



2015 Trafficking in Persons Report - Yemen

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YEMEN: Tier 3

Yemen is a country of origin and, to a lesser extent, transit and destination, for men, women, and children subjected to forced labor, and women and children subjected to sex trafficking. Yemen's deteriorating security situation, weakened rule of law, and deepening poverty in 2014 increased trafficking activities. As a result of Houthi expansion and eventual seizure of government institutions in late 2014, the number of child soldiers utilized by armed groups greatly increased. Checkpoints operated by Houthi militias and government forces are often manned by armed boys who appear to be as young as 10 years old. Some Yemeni children, mostly boys, migrate to the cities of Aden and Sana'a or to Saudi Arabia and, to a lesser extent, Oman – where they are subjected to forced labor in domestic service, small shops, or as beggars. Some of these children are forced into prostitution by traffickers, security officials, and their employers upon arrival in Saudi Arabia, while others are forced to smuggle drugs into Saudi Arabia.

During the reporting period, an international organization reported that a total of 344,348 Yemeni migrant workers were deported from Saudi Arabia and returned to Yemen through the al-Tuwal and al-Buq border crossings. The majority of deportees returned to the Tihamah region located on the west coast of Yemen, among the poorest regions of the country. Many of the deportees remain displaced, without access to food, shelter, or medical services, leaving these individuals highly vulnerable to exploitation, including human trafficking. Thousands of Syrian refugees, who have relocated to Yemen to escape the protracted fighting in their home country, similarly are at risk of being subjected to human trafficking. The Yemeni government and international NGOs estimate there are approximately 1.7 million child laborers under the age of 14 in Yemen, some of whom are subjected to forced labor. Yemeni children are subjected to sex trafficking within the country and in Saudi Arabia. Girls as young as 15 years old are exploited for commercial sex in hotels and clubs in the Governorates of Sana'a, Aden, and Taiz. The majority of child sex tourists in Yemen are from Saudi Arabia, with a smaller number possibly originating from other Gulf nations. Some Saudi men used legally contracted "temporary marriages" for the purpose of sexually exploiting Yemeni girls – some reportedly as young as 10 years old, and some of whom are later abandoned on the streets of Saudi Arabia. Civil society organizations report that, as a result of the dire economic situation in Yemen, particularly in the north, sex trafficking of Yemeni children increased over the past several years. In addition, some sources report the practice of chattel slavery continues in Yemen. While no official statistics exist detailing this practice, a 2014 study by a human rights organization documented 190 cases of slavery in three directorates of Hajjah

governorate. Other sources also report there could be several hundred other men, women, and children sold or inherited as slaves in al-Hodeida and al-Mahwit governorates.

Yemen's political and economic crises, cultural acceptance of child soldiering, weak law enforcement mechanisms and limited political will severely limited the country's capacity to end the use of child soldiers. Despite a 1991 law requiring members of the armed forces to be at least 18 years of age and a May 2014 UN action plan to prevent recruitment of children into its armed forces, credible reports indicated children under 18 joined the official government armed forces and tribal militias throughout the country. Furthermore, following the Houthi takeover of the Yemeni government in September 2014, the number of child soldiers recruited by militias accelerated. During the reporting period, underage recruits with weapons were frequently seen manning checkpoints in and around Sana'a. Various militias and popular committees used boys between the ages of 13 and 17 years to guard checkpoints, and NGOs reported children were recruited by Houthi, southern tribal, and Salafi forces. Al-Qa'ida in the Arabian Peninsula recruited boys for combat operations against military and security forces. Some families supportive of Houthi rebels, including those residing in locations outside Houthi control, had previously sent their children to the Houthi stronghold of Sa'ada in northwestern Yemen for arms training by the Houthis to serve in their militias.

Yemen is also a transit and destination country for women and children, primarily from the Horn of Africa, for sex trafficking and forced labor. In 2014, 91,000 migrants from the Horn of Africa landed on the shores of Yemen, and an estimated 20 percent of these arrivals are believed to be unaccompanied children. Ethiopian and Somali women and children travel voluntarily to Yemen with the hope of working in other Gulf countries, but some are subjected to sex trafficking or domestic servitude in Yemen. Others migrate based on fraudulent offers of employment as domestic servants in Yemen, but upon arrival are subjected to sex trafficking or forced labor. Some female refugees are forced into prostitution in Aden and Lahj governorates. Yemeni and Saudi gangs transport African children to Saudi Arabia for the purpose of exploitation. Some refugees and migrants from the Horn of Africa who voluntarily transit Yemen *en route* to Saudi Arabia and other Gulf countries are abandoned in Yemen and abused by traffickers. There are a large number of Syrian refugees in Yemen, with an estimated 12,000 present at the end of 2014. Syrian refugee women and children begging in the streets in Yemen are highly vulnerable to forced labor and sex trafficking.

