

**Alternative report submitted to the UN Committee on Economic, Social and Cultural Rights when reviewing the second periodic report of Yemen:**

**HUMAN RIGHTS SITUATION OF THE AL-AKHDAM IN YEMEN**

**May 2011**

The All Youth Network for Society Development in association with the International Dalit Solidarity Network (IDSN) is pleased to submit this parallel report on the occasion of the review of Yemen to the UN Committee on Economic, Social and Cultural Rights (CESCR) at its 46th session. The report focuses specifically on the human rights situation of the Al-Akhdam community in Yemen, a situation which has been addressed by the Committee in the List of Issues (para. 6).

The report has been prepared on the basis of two reports: 'Akhdam Category in Yemen. A comprehensive study about Akhdam in Yemen' by Noman Abdullah Alhakami (2010) and CERD Alternative Report prepared by Alternative World/Partnership for Equitable Development and Social Justice in Association with International Dalit Solidarity Network (2006).

**BACKGROUND**

The term 'Al-Akhdam' literally translates as 'the servants' and is figuratively suggestive of 'people held in contempt and servitude' in Yemen.<sup>i</sup> The total figure of this population is unknown, and there are large inconsistencies between official and unofficial numbers. The government census of 2004 stated that the number is 153.133, but unofficial sources claim that between 500.000-3.5 mio. persons belong to this minority group.<sup>ii</sup>

The human rights situation of the Al-Akhdam have been addressed by a number of the UN treaty bodies. It was raised as a principle subject of concern in the CESCR Concluding Observations from 2003 (E/C.12/1/Add.92), where the Committee urged the State Party to undertake effective measures, such as awareness-raising campaigns and educational programmes, to combat *de facto* discrimination, in particular against marginalized and vulnerable groups in society commonly referred to as Akhdam, Ahjur or Zubud' (para. 27).

In 2006, the UN Committee on the Elimination of Racial Discrimination (CERD) was deeply concerned at the persistent reports of de facto discrimination against descent-based, culturally distinct communities, among others, the Al-Akhdamö (CERD/C/YEM/CO/16, para. 15). When Yemen was reviewed by the CERD Committee in February 2011, the Committee expressed similar concerns and recommended the State Party to study the root causes of the marginalization of the Al-Akhdam peopleö bearing in mind its General Recommendation No. 29 (2002) on Descent, and to strengthen its efforts to improve the welfare of all marginalized and vulnerable descent-based groups, particularly the Al-Akhdam, in the fields of education, access to health, housing, social security services and property ownershipö (CERD/C/YEM/CO/17-18, para. 15).

In General Comment No. 20 on Non-Discrimination in Economic, Social and Cultural Rights, the Committee reaffirmed that "the prohibited ground of birth also includes *descent*, especially on the basis of caste and analogous systems of inherited status", and recommended States Parties to take steps to prevent, prohibit and eliminate discriminatory practices directed against members of descent-based communities and act against dissemination of ideas of superiority and inferiority on the basis of descentö (para. 26).

## **ARTICLE 2**

In the List of Issues (E/C.12/YEM/Q/2), the Committee raised the following question:

*6. Please provide detailed information on targeted measures taken to address social discrimination faced by the Akhdam, including in the areas of access to employment and adequate conditions of work, enrolment of children in school and access to medical care. Please also provide information on measures taken to improve their standard of living, including access to adequate housing, water, sanitation and electricity, and on steps taken to reduce child mortality among the Akhdam, which is reported to be considerably higher than the national average.*

### **Social discrimination faced by the Al-Akhdam**

For centuries the Al-Akhdam has suffered perpetual discrimination, persecution and ensuing crimes at Yemen's most marginal social, economic, and political spaces where they are violently excluded from mainstream society as an "untouchable" ethnic outcaste.<sup>iii</sup>

