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USDOS – US Department of State

2019 Trafficking in Persons Report: Yemen

SPECIAL CASE: YEMEN

Yemen remains a Special Case for the fourth 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 when much of the Republic of Yemen Government (ROYG) took refuge against the Houthi onslaught in Riyadh, 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 few discernible anti-trafficking law enforcement efforts, though 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.

The legitimate 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 continued reports of officials engaged in trafficking in both urban and rural areas, including the domestic servitude of children and women, sex trafficking of women, recruitment and use of child soldiers by the government of the Republic of Yemen Armed Forces, and forced labor of migrant workers. Prior to the conflict, the government did not effectively enforce anti-trafficking provisions and lacked resources and awareness of trafficking crimes.

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 prostitution and migrant laborers, some of whom were transiting en-route to the Gulf States. As a result, the government was unable 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. 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, the government did not 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, militia forces—including some aligned with the legitimate government—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.

Due to its broad lack of access and capacity limitations, the government did not make 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 or forced labor.

Since the escalation of armed conflict in March 2015, human rights organizations reported parties to the conflict continued their unlawful recruitment and use of child soldiers. However, verification of such cases became increasingly 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 has not implemented a 2014 UN action plan to end the recruitment and use of child soldiers, although the government continued to express interest in revitalizing the discussion on implementation. Despite the Council of Ministers-issued Decision No.212 of 2012 endorsing the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and a 1991 law requiring members of the armed forces to be at least 18 years of age, in addition to the May 2014 UN action plan to prevent unlawful recruitment of children into its armed forces, credible reports indicated the protraction of unlawful recruitment of children throughout the country during the reporting period. Due to 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 intensified. An international organization reported armed groups used both boys and girls in combat and to guard checkpoints and military facilities during the reporting period. This is largely due to endemic customs and culture 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 were utilized as incentives for joining the army, and to a lesser extent forced enrollment via abductions. Recruitment continued to target schools across Yemen. According to an international organization, between April and December 2018, armed groups unlawfully recruited and used at least 96 children between the ages of 14-17, compared to 370 the previous reporting period; the sharp decline was due to highly restrictive humanitarian access to areas in which heavy fighting occurred, particularly in Al Khawkhah, Ad Durayhimi, Hays, Al Hudaydah and other port city districts, which impacted the documentation and verification of incidents during the reporting period. The majority of incidents were attributed to the Houthis and affiliated factions (62), and to a lesser extent by groups affiliated with the Yemeni government but outside its command and control, as well as the Popular Committees (34). As in years past, in 2018, Yemeni officials did not report demobilizing any child soldiers. In 2018, the Saudi-led coalition demobilized and referred to Yemeni officials an unspecified number of child soldiers alleged to have been recruited by the Houthis. Yemen's security, political, and economic crises, cultural acceptance of child soldiering, weak law enforcement mechanisms, and limited 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 150,000 migrants entered Yemen via Djibouti in 2018, many of whom were vulnerable to trafficking, thereby underscoring the need for proactive screening of potential victims and child soldiering among migrants. Ethiopians and Somalis traveled voluntarily to Yemen with the hope of employment in Arabian Gulf countries, but traffickers exploited some women and children among this population in sex trafficking or domestic servitude in Yemen, and traffickers forced some to work on *khat* farms and in other industries. Other workers migrated based on fraudulent offers of employment as domestic workers in Yemen, where traffickers subsequently exploited them in sex trafficking or forced labor. 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 of whom 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. The Djiboutian government permitted thousands of Yemenis to enter freely and take refuge, some of whom had endured various types of exploitation, possibly including trafficking, in transit to Djibouti. However, given an uptick in refugee camp populations in Djibouti, austere and overcrowded conditions perpetuated trafficking vulnerabilities of Yemenis. 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, including as uniformed soldiers in combat and to guard checkpoints and military facilities. However, verification of such cases became increasingly challenging during the reporting period due to intensified security threats against the monitors and communities of interest, in addition to more restricted humanitarian access.

Past reports suggested traffickers forced some Yemeni children—mostly boys—to work in domestic service, begging, or in small shops after migrating to Aden or Sana’a, or to Saudi Arabia. Traffickers, employers, and some security officials also exploited some of these children in sex trafficking in Saudi Arabia. In hotels and clubs in the Governorates of Sana’a, Aden, and Taiz, traffickers reportedly exploited girls as young as 15 years old in commercial sex. Prior to the conflict, most child sex tourists in Yemen were from Saudi Arabia, with a smaller percentage originating from other Gulf nations. Some Saudi men used legally contracted “temporary marriages,” authorized by relevant Islamic authorities, for the purpose of sexually exploiting Yemeni girls, some reportedly as young as 10 years old. Civil society organizations and media outlets continued to assess that trafficking of Yemeni children gradually increased since the civil war commenced, and children were disproportionately affected by its protracted escalation.

ecoi.net summary:

Annual report on trafficking in persons (covering April 2018 to March 2019)



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