The Government of Yemen does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. The government did not provide law enforcement data on its anti-trafficking efforts, nor did it investigate or prosecute government officials complicit in trafficking crimes. The government did not institute formal procedures to identify trafficking victims, nor did it provide protection services to victims. However, the government continued its work with an international organization and NGOs to facilitate the repatriation of thousands of Ethiopian migrants, some of whom were trafficking victims. The government signed a UN action plan to end the use of child soldiers; however, it did not make efforts to effectively implement the plan due to limited capacity and an ongoing civil conflict. The government continued to face serious challenges, which severely impeded its efforts to combat trafficking, including weak government institutions, systemic corruption, economic problems, substantial internal security threats, limited control of much of the countryside, and poor law enforcement capabilities.

RECOMMENDATIONS FOR YEMEN:

Enact and implement anti-trafficking legislation prohibiting all forms of trafficking; significantly increase law enforcement efforts against sex and labor trafficking of women, men, and children; make greater efforts to stop the recruitment and use of child soldiers and provide protection and

rehabilitation services to demobilized children; take measures to investigate and eradicate the practice of chattel slavery in Yemen; institute a formal victim identification mechanism to identify and refer trafficking victims to protection services; provide adequate protection, including shelter, to all victims of trafficking; investigate and prosecute government employees complicit in trafficking offenses; continue to work with international organizations and NGOs to identify and provide protection to trafficking victims; ensure trafficking victims are not punished for acts committed as a direct result of being subjected to human trafficking, such as immigration or prostitution violations; implement educational and public awareness campaigns on trafficking, including those discouraging the recruitment and use of child soldiers; adopt and dedicate resources to the national plan of action to combat trafficking; and accede to the 2000 UN TIP Protocol.

PROSECUTION

The government made minimal discernible law enforcement efforts against human trafficking. The absence of a law criminalizing all forms of trafficking, as well as the government's continued conflation of trafficking and smuggling, impeded efforts to investigate and prosecute trafficking offenders. Article 248 of Yemen's penal code prescribes up to 10 years' imprisonment for any person who "buys, sells, or gives [a human being] as a present, or deals in human beings; and anyone who brings into the country or exports from it a human being with the intent of taking advantage of him." This statute's prescribed penalty is commensurate with penalties prescribed for other serious crimes, such as rape; however, its narrow focus on transactions and movement means many forms of sex trafficking and forced labor are not criminalized. Article 161 of the Child Rights Law criminalizes the prostitution of children. The government's inter-ministerial National Technical Committee to Combat Human Trafficking drafted anti-trafficking legislation with the assistance of an international organization; however, the status of this draft legislation remained unknown following the dissolution of the government in January 2015.

The government did not report efforts to prosecute, convict, or punish trafficking offenses during the year. The government made no known efforts to investigate or punish the practice of chattel slavery. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses, despite allegations that local government and security officials willfully ignored trafficking crimes taking place in their areas of responsibility. In addition, officials continued to use children in the governmental armed forces.

PROTECTION

The government made few discernible efforts to protect trafficking victims. The government failed to proactively identify and provide adequate protection services to trafficking victims among vulnerable groups, such as women in prostitution and foreign migrants. As a result, the government did not ensure trafficking victims were not inappropriately incarcerated, fined, or otherwise penalized for unlawful acts committed as a direct result of being subjected to human trafficking, such as prostitution or immigration violations. In 2014, the Ministry of Interior's (MOI) Women and Children Unit produced formal standard operating procedures to guide officials in proactive identification of trafficking victims among high-risk persons with whom they come in contact; it is unclear, however, if authorities implemented and received training on these procedures during the year. The government did not identify or provide adequate protection services to trafficking victims, but it coordinated with NGOs, an international organization, and the Ethiopian government to repatriate a reported 2,162 Ethiopians in 2014, an unspecified number of whom were trafficking victims. Although these victims were housed in the MOI detention center in Sana'a while awaiting repatriation, they were allowed to enter and exit the center at will. The government did not encourage victims to assist in investigations or prosecutions of their traffickers. The government did not provide assistance to its nationals

repatriated after enduring trafficking abroad. While the government acknowledged the use of child soldiers and signed a UN action plan to end the practice in May 2014, it did not make efforts to release child soldiers from the military and provide them with protective or rehabilitation services, failing to implement its September 2013 action plan calling for such efforts.

PREVENTION

The government made limited efforts to prevent trafficking. The Ministry of Human Rights, in coordination with an international organization, drafted – but did not finalize – a national strategy to combat trafficking. The draft included plans for raising awareness, increasing cooperation between Yemen and neighboring countries, training officials in victim identification, and instituting procedures to protect and provide assistance to victims; however, the status of this national strategy remained unknown at the end of the reporting period. In an effort to reduce a form of sex tourism in which foreigners, particularly Saudis and Emiratis, "temporarily" marry young Yemeni women, the government enacted a regulation requiring MOI approval for Yemenis to marry foreigners; however, in exchange for bribes, officials continued to provide such approval. The government did not provide anti-trafficking training to its diplomatic personnel. The government did not make efforts to reduce the demand for commercial sex acts, forced labor, nor address the problem of child sex tourism. The government did not provide anti-trafficking training to troops prior to their deployment abroad as part of international peacekeeping missions. Yemen is not a party to the 2000 UN TIP Protocol.

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