



Justice4Yemen Pact
ميثاق العدالة لليمن

INFORMATIONAL BRIEF

Discrimination and deprivation keep Yemen's marginalized from accessing justice

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About

Justice4Yemen Pact Coalition

The Justice4Yemen Pact is a coalition of human rights organizations and civil society actors that are united for the promotion and protection of human rights in Yemen. The coalition's mission is to advocate for the rights of all Yemeni people, particularly those who are most vulnerable and marginalized. The coalition is committed to addressing the systemic human rights violations that have been plaguing Yemen through years of conflict and violence. The Justice4Yemen Pact works to empower Yemeni people to claim their rights, raise awareness of violations, and advocate for justice and accountability at local, national, and international levels. The Justice4Yemen Pact is guided by the principles of respect for human dignity, equality, justice, and non-discrimination. The coalition believes that by working together, its members can end impunity, provide meaningful support and redress for victims, and contribute to a more peaceful, just, and prosperous future for Yemen.

Justice4Yemen

Introduction

The *muhamasheen* ("marginalized") are a minority group in Yemen whose numbers are estimated to be between 500,000 and 3.5 million people.ⁱ They occupy the lowest ranking in Yemen's social hierarchy and for centuries they have lived outside of mainstream society.ⁱⁱ The term "marginalized" is a recent phrase, and many Yemenis continue to use the pejorative phrase *akhdam* ("servants") instead.ⁱⁱⁱ

The *muhamasheen* are excluded from social, political, and economic life, and subject to widespread discrimination, exacerbating extremely high rates of poverty.^{iv} The UN and human rights groups have described the discrimination faced by *muhamasheen* as "work and descent-based discrimination," also known as caste-based discrimination, similar to the situation of the untouchables in India.^v

For example, *muhamasheen* are commonly prevented from marrying outside their community.^{vi} Carrying weapons is a symbol of pride in Yemeni society, but *muhamasheen* are traditionally prohibited from doing so.^{vii} (They were permitted to take up arms during the current war by conflict parties eager to bolster their ranks). Some Yemenis of tribal or Hashimi descent refuse to shake hands with the *muhamasheen*, and if they are forced to, will cover their hand with a cloth or napkin.^{viii} *Muhamasheen* children are routinely bullied in school by other students and teachers, and have low levels of educational participation and success compared to their peers.^{ix} The marginalized report being denied medical care at hospitals, or provided substandard care, due to discrimination.^x

In the economic sphere, *muhamasheen* commonly work menial jobs as sanitation workers, shoe cleaners, scrap collectors, car washers, porters, and other professions deemed undesirable by wider Yemeni society, in addition to begging.^{xi} When they work alongside non-marginalized

individuals, *muhamasheen* report receiving lower wages, as well as facing other forms employment discrimination such as denial of holiday entitlements.^{xii}

As for living conditions, *muhamasheen* usually reside in shanty towns on the outskirts of cities.^{xiii} Many of their homes are single-room, overcrowded dwellings, while others are tents and makeshift shelters at risk of being swept away during floods.^{xiv} One 2014 study of 9,200 *muhamasheen* households in Taiz revealed less than 10% had access to piped water, compared to 29% of the general population.^{xv}

Yemeni government formally acknowledges discrimination faced by *muhamasheen*

In 2013, the Yemeni government formally acknowledged that the *muhamasheen* are subject to widespread discrimination. In its third periodic report to the Committee on Economic, Social and Cultural Rights, the government wrote:

“The Akhdam [i.e., *muhamasheen*] category is a marginalized group at the bottom of the Yemeni social structure. The vast majority of them are dark-skinned and live in social, economic, cultural and political isolation...This group, which carries no social weight and lacks political representation, obviously does not participate in public civil and political life and faces widespread social discrimination which is deeply rooted in local culture. Its members are also exposed to economic, social and political exploitation.”^{xvi}

