

Yemen - United States Department of State

SPECIAL CASE: YEMEN

Yemen remains a Special Case for the sixth consecutive year. The civil conflict and humanitarian crisis continued during the reporting period, while the COVID-19 pandemic exacerbated the crisis and further hampered both government and NGO functioning. 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 by Iranian-backed Houthi rebels and lost control of significant portions of the country. Although a ROYG and Southern Transitional Council (STC) powersharing agreement returned the ROYG to its temporary capital of Aden in December 2020, it remained unable to adequately combat trafficking or collect data on trafficking during the reporting period. NGOs reported vulnerable populations were at an increased risk of human trafficking due to the protracted armed conflict, civil unrest and lawlessness, and worsening economic conditions. Migrant workers from the Horn of Africa who remained or arrived in the country during the reporting period may have endured intensified violence. Due to pandemic-related border closures and movement restrictions, many migrants traveling through the country to Gulf countries remained trapped in Yemen, heightening their risk to trafficking. The international organizations and NGOs remaining in the country 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. The ROYG exercised only nominal control over government-controlled areas; ROYG authorities that oversaw migrant flows, provided services and protection to migrants, and assisted vulnerable groups – which may have interacted with victims – did not function. The government did not report efforts 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 and 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 serious 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. However, the bill had not been taken up by parliament by the close of the reporting period.

The ROYG 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 did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses; however, corruption and official complicity in trafficking crimes remained significant concerns, including the alleged recruitment and use of child soldiers by the ROYG Armed Forces, inhibiting law enforcement action during the year. The government did not report efforts to conduct training on trafficking for any government officials or provide support to NGOs or international organizations that may have conducted anti-trafficking training.

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 commercial sex or immigration violations, the government initiated measures to protect migrants, including potential trafficking victims, during the previous reporting period; this included creation of a committee led by the Ministry of Interior's Immigration, Passport, and Naturalization Authority (IPNA) to assure the security and protection of the legal and human rights of migrants. However, the government did not report on the committee's actions during the reporting period to screen vulnerable migrant populations for potential trafficking victims and so was unable to ensure it did not wrongfully penalize victims. 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 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 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 maintained the National Committee to Combat Human Trafficking pursuant to Council of Ministers Decision No.46 of 2012; its members included governmental and nongovernmental 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 and pandemic-related movement restrictions. 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 it continued to express interest in revitalizing the discussion on implementation. During the previous reporting period, the government entered into an agreement with the UN on a roadmap for implementation of the existing action plan to prevent the recruitment and use of child soldiers; however, no progress was made on its implementation during the reporting period, due to intensified conflict and ongoing tensions between the ROYG and the STC. Due to continued military activity by government and Houthi forces, tribal elements and other foreign-backed militias during the year, the recruitment, training, and mobilization of children as participants in the conflict by nongovernmental forces and 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 gathering intelligence during the reporting period. During the reporting period, international organizations noted the increased recruitment by the Houthis of girls between the ages of 13-17, used mostly as recruiters, guards, and spies, and in more formal roles as educators and medics. Reportedly, some girls were recruited to a specific all-female force and some survived sexual violence and/or forced early marriage linked to their recruitment. During the reporting period, verified cases of the unlawful recruitment and use of child soldiers occurred with some familial knowledge or consent; monetary and material support was utilized as an incentive for joining the Yemeni Armed Forces and to a lesser extent forced enrollment via abductions. Recruiters continued to target schools across the country. An international organization also reported that recruitment from both male and female detention centers, used as a condition for release particularly by the Houthis, increased during the reporting period. According to an international organization, between April and September 2020, armed groups unlawfully recruited and used at least 65 children between the ages of 12-17, compared with 23 from the previous reporting period. Despite challenges in documenting and verifying information due to continued persistent security threats and pandemic-related movement restrictions, the number of children recruited and used increased during the reporting period, indicating the deeply concerning effect of the ongoing conflict on children in the country. Recruitment and use of child soldiers were reportedly attributed to Houthis and affiliated factions, the government's Yemeni Armed Forces, and Security Belt Forces. In 2020, officials did not report demobilizing any child soldiers; however, the government operated a Saudi-funded interim care center in Marib to assist former child soldiers during the reporting period.

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. Many Ethiopians and Somalis traveled voluntarily to Yemen with the hope of employment in 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 from Sana'a 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, pandemic-related movement restrictions and border closures led to a very low rate of migrant arrivals in Yemen; a total of 37,535 people arrived in 2020, mostly from Ethiopia and Somalia, as in previous years. However, as Yemen is generally a transit point for migrants traveling to the Gulf for economic opportunity, restrictions, border closures, and bans on international flights stranded thousands of migrants for several months in dire living conditions and with minimal access to assistance and support. With limited options for survival and decreased support from local communities in Yemen, migrants were forced to look elsewhere to meet basic needs, which traffickers exploit. Moreover, during the reporting period there was an increase in reports of migrants subjected to sex trafficking, forced labor, physical and sexual abuse, and abduction for ransom. Additionally, due to a significant decrease in migrants transiting through Yemen, an international organization reported that traffickers were increasingly forcing migrant women to work off debts on farms or moving them to cities to work as domestic laborers, subjecting them to debt bondage. During the reporting period, both the pandemic and the country's civil war continued to generate a substantial flow of reverse migration for migrants who originated in the Horn of Africa, as well as Yemenis fleeing the country to Djibouti. An international organization reported that since May 2020, 7,652 migrants made their way from Yemen to Djibouti, traveling on smuggling boats or by foot, although the number could be higher as some arrivals may have not been officially captured due to arrivals at coastal locations. The Government of Djibouti, in coordination with an international organization and the Ethiopian Embassy in Djibouti, reported facilitating the voluntary return of 537 migrants in 2020, the large majority of whom were Ethiopian. 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.