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2023 Trafficking in Persons Report: Yemen

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YEMEN (Special Case)

Yemen remains a Special Case for the eighth consecutive year. The civil conflict and humanitarian crisis in Yemen continued during the reporting period, hindering both government and NGO efforts to address trafficking. 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 in Riyadh following the takeover of Sana'a and the north by Iranian-backed Houthi rebels. During the reporting period, the conflict parties agreed to a UN-brokered truce between April 2022 and October 2022, which provided an overall reduction in violence in the country. Although the truce was not formally renewed, its terms remained largely in effect through the end of the reporting period. In April 2022, ROYG President Hadi issued a presidential decree transferring his powers to an eight member Presidential Leadership Council (PLC). Despite these developments, the ROYG continued to exert limited control over the country, and most notably, did not control the Yemeni territory in the north where the majority of the population resided, including the capital, Sana'a; this lack of governance continued to hinder the ROYG from adequately combating and collecting data on trafficking during the reporting period. NGOs and international organizations reported vulnerable populations in Yemen were at increased risk of human trafficking due to the protracted armed conflict, civil unrest and lawlessness, and worsening economic conditions. During the reporting period, the Yemen Armed Forces (YAF) continued recruiting and using child soldiers. Migrant workers, especially women and children from the Horn of Africa who remained or arrived in Yemen during the reporting period, endured intense violence, including sex trafficking, forced labor, physical and sexual abuse, and abduction for

ransom. 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 human trafficking. The vast majority of Yemenis required all types of assistance and basic social services, as the national infrastructure had collapsed.

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. Although the ROYG did not exercise complete control over all government-controlled areas and formal state institutions, increased government reporting suggests some, albeit limited, capacity to address trafficking in persons during the reporting period. The absence of a law criminalizing all forms of trafficking and the government's conflation of human trafficking with migrant 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 to reduce the incidence of the crime, and promote national cooperation.

Although the ROYG had some oversight over its court system, experts noted due to conflict-inflicted infrastructure damage, severe staff shortages, financial and security challenges, weak law enforcement capacity, and the fragmented nature of authority in several areas in Yemen, the government was unable to ensure judicial institutions functioned fully across the country during the year. Moreover, officials continued to conflate human trafficking and migrant smuggling crimes, which may have limited the ROYG's ability to hold traffickers accountable

during the year. Nonetheless, the government reported investigating one case of alleged sex trafficking involving two traffickers, although it did not report the outcome of the investigation or whether it remained ongoing at the close of the reporting period. The government did not provide updates on the sex trafficking case that was pending prosecution at the close of the previous reporting period. The government did not report any investigations, prosecutions, or convictions of government officials allegedly complicit in trafficking crimes; however, corruption and official complicity in trafficking crimes remained significant concerns, including the alleged recruitment and use of child soldiers by the YAF, inhibiting law enforcement action. The government reported it received training from an international organization on preventing and reintegrating former child soldiers, but did not report if it conducted training on trafficking for any government officials or provided support to NGOs or international organizations that may have conducted anti-trafficking training throughout the year.

ROYG authorities and institutions that oversaw migrant flows, provided services and protection to migrants, and assisted vulnerable groups – which may have interacted with trafficking victims – exhibited minimal function during the year. The government had limited capacity to identify and provide adequate protection services to trafficking victims among vulnerable groups, such as women in commercial sex and migrant workers, some of whom were in transit to the Gulf States; instead, the government generally relied on NGOs and international organizations to identify potential victims of trafficking and provide assistance. Although formal SOPs for proactive identification of trafficking victims existed, the government did not make efforts to implement or train law enforcement on these procedures due to prolonged unrest; consequently, some potential victims – such as women in commercial sex, migrant workers, and vulnerable migrants traveling to the Gulf through Yemen – may have remained unidentified within the law enforcement system. Observers noted significant barriers to care for vulnerable migrants, versus Yemeni citizens, especially in ROYG-controlled areas, due to discrimination. This, coupled with the government's conflation of trafficking and smuggling crimes, suggested the government likely penalized unidentified foreign trafficking victims during arrest and detention campaigns of migrants being smuggled through Yemen. The government was not able to encourage victims to assist in investigations or prosecutions of traffickers and was financially unable to provide assistance to its nationals repatriated after enduring trafficking abroad.

