.
- 180 Interview D166 and B315.
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- 182 Interview K210.
- 183 Interview E161.
- 184 Interview D253.
- 185 Interview K89.
- 186 Interview K91.
- 187 Interview K96.
- 188 Interview E172.
- 189 Interview E82.
- 190 Interview A38.
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- 192 Interview D536.
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- 209 Interview D649.

- 210 Interview B989.
- 211 Interviews K100, K127, K149, K273, K152, K88 and K90.
- 212 Interview B690.
- 213 Interview B696.
- 214 Interview G330.
- 215 Interview K4.
- 216 Interview D492.
- 217 Interview K150.
- 218 Interviews D117 and D194.
- 219 Interviews A31, D113 and D120.
- 220 Interview B994.
- 221 Interview A175.
- 222 Interview D488.
- 223 Interview D663.
- 224 Interview D1.
- 225 Interview D115.
- 226 Interviews D14, D2, A175, D485, D670, D673 and D20.
- 227 Interviews A190, A153 and A146.
- 228 Interviews D609, D607, D613, D616, D630, D811, D624, D55, D282, D533, D301, D556, D557, D530, D539, D540, K273, K149, k128, K127, K100, K99, K7, K4 and A129.
- 229 Interviews B696, D260, D9, D260 and D671.
- 230 Interview A371.
- 231 Interview E95.
- 232 Interview D641.
- 233 Interview B994.
- 234 Interview D603.
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- 237 Interview D278.
- 238 Interview B329.
- 239 Interviews D603, D667, D273, D643, D646, D704, D2, D673, D9, D260, D656, D662, D671, D710 and D18, B329, D16, B988, D22, D265, D654, D650, D658, D717, D798, D55, D282, D287, D301, D307, D29, D607, D108, D281, D813, D539, D616, D41, D556, D1, D4, D5, D14, D15, D254, D277, D485, D488, D489, D499 and D682.
- 240 Interview E122.
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- 281 Interview C647.
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- 284 Interview J215.
- 285 Interview J76.
- 286 Interviews G399, G400, G401, G402, G404, G405, G408, G409, G410, G411, G413, G414, G419, G420, B209 and F39.
- 287 Interview J78.
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<p>301 Interviews J76, K157, K160 and K171.</p>
<p>302 Interview K157.</p>
<p>303 Interviews K203, K157, K170 and K171.</p>
<p>304 Interviews J169, K8, K131, K177, K192, K199, K208, K276 and K208.</p>
<p>305 Interview J273.</p>
<p>306 Interview G379.</p>
<p>307 Interviews G382, G383 and G379.</p>
<p>308 Interviews G373, G374, G376, G377, G378, G378, G384, G386, G387, G388, G389, G391, G392, G393, G394, G395, G396, G397 and G398.</p>
<p>309 Interview G382.</p>
<p>310 Interview B420.</p>
<p>311 Interview B126.</p>
<p>312 Interview B163.</p>
<p>313 Interview B559.</p>
<p>314 Interviews B571 and B644.</p>
<p>315 Interview B644.</p>
<p>316 Interview B730.</p>
<p>317 Interview B611.</p>
<p>318 Interview B791.</p>
<p>319 Interview B278.</p>
<p>320 Interviews B612 and B488.</p>
<p>321 Interview B343.</p>
<p>322 Interview B648.</p>
<p>323 Interview H42.</p>
<p>324 Interview A158.</p>
<p>325 Interview D54.</p>
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The Equal Rights Trust is the global centre for excellence in equality law. Our vision is an equal world and our mission is to eliminate discrimination and ensure everyone can participate in society on an equal basis. We work in partnership with equality defenders to secure the adoption and implementation of equality laws. For more information about our work, please visit www.equalrightstrust.org



Photo caption:

"A Yemeni female artist paints a pro-peace graffiti on a wall in Sana'a, Yemen, 16 August 2018. Yemeni artists have painted several murals at Sana'a street during a pro-peace graffiti campaign, calling for peace and tolerance and rejecting the ongoing conflict in the Arab country." © YAHYA ARHAB / EPA-EFE / Shutterstock

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