Heightened victimization and reduced access to justice

Muhamasheen have regularly reported verbal and physical assaults against them to human rights groups and the media.^{xvii} These include instances of sexual harassment and sexual assault against marginalized women and children.^{xviii} Marginalized women are at heightened risk of sexual victimization because of working and begging on the streets, social isolation, inadequate housing, and prejudiced views that they lack morals, honor, etc.^{xix} Similar factors, as well as customs like child marriage, contribute to higher rates of sexual victimization of marginalized children.^{xx}

When they fall victim to crime, marginalized victims have reported being ignored or mistreated by law enforcement authorities.^{xxi} Furthermore, they have limited access to traditional, tribal mediation that operates alongside the formal justice system.^{xxii}

Even when perpetrators of crimes against the marginalized are arrested and tried, they frequently escape punishment when influential people intervene on their behalf, or because of bribery, or pervasive anti-*muhamasheen* discrimination within the police and judiciary.^{xxiii} Marginalized victims of serious crimes are often pressured to accept blood money, which significantly reduces punishment for the perpetrator.^{xxiv,1}

¹ Blood money (*diyya* and *arsh*) is a form of monetary damages for bodily injury or death specified by Islamic law. Yemeni law permits the victim, or their family, to accept blood money as a substitute for harsher punishment. See Republican Decision for Law 12 of 1994 Concerning Crimes and Punishments, articles 55 and 70, available at: http://agoyemen.net/lib_details.php?id=5

The current war has weakened and fragmented Yemen's justice system,^{xxv} and led to the widespread commission of human rights violations by all conflict actors.^{xxvi} In certain conflict hotspots like Taiz, marginalized communities have reported a series of human rights violations against them with no hope of redress.^{xxvii,2}

This report details two such human rights violations in Taiz where marginalized victims had no recourse to justice because of a lack of social support, and/or economic deprivation, stemming from their marginalized status.

The Justice4Yemen Pact documented both cases through interviews with the victims and their family members. The victims, or their legal guardians, gave informed consent to publish these cases. Pseudonyms have been used in both cases to protect the victims' identities, while key details of the first case have been changed or omitted to further conceal the child victim's identity.

Case 1 – The sexual assault of four-year-old Sameera

In late 2023, a man in Taiz entered the home of a local *muhamash* family and sexually assaulted a four-year-old girl named Sameera. Sameera told her mother about the assault, who took her to a hospital for first aid. Then Sameera's family reported the incident to the local police who began to investigate.

Both the perpetrator and victim are from the same extended family and belong to the marginalized community. However, the perpetrator has more money and connections to local security officials. By contrast, Sameera's family is impoverished, as her father works washing cars in the market—one of the low-paying jobs available to the *muhamasheen*.

Following the sexual assault, the perpetrator tried to convince Sameera's mother, Noura, to accept a sum of money in exchange for conceding her right to pursue justice through legal channels.³ Noura declined this offer, which angered her family who expelled her from the neighborhood.

Next the perpetrator and his relatives met with Sameera's father and pressured him to accept a payout in exchange for conceding his rights to legal redress. He told his wife Noura that if she wanted to pursue the case further, she was on her own. Noura visited the police and requested they proceed with the investigation. They arrested the perpetrator and transferred him to the prosecution.

In the lead up to the trial, Noura was forced to sell her home's solar panel and battery to hire a lawyer. According to the lawyer, who spoke with the Justice4Yemen Pact, the evidence presented at trial included the medical report indicating Sameera was sexually assaulted. Additional evidence included a document signed by the perpetrator, agreeing to pay a sum of money to Sameera's father in exchange for conceding his right to legal redress. The court also heard from witnesses who had been approached by the perpetrator to mediate between him and Sameera's father following the sexual assault.

The trial concluded in an innocent verdict for the accused. Noura contends that the accused's connection to local security officials ensured his acquittal. She told the Justice4Yemen Pact that she wants to contest the court ruling but does not have the 50,000 Yemeni Riyals (about \$25) requested by her lawyer to appeal.

