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2020 Trafficking in Persons Report: Yemen

SPECIAL CASE: YEMEN

Yemen remains a Special Case for the fifth consecutive year. The civil conflict and humanitarian crisis in Yemen continued during the reporting period. Information on human trafficking in the country has been increasingly difficult to obtain since March 2015, after which much of the Republic of Yemen government (ROYG) took refuge in Riyadh following the takeover of Sana'a by Iranian-backed Houthi rebels and stopped controlling significant portions of the country. NGOs reported vulnerable populations in Yemen were at an increased risk of human trafficking due to large-scale violence driven by protracted armed conflict, civil unrest and lawlessness, and worsening economic conditions. Migrant workers from the Horn of Africa who remained or arrived in Yemen during the reporting period may have endured intensified violence, and women and children may have become vulnerable to trafficking. The international organizations and NGOs remaining in Yemen focused primarily on providing humanitarian assistance to the local population and lacked adequate resources and capacity to gather reliable data on trafficking. A vast majority of Yemenis required broad assistance and basic social services, which have collapsed. For the purposes of this report, Yemen retained Special Case status.

GOVERNMENT EFFORTS

Due to the protracted conflict and tenuous political situation, the government faced serious challenges to combat trafficking, including substantial internal security threats, weak institutions, systemic corruption, economic deprivation, food insecurity, social disintegration, limited territorial control, and poor law enforcement capabilities. The government made some discernible anti-trafficking law enforcement efforts, and senior ROYG officials have repeated their commitment to fighting trafficking. The absence of a law criminalizing all forms of trafficking and the government's conflation of trafficking and smuggling hindered government efforts to investigate and prosecute trafficking offenders. Article 248 of the penal code criminalized slavery and prescribed penalties of up to 10 years' imprisonment; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with the penalties prescribed for other grave crimes, such as rape. However, Article 248 narrowly focused on transactions and movement and therefore did not criminalize many forms of labor and sex trafficking, as defined under international law. Article 279 criminalized child sex trafficking under its prostitution provision and prescribed penalties of up to seven years' imprisonment, which could be increased to up to 15 years' imprisonment under aggravating circumstances; these penalties were sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In 2014, the government adopted a bill that it subsequently referred to the Parliament, which aimed to combat all forms of trafficking, protect and assist victims, generate societal awareness of the risks of trafficking in order to reduce the phenomenon, and promote national cooperation. While the Parliament convened for two days during the current reporting period for the first time since the beginning of the conflict, it did not take up the trafficking bill.

The Government of the Republic of Yemen did not have full oversight of the courts and therefore did not report efforts to prosecute, convict, or punish trafficking offenses during the year. In addition, the government was unable to pursue any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses, despite reports of officials allegedly engaged in trafficking, including the recruitment and use of child soldiers by the Republic of Yemen Government's Armed Forces. However, it did make efforts during the reporting period through training to raise awareness of trafficking in the judicial and law enforcement sectors. Specifically, the Ministry of Human Rights, with support from an international organization, implemented a training in Ma'rib Governorate on the risks of child recruitment for 20 officers from the National Army and other security units in June 2019. In May 2019, a ROYG-sponsored workshop on child soldiering issues effectively reached 40 participants from different military regions across Yemen; it highlighted international charters and agreements to protect children in armed conflict. In addition, during the reporting year the government participated in a seminar that trained 25 public prosecutors, attorneys, and civil society organizations on trafficking crimes. Finally, in coordination with an

international organization, 25 relevant officials from the courts, prosecutorial, legal affairs, and security departments, as well as from the police, and civil society engaged in a workshop on human trafficking to develop capacity.

The government did not have the access or capacity to identify and provide adequate protection services to trafficking victims among vulnerable groups, such as women in commercial sex and migrant laborers, some of whom were in transit to the Gulf States. To mitigate its inability to ensure trafficking victims were not inappropriately incarcerated, fined, or otherwise penalized for unlawful acts traffickers compelled them to commit, such as prostitution or immigration violations, the government did initiate new measures to protect migrants during the reporting period. The Office of the Prime Minister in May 2019 created a committee led by the Ministry of Interior's Immigration, Passport and Naturalization Authority to assure the security and protection of the legal and human rights of this vulnerable migrant population. The government also used diplomatic channels and public statements to urge regional countries to fight organized human trafficking to curb the influx of migrants into Yemen. Although formal standard operating procedures for proactive identification of trafficking victims existed, efforts to implement or train law enforcement on these procedures were suspended due to the prolonged unrest. Furthermore, because of the fragile state of the government-in-exile, it was not able to encourage victims to assist in investigations or prosecutions of their traffickers and was financially unable to provide assistance to its nationals repatriated after enduring trafficking abroad. During the reporting period, both government-aligned forces and militia forces continued to unlawfully recruit and use some child soldiers; however, the government took some action in criticizing or condemning the active and aggressive rebel recruitment of child soldiers, including public press statements, and expressed its commitment to properly address this crime. In January 2020, the government entered into an agreement through the UN on a roadmap for implementation of the existing action plan to prevent the recruitment and use of child soldiers.