Due to its broad lack of access and capacity limitations, as well as the ongoing conflict, the government did not make sufficient efforts to prevent trafficking during the reporting period. The government maintained the National Committee to Combat Human Trafficking pursuant to Council of Ministers Decision No.46 of 2012; its members included governmental and

nongovernmental representatives. The government reported the committee was unable to meet during the reporting period due to unstable conditions in the country, the lack of functioning state institutions, and the need to prioritize the worsening humanitarian crisis. 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.

During the reporting period, both government-aligned and Houthi militia forces continued to unlawfully recruit and use child soldiers. 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. Despite a six-month truce and continued de-escalation during the reporting period that reduced overall conflict-related violence, documentation of such cases remained challenging due to security threats against the monitors and communities of interest and continued access restrictions. The ROYG made efforts to implement a 2014 UN action plan to end the recruitment and use of child soldiers and the subsequent 2018 roadmap agreement with the UN to implement the plan; efforts including reactivating the inter-ministerial committee on children and armed conflict and organizing training sessions on child protection in coordination with an international organization. Moreover, the government held a three-day workshop of the Joint Technical Committee of the Government of Yemen to discuss priority activities to expedite the implementation of the 2014 action plan and 2018 related roadmap. Additionally, the ROYG developed a 2022-2024 National Plan for the Rehabilitation of Child Recruits, which reportedly aimed to provide the necessary psychosocial and educational support to reintegrate former child soldiers into society. In April 2022, the Houthis signed an action plan with the UN pledging to end recruitment and use of child soldiers, killing and maiming children, and ending attacks on schools and hospitals. Nonetheless, due to continued military activity by government and Houthi forces, tribal elements, and other foreign-backed militias during the reporting period, the recruitment, training, and mobilization of children as participants in the conflict by the Houthis continued, and on a limited basis, by affiliated governmental armed forces, including the YAF. An independent human rights commission reported armed groups used boys mostly in combatant roles, to guard checkpoints, lay land mines, and to drive military vehicles, and forced other children to carry out support duties such as delivering supplies, escorting, and logistics. During the reporting period, media reported the continued use of “summer camps” by the Houthis to indoctrinate, recruit, and use children; in May 2022, Houthi officials reported

57 camps were launched in Sana'a and reportedly attended by children as young as 10. Reportedly, these camps were held in schools with the objective to deliver cultural, ideological, political, and religious sessions, and in some cases, military and combat training. During the reporting period, cases of the unlawful recruitment and use of child soldiers occurred with some familial knowledge or consent, and monetary and material support were reportedly incentives for joining both the Houthis and the YAF. In 2022, Yemeni officials did not report demobilizing any child soldiers. In 2022, the government operated the re-opened Saudi-funded interim care center in Marib to assist former child soldiers.

TRAFFICKING PROFILE:

s 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, limited 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. Many Ethiopians and Somalis travel willingly and voluntarily to Yemen with the hope of employment in Gulf countries, particularly Saudi Arabia; traffickers exploit most of these migrants in forced labor and sex trafficking in transit countries, reportedly most often in Yemen. Although the UN-brokered truce between April 2022 and October 2022 and continued de-escalation reduced overall violence from the civil conflict, migrants transiting through Yemen – through consented smuggling – remain highly vulnerable to exploitation, including trafficking. Moreover, during the reporting period there continued to be reports of migrants subjected to sex trafficking, forced labor, physical and sexual abuse, abduction for ransom, and targeted shootings, including killings, by Saudi security forces at the Yemen-Saudi border. For example, one NGO report asserted during their journey female migrants are often exploited by their smugglers in sex trafficking with wealthy Yemeni men as clients, while other women and men who were unable to pay their smugglers to continue the journey were forced to work as domestic workers, in construction sites, or directly for smugglers – cooking, cleaning, and serving Khat ceremonies. In these instances, the smugglers collect the migrant's wages, subjecting them to debt bondage. Finally, an NGO reported some migrants are subjected to forced criminality; including transporting weapons and drugs within Yemen and cross the border into Saudi Arabia without being able to continue migrating. Many migrants are transferred between different smuggler's camps in Yemen in remote areas of Al Bayda, Ma'rib, Shabwah, and Mahrah governates; an international organization reported some of these camps hold up to