Case 2 – The imprisonment of Ahmed during his child's critical illness

In July 2023 Ahmed's infant son Nabeel began to suffer from a persistent fever, which worsened one day in August, prompting Ahmed to leave home and collect money to treat his son at the hospital. As he was out, he

² In July 2024, Nuaman Hadhifi—the marginalized community's most prominent representative on the national stage—described Taiz as a focal point of *muhamasheen* victimization in Yemen. Numerous cases of discrimination-based violations against the *muhamasheen* were reported in Taiz in 2023 and 2024, by Hadhifi and others, including a series of arbitrary arrests by authorities, the killing of at least two men by security services, and assaults and land confiscations by residents. See: Nuaman al-Hadhifi, [post on X](#) (formerly Twitter), November 27, 2023; Mohamasheen's Voice, "A series of violations befalls the muhamasheen in al-Shamaytayn in Taiz," undated; Mohamasheen's Voice, "The arrest of an activist and beating of a sanitation worker: new violations befall the muhamasheen in Taiz," undated; Mohamasheen's Voice, "Taiz: Beating of a mohamash woman by influential men," undated.

³ Yemeni law permits the victim, or their family to concede their right to demand blood money, as well as retribution in criminal cases. See Republican Decision for Law 12 of 1994 Concerning Crimes and Punishments, articles 55, 70-71.

received a call from the local police chief's office asking him to stop by for a visit. He explained that he was dealing with an illness, but the police insisted the visit would be brief.

When Ahmed arrived at the station the director of the police chief's office ordered him detained. The Justice4Yemen Pact reviewed a copy of the detention order signed by the office director. The pretext for the detention was a dispute that had arisen between the local *muhamasheen* community, and the light-skinned inhabitants of a nearby building, over the former loitering near the building. One of the building residents lodged a complaint with the police alleging that the *muhamasheen* were sitting and throwing their trash near the building's entrance, which he claimed was spreading fatal diseases among his neighbors.

The police asked Ahmed, the local representative of his community, to sign a document pledging that the *muhamasheen* would not loiter by the apartment building. The following day, Ahmed was detained on the pretext that this pledge had been violated, although he says he was never interrogated or given the chance to present his side of the story. In any event, his detention was clearly based on *anti-muhamasheen* discrimination.

Throughout his detention Ahmed implored the police to release him because he needed to take his son to the hospital. His pleas fell on deaf ears, as did the pleas of Ahmed's father who visited the station. Ahmed was held for a total of five hours. During this time, he was unable to receive updates about his son's condition because his wife does not have a phone.

Upon his release, Ahmed returned home and immediately took Nabeel to the hospital, where he was told that he had delayed his son's treatment. Nabeel was treated at the hospital and initially seemed to improve, but the next day he began to vomit. He was taken to a pediatrician, who prescribed him medicine and discharged him. The next day Nabeel's health deteriorated further, and he was transported to the hospital where he died of a brain bleed.

Ahmed told the Justice4Yemen Pact that he complained to two local officials that his imprisonment had delayed critical medical treatment for his late son, but "by God no one has taken an interest." As for whether he had heard anything from the police since his son died, Ahmed replied, "They haven't said anything to me—a servant died."

Impact on the *muhamasheen* community

The barriers that prevent *muhamasheen* victims from accessing justice are so severe and pervasive that some victims opt to stay silent. The Sana'a Center documented several such cases in a June 2021 report.^{xxviii} These include the families of five *muhamasheen* children raped in Aden who did not report the crimes, because they thought justice would not be served and their children would be safer that way. In another incident from Aden in 2020, parents of a *muhamash* child who had been raped by a group of boys denied the crime had occurred to protect their child.

