



– BRIEFING NOTE –

## Slavery remains an issue in Yemen

### Introduction

In view of the review of Yemen by the Committee on the Elimination of Racial Discrimination (CERD) at its 78<sup>th</sup> session in February 2011, Alkarama would like to present the following information.

Alkarama means 'Dignity' in Arabic. We are a Swiss Foundation working on issues of human rights in the Arab region. We work as a priority on four human rights violations: extra-judicial executions, disappearances, torture and arbitrary detention.

Alkarama was contacted by the Secretariat of CERD seeking to inform civil society organisations in Yemen of the upcoming review of Yemen by CERD in February 2011. Following discussions with Yemeni NGOs working on discrimination issues, Alkarama's attention was drawn to the issue of racial discrimination against slaves in Yemen. In particular, women working as slaves, called 'Jariya' ('concubine'), continue to suffer.

### Present situation

Slavery, as defined in international law still exists today in Yemen. There are regular reports in the media of such cases. For example, on 3 July 2010, a press conference on the theme was organised by 'al-Masdar', a national newspaper. During the conference, two victims spoke about their personal situation and the violations they had been exposed to. The conference concluded with the establishment of a working group comprised of representatives of civil society organisations who will examine the problem and develop an action plan to advocate for victims. However, we were not informed of the outcome of the work of the working group to date.

### Legislation

Yemeni law has criminalised slavery under article 248 of the Criminal Code of Yemen. This article stipulates that these acts are punishable by imprisonment for a maximum of 10 years. This applies for those who has bought, sold or given a slave, or for any act with this intention, or for those who have brought someone into the country for this purpose.

However, this law does not conform to the international definition of slavery. Both the Convention to Suppress the Slave Trade and Slavery ('Slavery Convention'), of 25 September 1926 and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 7 September 1957 ('Abolition Convention') define slavery as "... the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised" (see article 1 of the Slavery Convention). Both these conventions were acceded to by Yemen on 9 February 1987.

In addition, article 6 of the Abolition Convention states that "the act of enslaving another person or of inducing another person to give himself or a person dependent upon him into slavery, or of attempting these acts, or being accessory thereto, or being a party to a conspiracy to accomplish any such acts, shall be a criminal offence under the laws of the States Parties to this Convention and persons convicted thereof shall be liable to punishment.". Most importantly for Yemen, article 6.2 states that "subject to the provisions of the introductory paragraph of article 1 of this Convention, the provisions of paragraph 1 of the present article shall also apply to the act of inducing another person to place himself or a person dependent upon him into the servile status resulting from any of the institutions or practices mentioned in article 1, to any attempt to perform such acts, to being accessory thereto, and to being a party to a conspiracy to accomplish any such acts."

### Recommendation

In light of the above information, we would therefore recommend that the Committee put a question to the delegation of Yemen with regards the situation of slavery in the country and what is being done to combat this on-going problem.