Due to its broad lack of access and capacity limitations, the government did not make sufficient efforts to prevent trafficking during the reporting period. The government established the National Committee to Combat Human Trafficking pursuant to Council of Ministers Decision No.46 of 2012; its members included governmental and non-governmental interlocutors. A draft national strategy to combat trafficking initiated by the Ministry of Human Rights in a previous reporting period, in coordination with an international organization, remained 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 victims. 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.

Since the escalation of armed conflict in March 2015, human rights organizations reported all parties to the conflict continued their unlawful recruitment and use of child soldiers. However, verification of such cases remained challenging during the reporting period due to intensified security threats against the monitors and communities of interest, in addition to more restrictive humanitarian access. As a result of its limited capacity and the ongoing conflict, the ROYG did not implement a 2014 UN action plan to end the recruitment and use of child soldiers, although it continued to express interest in revitalizing the discussion on implementation, and credible reports indicated the protraction of unlawful recruitment of children throughout the country during the reporting period. Due to the expansion of military activity by government and Houthi forces, tribal and coalition militias, and al-Qaeda in the Arabian Peninsula during the year, the recruitment, training, and mobilization of children as participants in the conflict by non-governmental forces and allegedly—but unverified—by affiliated governmental forces continued. An international organization reported armed groups used boys mostly in combatant roles or to guard checkpoints and forced other children to carry out support duties such as cooking, washing clothes, and amassing intelligence during the reporting period. These trends are largely due to endemic customs and cultural norms in which tribal leaders arm children to participate in local militias that may support the government, back the Houthi movement, act as an anti-Houthi force, or be part of an unaligned tribal, local, or regional group that protects the respective village from rival tribes or other outsiders. During the reporting period, verified cases of the unlawful recruitment and use of child soldiers occurred with some familial knowledge or consent and monetary and material support utilized as incentives for joining the army; to a lesser extent, forced enrollment via abductions also occurred. Recruitment continued to target schools across Yemen. According to a human rights activist, in the governorate of Dhamar alone, the Houthis recruited dozens of teenagers to the frontlines during the reporting period. According to the 2019 UN Panel of Experts (POE) report, all parties to the conflict have used child soldiers under 18, including some under 15. The POE reported that of the 3,034 children recruited throughout the war, the Houthis were responsible for 64 percent of child recruitment. According to an international organization, between April and December 2019, armed groups unlawfully recruited and used at least 23 children between the ages of 10-17, compared to 96 and 370 children the previous two reporting periods, respectively. This trend of decline was reportedly due to limited access of monitors as a result of persistent security threats forcing critical partners to scale down humanitarian activities in conflict-laden areas. This impacted the documentation and verification of incidents during the reporting period. The incidents were reportedly attributed to Houthis and affiliated factions, Yemeni Armed Forces, and non-state actors outside Yemen's

command and control, including the Shabwani Elite Forces, Popular Committees and the Security Belt Forces. As in years past, in 2019, Yemeni officials did not report demobilizing any child soldiers. Yemen's security, political, and economic crises, cultural acceptance of child soldiering, weak law enforcement mechanisms, and nascent but hampered political will continued to severely encumber the country's capacity to end the recruitment and use of child soldiers.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Yemen, and traffickers exploit victims from Yemen who reside abroad. The ongoing conflict, lack of rule of law, economic degradation, pervasive corruption, and fractional territorial control have disrupted some trafficking patterns and exacerbated others. Prior to the conflict, Yemen was a transit point and destination for women and children, primarily from the Horn of Africa, who were exploited in sex trafficking and forced labor. International organizations reported—despite the perilous Gulf of Aden boat crossing—an estimated 138,000 migrants entered Yemen via Djibouti in 2019, many of whom were vulnerable to trafficking, thereby underscoring the need for proactive screening of potential victims among migrants. Ethiopians and Somalis traveled voluntarily to Yemen with the hope of employment in Arabian Gulf countries; traffickers exploited some of these migrants in forced labor and sex trafficking in transit countries, reportedly most often in Yemen. Prior to the conflict's escalation and the government's departure in March 2015, Saudi Arabia allegedly deported Yemeni migrant workers and returned them to Yemen through the al-Tuwal and al-Buq border crossings. Most deportees reportedly returned to the impoverished Tihamah region located on the west coast of Yemen. Many in this group remained displaced and highly vulnerable to exploitation, including trafficking. During the reporting period, the country's civil war continued to generate a substantial flow of persons fleeing outward from Yemen to Djibouti and to their respective home countries. An international organization reported assisting more than 3,750 migrants to return to Ethiopia and approximately 1,680 migrants to return to Somalia. Since the escalation of armed conflict in March 2015, human rights organizations reported all parties to the conflict continued their unlawful recruitment and use of child soldiers. However, verification of such cases remained challenging during the reporting period due to intensified security threats against the monitors and communities of interest, in addition to more restrictive humanitarian access. Civil society organizations and media outlets assessed in the previous reporting period that trafficking of Yemeni children gradually increased since the civil war commenced, and children were disproportionately affected by its protracted escalation.

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