Legal analysis

The UN and human rights groups have classified discrimination faced by the *muhamasheen* as work and descent-based discrimination (DWD).^{xxix} DWD is prohibited by international human rights law.^{xxx} The prohibition on racial discrimination—including DWD^{xxxi}—is generally recognized as a peremptory norm in customary international law, meaning this prohibition is mandatory.^{xxxii}

States are required by international law to take necessary measures to eliminate and prevent DWD.^{xxxiii} International law stipulates that all persons facing DWD "have the right to enjoy, on an equal footing with others, all civil, political, economic, social and cultural rights."^{xxxiv} These include the right to fair access to justice.^{xxxv}

In the two cases profiled in this report, *muhamasheen* victims in Yemen were denied the right to fair access to justice because of a lack of social support, and/or economic deprivation, stemming from their marginalized

status. In the first case, the sexual assault of four-year-old Sameera, the victim's mother was ostracized by her family for not accepting a payout in exchange for forgoing legal redress—the type of settlement that is commonly forced on *muhamasheen* victims of crime.^{xxxvi} Due to her family's extreme poverty (as her husband worked a menial job available to the *muhamasheen*), she was forced to sell her home's solar panel and battery to pay for a lawyer. The ensuing trial ended in an innocent verdict for the perpetrator, which she believes was a result of the perpetrator's higher socioeconomic status and connections to security officials and his influence over witnesses. Furthermore, she does not have the approximately \$25 needed to appeal the ruling and get justice for her daughter.

In the second case, Ahmed was detained on a discriminatory pretext during his child's critical illness because of a complaint lodged by light-skinned area resident who did not want to encounter their *muhamasheen* neighbors. Following his son's untimely death, he complained to various local officials about his arbitrary detention but was stonewalled. In his view, he was ignored because he is a member of the marginalized community.

Recommendations

To the
**government of
Yemen:**

In line with Yemen's obligations under international law, take immediate measures to ensure the *muhamasheen* are able to enjoy their rights, on equal footing with others, including the right to fair access to justice. Efforts should be concentrated in areas deemed by *muhamasheen* leaders to be focal points of victimization, such as Taiz. Past reports on the *muhamasheen* have identified many possible measures including:^{xxxvii}

- Ensure the provision of legal aid to *muhamasheen* victims of crime, or human rights abuses, in cases involving a breach of the rights to equality and non-discrimination.
 - Amend the Yemeni Penal Code to treat discriminatory motive in violent crimes as an aggravating circumstance, as stipulated by international best practice.
 - Officially recognize that *muhamasheen* children are highly vulnerable and require special, state-sponsored protection, and introduce legislation and policies to protect marginalized children from sexual, physical, and psychological violence. This is in line with Yemen's obligations under the Convention of the Rights of the Child to protect children of all races and ethnic/social origins from all forms of violence, including sexual abuse.^{xxxviii}
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To the
**National
Commission for
Investigating
Alleged Violations
of Human Rights:**

Prioritize documenting cases of *muhamasheen* victims of human rights violations in upcoming periodic reports to draw national and international attention to this issue. Undertake a special study to highlight the human rights abuses suffered by the marginalized community generally, and marginalized women and children specifically.

To the
**Yemeni human
rights
organizations
working on social
issues:**

Conduct public awareness campaigns highlighting the injustice of anti-*muhamasheen* discrimination, and the fact that the *muhamasheen* are an integral part of Yemeni society. Focus on documenting and publicizing human rights violations against *muhamasheen* victims.

About the Yemen Human Rights Forensics Lab Plus (YHRFL+)

The goal of the Yemen Human Rights Forensics Lab Plus (YHRFL+) program is to increase recognition and protection of human rights in Yemen by empowering Yemeni civil society to champion justice and accountability through human rights documentation, reporting, and advocacy efforts. The YHRFL+ program is working to systematically document, preserve, corroborate, analyze, and report on evidence, obtained from a variety of sources, of human rights violations committed by all parties involved in the Yemeni conflict. Results of this analysis are summarized and presented in a series of investigative reports focusing on specific identified incidents of human rights violations. YHRFL+ also support efforts by Yemeni CSO partners to carry out strategic advocacy, community outreach, and victim and survivor engagement interventions locally and internationally.

Contact

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