



Trafficking in Persons Report 2016 - Special Case: YEMEN

Yemen is classified as a Special Case for the first time in the 2016 Report. Information on human trafficking in Yemen has become increasingly difficult to obtain since March 2015 when the Republic of Yemen Government (ROYG) had to leave the country and relinquished control of substantial portions of territory. NGOs report that vulnerable populations in Yemen were at increased risk to human trafficking in 2015 due to large-scale violence driven by ongoing armed conflict, civil unrest, and lawlessness. Migrant workers from the Horn of Africa who remained in Yemen during this period suffered from increased violence, and women and children became most vulnerable to human trafficking. The limited international organizations and NGOs remaining in Yemen have been focused on providing emergency humanitarian assistance to the local population and have not had the resources to collect reliable data on human trafficking. For the purposes of this report, Yemen has special case status, as the government currently lacks control over its territory while it remains outside of Yemen in Saudi Arabia.

SCOPE AND MAGNITUDE

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. The ongoing conflict, lack of rule of law, and deteriorating economy in 2015 disrupted some trafficking patterns and exacerbated others. Some Yemeni children, mostly boys, were subjected to forced labor in domestic service, small shops, or in begging after migrating to the cities of Aden and Sana'a or to Saudi Arabia and, to a lesser extent, Oman. Traffickers, security officials, and employers also forced some of these children into prostitution in Saudi Arabia, while others are forced to smuggle drugs into Saudi Arabia.

Prior to the conflict, Yemen was a transit point and destination for the sex-trafficking and forced labor of women and children, primarily from the Horn of Africa, and likely remains as such presently. Ethiopians and Somalis traveled voluntarily to Yemen with the hope of employment in other Gulf countries, but some women and children among this population faced potential sex trafficking or domestic servitude in Yemen. Others migrated based on fraudulent offers of employment as domestic workers in Yemen, where they were subsequently subjected to sex trafficking or forced labor. Some female refugees were previously forced into prostitution in Aden and Lahj governorates. Prior to the escalation of the conflict and the government's departure in March 2015, Yemeni migrant workers were reportedly deported from Saudi Arabia and returned to Yemen through the al-Tuwal and al-Buq border crossings. Most deportees were reportedly returned to the impoverished Tihamah region located on the west coast of Yemen, many of whom remained displaced and highly vulnerable to exploitation, including human trafficking. An estimated 12,000

Syrian refugees were in Yemen at the end of 2015. Syrian refugee women and children begging in the streets in Yemen became highly vulnerable to forced labor and sex trafficking.

Yemeni children were subjected to sex trafficking within the country and in Saudi Arabia. Girls as young as 15 years old were exploited for commercial sex in hotels and clubs in the Governorates of Sana'a, Aden, and Taiz. Prior to the conflict, most child sex tourists in Yemen were from Saudi Arabia, with a smaller number originating from other Gulf nations, including the United Arab Emirates. 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 were later abandoned on the streets of Saudi Arabia. Civil society organizations reported 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 reported the practice of chattel slavery in which human beings are traded as property 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. Sources report there could be several hundred other men, women, and children sold or inherited as slaves in al-Hodeida and al-Mahwit governorates.

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 the acceleration of recruitment of children throughout the country, due to expansion of military activity by government forces as well as Houthi, tribal, and other militias. Armed boys reportedly between the ages of 13 and 17, and as young as 10 years old, often work at checkpoints around Sana'a operated by Houthi militias and government forces. Some families supportive of Houthi rebels, including those residing in locations outside Houthi control, sent their children to the Houthi stronghold of Sa'ada in northwestern Yemen for arms training by the Houthis to serve in their militias. According to an international organization, between March 26 and April 24, 2015, armed groups recruited at least 140 children. Al-Qa'ida in the Arabian Peninsula recruited boys for combat operations against military and security forces. Yemen's security, political, and economic crises, cultural acceptance of child soldiering, weak law enforcement mechanisms, and limited political will severely limit the country's capacity to end the use of child soldiers.

Prior to its departure, the Yemeni government and international NGOs estimated there were approximately 1.7 million child laborers under the age of 14 in Yemen, some of whom are subjected to forced labor. Since the escalation of armed conflict in March 2015, human rights organizations reported all parties to the conflict have increased their use of child soldiers. Yemeni and Saudi gangs transported African children to Saudi Arabia for the purpose of exploitation. Traffickers abused and abandoned in Yemen some refugees and migrants from the Horn of Africa who voluntarily transited Yemen en route to Saudi Arabia and other Gulf countries. In past years, multiple NGOs reported criminal smuggling groups had built a large number of "camps" near the Yemeni-Saudi border city of Haradh, where migrants hoping to reach Saudi Arabia were held for extortion and ransom.

GOVERNMENT EFFORTS

The government continued to face serious challenges, which severely impeded its efforts to combat trafficking, including substantial internal security threats, weak institutions, systemic corruption, a shrinking economy, limited control of much of the country, and poor law enforcement capabilities. The government made no discernible law enforcement efforts against human trafficking and exercised no control over law enforcement. 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 the 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 those prescribed for other serious crimes, such as rape; however, its narrow focus on transactions and movement does not prohibit many forms of sex trafficking and forced labor under international law. Article 161 of the Child Rights Law criminalizes the prostitution of children. While the government's inter-ministerial National Technical Committee to Combat Human Trafficking drafted anti-trafficking legislation with the assistance of an international organization prior to its departure, Houthi rebels illegally disbanded Parliament in February 2015, and the legislation was not enacted during the reporting period.

The government did not have access to or oversight of the courts and did not report efforts to prosecute, convict, or punish trafficking offenses during the year. It made no known efforts to investigate or punish the practice of chattel slavery. In addition, the government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses, despite numerous reports in both urban and rural areas of officials engaged in trafficking, including the domestic servitude of children and women, forced prostitution of women, and forced labor of migrant workers. Allegations persisted that local government and security officials willfully ignored trafficking crimes taking place in their areas of responsibility. Prior to the conflict, the government did not effectively enforce anti-trafficking provisions due to a lack of resources and the financial interests of the elite, many of whom allegedly supported such forms of labor.

The government did not have the access to 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 could 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. Despite the Ministry of Interior (MOI) Women and Children Unit's formal standard operating procedures for proactive identification of trafficking victims, efforts to implement or train law enforcement on these procedures were suspended due to the ongoing conflict. Further, the government did not encourage victims to assist in investigations or prosecutions of their traffickers or provide assistance to its nationals repatriated after enduring trafficking abroad. In May 2014, the government acknowledged the use of child soldiers and signed a UN action plan to end the practice; however, it did not make efforts to release child soldiers from the military or provide them with protective or rehabilitation services. Further, the government took no action in criticizing or condemning the rebel recruitment of child soldiers.

Due to its lack of access, the government made no efforts to prevent trafficking during the reporting period. A draft national strategy to combat trafficking initiated by the Ministry of Human Rights, in coordination with an international organization, remains pending. 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. During the previous reporting period, the government enacted a regulation requiring MOI approval for Yemenis to marry foreigners, in an effort to reduce sex tourism among foreigners, particularly Saudis and Emiratis who “temporarily” married young Yemeni women; however, they often did this in exchange for bribes, and officials continued to provide such approval. Further, the government did not provide anti-trafficking training to its diplomatic personnel and did not make efforts to reduce the demand for commercial sex acts, forced labor, or address the problem of sex tourism more broadly. In addition, it 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. Due to limited capacity and the ongoing conflict, the Yemeni government did not make efforts to implement a 2014 UN action plan to end the recruitment and use of child soldiers.