Local folklore proverbs, inherited over generations, have helped isolating the Akhdam socially and have enhanced apartheid-like differences. Such proverbs indicate that the Akhdam are unclean and dirty, e.g. *Never be lured by Akhdam, who are dirty even in bones* or: *If a dog eats in your saucer, clean it; but if a khadem eats in your saucer, break it.*<sup>iv</sup>

***a) Access to employment and adequate conditions of work***

The Akhdam population in Yemen are at the bottom of the social and economic hierarchy when it comes to access to employment and conditions of work. The Akhdam are considered dirty and are denied access to employment within the businesses of food production/distribution and hospitality.<sup>v</sup> Typical employment for the Akhdam is cleaning jobs (primarily in the large cities), begging and collecting waste and plastic. In fact, 70% of the Akhdam community are employed in the latter category. Access to employment in the private sector is very limited, as many such jobs require basic education, which many Akhdam people simply do not have (cf. Enrollment of children in school).

When it comes to conditions of work, the Akhdam face discrimination on different levels. In official governmental jobs (typically cleaning jobs) the Akhdam are often employed without any form of contracts to ensure their rights. Their wages are typically way below minimum and there is no leave of absence in cases of illness or pregnancy; situations that will often lead to dismissal. It is not uncommon that the Akhdam are forced to pay bribes to their superiors in order to keep their jobs.<sup>vi</sup> Furthermore, the level of child labour is extensive and adds to the vicious cycle of school dropouts and limitations in access to employment in some sectors. However, the problem remains generally hidden as no government research exist as to the scope and extent of this particular situation.

***b) Enrollment of children in school***

98% of Akhdam children enrolled in school never reach 3<sup>rd</sup> grade in secondary school. In basic education the percentage of school dropouts among Akhdam children is 87%.<sup>vii</sup> These alarmingly high numbers result from various factors. Firstly, for many Akhdam families education does not rank highest on the priority list, as the primary concerns of these families are basics such as water, electricity and employment. Secondly, due to the poor economic situation of Akhdam families many children are begging or working instead of attending school in order to contribute to the

family income. Thirdly, Akhdam families often live in remote areas of the cities ó areas that were not meant for dwelling in the first place. This means that the distance to government schools can be extremely long. Finally, Akhdam children that do attend school experience extensive discrimination from the side of both teachers and other students.<sup>viii</sup>

Zero percent of Akhdam children are enrolled in private schools against an enrolment of 61% in total in basic education.<sup>ix</sup> According to studies, the quality of the public schools is poor.<sup>x</sup> The schools are lacking both the economic resources and the physical capacity to accommodate the students. This makes many Yemenis choose private schools ó an option that is not available to the economically disadvantaged Akhdam population.

### **Adequate standard of living**

#### *a) Access to housing, water, sanitation and electricity*

Apart from social exclusion, isolation and discrimination, one of the most critical problems affecting the Akhdam population is the lack of adequate housing. This affects negatively on other living conditions including, health conditions. The Akhdam are deprived of access to electricity, water and proper sanitation, and 95% have no official ownership of the land where they have built their compounds.<sup>xi</sup> Beside that their areas are located in isolation away from planned zones, where health or education services are available. This has led to the deterioration of general cleanliness and personal hygiene, which is one of the reasons why the Akhdam are socially rejected. It also leads to the spread of diseases. Given the poor housing conditions, the Akhdam are vulnerable to fire incidents due to the use of candles or kerosene. They are also increasingly impoverished by the general increase in costs of basic services.

The Akhdam's living conditions continue to decline in all aspects of economic, social and political life. The lack of information available within government institutions about the Akhdam's problems has prevented this group from being part of development considerations and planning. Given the non-information available, it is impossible to know the actual dimensions of the suffering of this group of people forming a considerable part of the Yemeni population. This, coupled with the general non-awareness of this problem, has led to the absence of any reference authority which can be held responsible for improving the Akhdam's general standard of living. As a consequence, no national plan exists to help integrate the Akhdam into society.<sup>xii</sup>

### *b) Child mortality among the Akhdam*

The current reports do not contain information about the issue of child mortality among the Akhdam, nor in official government statistics.

