

Special Case: YEMEN

Yemen remains a Special Case for the third consecutive year. The civil conflict and humanitarian crisis in Yemen deepened during the reporting period. Information on human trafficking in the country has been increasingly difficult to obtain since March 2015 when the Republic of Yemen Government (ROYG) had to leave and stopped controlling portions of the country. NGOs reported vulnerable populations in Yemen were at an increased risk of being subjected to trafficking due to large-scale violence driven by protracted armed conflict, civil unrest, and lawlessness. 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 more susceptible to trafficking. The international organizations and NGOs remaining in Yemen focused primarily on providing humanitarian assistance to the local population and lacked adequate resources to collect reliable data on trafficking; transit routes and entry points for humanitarian actors were increasingly dynamic and precarious, thereby impeding humanitarian support. 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 since the government continued to lack control over part of its territory.

GOVERNMENT EFFORTS

Due to the tenuous political situation, the government faced serious challenges to combat trafficking, including substantial internal security threats, weak institutions, systemic corruption, a weakening economy, limited territorial control, and poor law enforcement capabilities. The government made no discernible anti-trafficking law enforcement efforts. Government efforts to investigate and prosecute trafficking offenders were hampered by the absence of a law criminalizing all forms of trafficking and the government's conflation of trafficking and smuggling. 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 "child 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. While the government's inter-ministerial National Technical Committee to Combat Human Trafficking drafted anti-trafficking legislation, with assistance from an international organization, prior to its departure, Houthi rebels illegally disbanded parliament in February 2015, and the legislation has not been enacted.

The government did not have 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 engaged in trafficking in both urban and rural areas, including the domestic servitude of children and women, forced prostitution of women, recruitment and use of child soldiers, and forced labor of migrant workers. Local government and security officials allegedly willfully ignored trafficking crimes in their respective 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 benefited from forced 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 was unable to ensure trafficking victims were not inappropriately incarcerated, fined, or otherwise penalized for unlawful acts committed as a direct result of being subjected to trafficking, such as prostitution or immigration violations. An international organization supported 12 victims of trafficking it identified in Yemen, including both adults and children. Although the Ministry of Interior (MOI) Women and Children Unit had 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 prolonged unrest. Furthermore, the government did not encourage victims to assist in investigations or prosecutions of their traffickers or to 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 made limited effort to release child soldiers from the military or provide them with protective or rehabilitation services during the reporting year. Furthermore, an international organization continued to express concerns about the detention by the Yemeni Armed Forces (YAF) of children for alleged association with Houthi rebel forces. 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 was unable to make efforts to prevent trafficking during the reporting period. 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. During a previous reporting period, the government enacted a regulation requiring MOI approval for Yemenis to marry foreigners, particularly Saudis and Emiratis who “temporarily” married young Yemeni women; however, officials continued to provide approval for such marriages in exchange for bribes. Further, the government did not provide anti-trafficking training to its diplomatic personnel and could not make efforts to reduce the demand for commercial sex acts, forced labor, or address the problem of sex tourism more broadly. Yemen is not a party to the 2000 UN TIP Protocol.

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. As a result of its limited capacity and the ongoing conflict, the Yemeni government has not implemented a 2014 UN action plan to end the recruitment and use of child soldiers, although the government did express interest in revitalizing the discussion on implementation. 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 unlawful recruitment of children into its armed forces, credible reports indicated the protraction of unlawful recruitment of children throughout the country, due to expansion of military activity by government forces and Houthi rebel forces, tribal and coalition militias, and al-Qaeda in the Arabian Peninsula (AQAP). During the year, these armed groups sustained, and in some cases intensified their recruitment, training, and mobilization of children as participants in the conflict. An international organization reported armed groups used children as uniformed soldiers in combat and at checkpoints during the reporting period. Armed boys, reportedly as young as 12 years old, are believed to have worked for Houthi militias and government forces. During the reporting period, verified cases of the unlawful recruitment and use of child soldiers occurred without familial knowledge or consent, and monetary and material

support were utilized as incentives for joining the army, in addition to forced enrollment via abductions. According to an international organization, between January and September 2017, armed groups unlawfully recruited and used at least 370 children between the ages of 12-17, compared to 168 the previous reporting period. The majority of incidents were attributed to the Houthis, followed by the YAF, Popular Committees, and AQAP. In 2017, Yemeni officials did not report demobilizing any child soldiers. In 2016, the Saudi-led coalition demobilized and referred to Yemeni officials 52 child soldiers alleged to have been recruited by the Houthis; the children were later detained in a YAF-controlled camp. 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, 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 the deteriorating economy have likely disrupted some trafficking patterns and exacerbated others. Past reports suggested some Yemeni children—mostly boys—were subjected to forced labor in domestic service, begging, or in small shops after migrating to Aden or Sana'a or to Saudi Arabia and, to a lesser extent, Oman. Traffickers, security officials, and employers also forced some of these children into sex trafficking in Saudi Arabia, while others were forced to smuggle drugs into Saudi Arabia. Prior to the conflict, Yemen was a transit point and destination for women and children, primarily from the Horn of Africa, who were subjected to sex trafficking and forced labor. Ethiopians, Eritreans, and Somalis traveled voluntarily to Yemen with the hope of employment in Gulf countries, but some women and children among this population may have been exploited in sex trafficking or domestic servitude in Yemen, and some were forced to work on khat farms. 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 conflict's escalation and the government's departure in March 2015, Yemeni migrant workers were allegedly 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 trafficking. The UN estimated that the protracted Syrian conflict resulted in an influx of as many as 100,000 Syrian refugees to Yemen; Syrian refugee women and children begging in the streets were highly vulnerable to forced labor and sex trafficking in the country.

Prior to the Yemeni government's departure from Sana'a, it and international NGOs estimated there were approximately 1.7 million child laborers under the age of 14 in Yemen, some of whom were subjected to forced labor. 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. Reports suggest at least 150 migrants attempt to cross to Yemen via Djibouti daily, and as many as 14,000 Ethiopians may have required assistance in Yemen by the end of 2016, a situation which underscores the need for broad proactive screening of potential victims of trafficking and child soldiering among migrants who have been evacuated from Yemen. 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.

Yemeni children have been subjected to sex trafficking within the country and in Saudi Arabia. Girls as young as 15 years old have reportedly been exploited in 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 percentage originating from other Gulf nations, including the United Arab Emirates. Some Saudi men used legally contracted "temporary marriages"—authorized by some Islamic authorities as misyar 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 assessed that, as a result of the dire economic situation in Yemen, particularly in the north, sex trafficking of Yemeni children had increased over the past several years. Additional sources alleged the practice of chattel slavery, in which human beings are traded as property, continued in Yemen in 2016, citing a "prevalence rate" of 1.13 percent. 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 reported there could be

several hundred other men, women, and children sold or inherited as slaves in al-Hodeida and al-Mahwit governorates.