1,500 migrants – where they have no freedom of movement and are subjected to forced labor on khat plantations, as domestic workers, and at ports with no pay. In contrast to 2020 and 2021, migrant arrivals in Yemen during 2022 significantly increased, approaching pre-pandemic levels; an international organization reported 73,233 people arrived during the year, compared with 27,693 arrivals in 2021 and 37,535 arrivals in 2020. As in previous years, the majority of migrants were from Ethiopia and Somalia. Additionally, following an outbreak of conflict in Bossaso, Somalia in October 2022, an international organization noted a sharp increase of arrivals to Shabwah governorate in Yemen, directly across the Gulf of Aden; 100 percent of arrivals in Shabwah in November 2022 were from northeast Somalia, with 20 percent noting conflict as the main driver of movement out of Somalia.

In 2021, an international organization reported large groups of migrants stranded in traditional transit hubs due to border closures as well as impacts to internal migrant flows due to escalating military campaigns; an estimated 35,000 migrants remained stranded, living in overcrowded informal settlements, detained by smugglers and traffickers and subsequently forcibly transferred across the frontlines of the conflict during the year, facing heightened vulnerability to exploitation and trafficking. Although pandemic border closures were lifted and migrant arrivals significantly increased in 2022, an international organization reported at least 43,000 migrants remained stranded in Yemen, and reports of forcible transfer from northern to southern Yemen continued. The reporting period also continued to see a substantial flow of reverse migration of migrants who originated in the Horn of Africa, specifically Ethiopia, due to the protracted civil conflict and harsh conditions of irregular migration through Yemen. An international organization reported it repatriated 5,896 migrants, mostly from Ethiopia, in 2022; the Ethiopian government coordinated with an international organization to conduct nationality verification for migrants to support repatriation procedures during the year. Due to perilous migration conditions and their inability to reach humanitarian and protection assistance, some migrants sought to return home through irregular pathways by engaging with smugglers, putting them at further risk of exploitation. An international organization reported migrants who resort to return home independent of assistance – with the help of smugglers – are routinely forced to work for an indefinite period of time, contained in inadequate shelters, and deprived of food, water and other basic needs. In 2022, approximately 5,970 migrants returned to the Horn of Africa via smuggling boats.

In 2021, rights groups reported Saudi Arabia began to terminate or not renew contracts of Yemeni professionals in the country following a policy change that required businesses to limit the percentage of their workers from certain nationalities, including Yemen. Due to Saudi

Arabia's visa sponsorship system, workers who were terminated or unable to renew their contracts had to find another employer to act as a sponsor to avoid leaving the country or risked detainment and deportation if found to be residing illegally. Furthermore, Yemeni workers who chose to stay in Saudi Arabia without legal status increased their vulnerability to exploitation and trafficking. As the civil war in Yemen continued, Yemeni workers who were forced to return to Yemen because they could not find employment or were deported by Saudi authorities likely faced famine, extreme violence, and increased vulnerability to exploitation upon their return. In 2022, an international organization reported 67,737 Yemenis left Saudi Arabia, the majority of which were deported without travel documents.

Since the start of the current conflict in late 2014, human rights organizations have reported all parties to the conflict continued their unlawful recruitment and use of child soldiers. Despite a six-month, UN-brokered truce and continued de-escalation during the reporting period, documentation of such cases remained challenging due to security threats against the monitors and communities of interest and continued access restrictions. Civil society organizations and media outlets assessed in the previous reporting period that traffickers increasingly targeted Yemeni children since the civil war commenced, and children were disproportionately affected by its protracted escalation.

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