## **RECOMMENDATIONS**

In the second periodic report submitted by the State Party (E/C.12/YEM/2), it is explained that the Yemeni Government has not enacted special legislation on the rights of marginalized groups, including the Akhdam. This is based on the principle of equal citizenship which underpins Yemeni law and which offers a guarantee that the status of this group will change with the passing of time (para. 15). The level of impoverishment and discrimination faced by the Akhdam shows that adequate measures have not been taken by the Government in order to live up to its obligations under this Convention.

In its examination of Yemen in 2006, the Committee on the Elimination of Racial Discrimination expressed its deep concerns at the persistent reports of de facto discrimination against descent-based, culturally distinct communities, among others, the Al-Akhdam. The Committee was particularly concerned about discrimination that interferes with or impairs the enjoyment of their economic, social and cultural rights (Articles 2.2 and 5). Referring to CERD general recommendation 29, the Committee recommended that the State party develop and put into action a national strategy with the participation of members of affected communities, including special measures to be adopted in accordance with article 2.2 of the Convention, in order to eliminate discrimination against members of marginalized and vulnerable descent-based groups. In particular, the Committee recommends that the State party develop legislation and practice prohibiting all discriminatory practices based on descent in employment, housing and so as to ensure equal access to health care and social security services for members of affected communities, in particular the Al-Akhdam.

The Government is therefore urged to take immediate steps to protect and implement the social, economic, and cultural rights of the Akhdam population in line with the above recommendations and to follow the specific recommendations listed below:

1. The Government should form a referential authority to improve the Akhdam's general living conditions. This requires a decision by the central government to mandate the authority with the responsibility to undertake the following tasks:
  - a. Collect exact data about the size and problems of the Akhdam community in Yemen.
  - b. Make a strategic plan for the improvement of the Akhdam's poor living conditions with a specific national development aim and objectives that can be referred to when carrying out such development programmes. The plan must cover all relevant areas including education, housing and sanitation, working conditions, employment, and adequate standards of health.
  - c. Ensure implementation of the plan and monitoring interventions by qualified people who can effectively oversee and ensure social interventions to help integrating the Akhdam into society.
  - d. Pay specific attention to basic education in public schools because it has a significant impact on solving the problems of the Akhdam and the poor in general.
2. The Government should enact anti-discrimination law that specifically criminalise the socially enforced exclusion and discrimination imposed by the community on the Akhdam population, and the Government must furthermore ensure that existing legal provisions are enforced and achievable for all (including those on free and obligatory education).
3. The Government is recommended to pay due considerations to the provisions of the draft UN Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent for the elimination of discrimination against the Akhdam community and violations of their economic, social and cultural rights<sup>xiii</sup>.

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<sup>i</sup> CERD Alternative Report prepared by Alternative World/Partnership for Equitable Development and Social Justice in Association with International Dalit Solidarity Network (2006), p. 4

<sup>ii</sup> Akhdam Category in Yemen. A comprehensive study about Akhdam in Yemen by Noman Abdullah Alhakami, 2010, p. 42

<sup>iii</sup> Ibid p. 4

<sup>iv</sup> Ibid p. 30

<sup>v</sup> Ibid p. 92

<sup>vi</sup> Ibid p. 86

<sup>vii</sup> Ibid p.63

<sup>viii</sup> Ibid p. 63-67

<sup>ix</sup> Ibid p. 65

<sup>x</sup> Ibid p. 65

<sup>xi</sup> Ibid p. 107

<sup>xii</sup> Ibid p. 106

<sup>xiii</sup> A/HRC/11/CRP.3 Final report of Mr. Yozo Yokota and Ms. Chin-Sung Chung, Special Rapporteurs on the topic of discrimination based on work and descent