



# Mixed Migration From The Horn Of Africa To Yemen



Protection Risks and Challenges



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Cover images:

1. New Arrivals on the Red Sea coast are transported to the Bab Al Mandeb Reception Centre on the Red Sea where they receive food, water and have the opportunity to send a message through ICRC to family members to advise of their arrival. © Cassandra Mathie
2. A young Somali new arrival has made his bed from cardboard cartons and sleeps in the open air in Basateen, an urban refugee settlement in Aden. © Cassandra Mathie
3. An Ethiopian asylum seeker begins the three-day walk from Kharaz Refugee Camp to Aden to attend a UNHCR refugee status determination meeting to seek legal status in Yemen. © Cassandra Mathie
4. A young girl, at risk of being forced into marriage in Somalia, escaped with her mother and eight other siblings to Yemen. Since registration at Kharaz Refugee Camp, she has been able to resume her education and attended school for the first time in three years. © Cassandra Mathie

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June 2011

by

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## Methodology

This report is based on a three-week research mission to the south of Yemen by the external consultant in January 2011. It is also based on registration data of new arrivals in Yemen gathered systematically by the Danish Refugee Council (DRC), as well as DRC protection reports from interviews it conducts with new arrivals on the Red Sea coast. The writer interviewed around seventy individuals in Yemen, including Somali and Ethiopian refugees and asylum seekers, community leaders, United Nations and non-governmental organisations' officials.

## Introduction

Mixed migration from the Horn of Africa presents a complex challenge to regional governments and to the humanitarian and international community alike. In 2008, more than 50,000 new arrivals – a 70% increase from the previous year - were documented, predominantly travelling across the Gulf of Aden but increasingly across the Red Sea. The rising trend continued through 2009, with a marked increase in non-Somalis whose protection space is shrinking due to the Government's reinforced policy of arresting Ethiopians and Eritreans on arrival with the aim of deportation combined with restrictions on visiting those in detention. However, since the start of 2010, flows from the Horn of Africa to Yemen have observed an overall decline. This is when compared to both this same period in 2009 and the situation in the region, particularly in Somalia where the conflict in the south has escalated. The capital city Mogadishu has witnessed violent internal strife generating high volumes of internal displacement and restricted humanitarian access. Similarly, sporadic political unrest in several regions in Ethiopia related to elections at the start of the summer combined with environmental drought has continued to be a driving factor in prompting migration. There has also been a noticeable increase of securitization of movement of migrants by several governments in the region.

DRC YEMEN commissioned a study on the mixed migration, prompted by the finalization of the European Commission project that started in 2008 entitled, **Support to Individuals, State and Non-State actors to manage Migration and refugees across Somalia/Yemen gap**. The study is intended to gain an overall picture of the protection situation during migration from the Horn of Africa to Yemen, as well as the situation migrants faced upon arrival. The study aims to assess the protection environment and to identify protection risks in light of the changing nature of migration flows afore mentioned as well as problem areas for intervention in order to help DRC YEMEN plan and implement its new EC project, **Contribution to the development of an effective response to mixed migrations in the Horn of Africa and Yemen, based on human rights principles**, which runs from December 2010 to November 2012.

The main objectives of the study were:

- To analyze the protection challenges and gaps in the area of origin, during transit and upon arrival in Yemen via both the Gulf of Aden and Red Sea, in particular, to provide more qualitative information on vulnerable groups, and a focus on existing and active individual, family and group protection and coping mechanisms.
- To identify and analyze conditions of new arrivals when they remain in Yemen, specifically looking at the urban settlement of Bassateen and the Kharaz refugee camp.
- To produce a set of action-oriented recommendations for the humanitarian community, the Yemeni government and other regional and local stakeholders, as needed.

The first part of the report covers protection issues in the areas of origin, specifically Somalia and Ethiopia, followed by a look at the protection situation while in transit in part V, and upon

arrival in Yemen in part VI. The second half of the report concerns living conditions faced by refugees living in Kharaz refugee camp and the urban settlement of Bassateen in part VII. A set of recommendations follows in part VIII.

## Context

The Horn of Africa is a poor, meteorologically unstable and conflict-prone region that has generated a heavy flow of mixed migration in the last years. Because of its geographical location, Yemen has been one of the main countries in the region to see a high number of migrants steadily arriving at its coast. The majority of arrivals on the Yemeni coast are Somali refugees fleeing the effects of the two-decade long civil war in Somalia and an increasing number of Ethiopian economic migrants and asylum seekers, mixed with a minimal number of economic migrants and asylum seekers from other countries<sup>1</sup>. Somalis and Ethiopians alike have fled unbearable living conditions and endured long journeys fraught with hardship and danger in the hopes of finding a better life either in Yemen, or onwards through illegal migration to Saudi Arabia and other countries, or through resettlement in a wealthy peaceful country – the holy grail of durable solutions for refugees in Yemen.

Yemen, however, is the poorest country in the Middle East with 34% unemployment, an estimated 43% living in poverty and 17.5% living on less than 1.25\$ USD per day<sup>2</sup>; it has its own challenges and internal struggles, and can hardly cope with hundreds of thousands of refugees and economic migrants. The reality awaiting most Somalis arriving in Yemen is a difficult life as a refugee either in Kharaz refugee camp, a bare-necessities-of-life type of refugee camp located in an arid isolated area in the south of the country, or in poor urban neighbourhoods throughout the country, the main one being Bassateen on the outskirts of Aden, also in the south of the country. Yemen is a signatory to the *1951 Refugee Convention* and generously grants *prima facie* refugee status to all Somalis landing on its shores. In theory, this should mean access to government services and livelihood opportunities, but in truth, life as a refugee in this country remains extremely difficult.

For Ethiopians, the reality is even bleaker. Only a low percentage of Ethiopians seek asylum in Yemen. The majority of Ethiopians are classified by the international community and the Yemeni government as economic migrants and they are detained and deported if caught by authorities. The reality, however, is that a significant number are individuals consistently reporting that it has become nearly impossible to find means of subsistence in Ethiopia due to political and economic oppression towards certain tribes/clans, a difficult situation which has been compounded by severe droughts in recent years. For these Ethiopian migrants who do not fall under the protection of the *Refugee Convention*, protection space is nearly non-existent thus making them extremely vulnerable individuals. It means risking trafficking and violence by using the services of notoriously abusive brokers and smugglers to make their way to Gulf countries in the hopes of finding employment but most likely ending up deported back to Ethiopia by the Saudi government, or being stranded with but the clothes on their backs at the northern border of Yemen, a desolate insecure area. Alternatively, it means living illegally on the fringes of Yemeni society without protection or access to basic services, trying to eke out a

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<sup>1</sup> UNHCR statistics for 2010: 18,855 Somalis, 34,422 Ethiopians, 105 others.

<sup>2</sup> UNDP Human Development Index (2010).

living without being caught; if caught, it means detention in horrible conditions and eventually deportation by the authorities.

Whether they are Somalis or Ethiopians, migrants all face protection risks and challenges, from before deciding to leave their areas of origin to the period in transit, to their arrival in Yemen and facing daily life in the country. They risk arbitrary arrest and detention, closed borders and *refoulement*, physical and sexual violence as well as trafficking, forced recruitment and forced marriage, inadequate access to basic services such as shelter, water, food, basic education and health care, limitations to the freedom of movement and lack of access to means of livelihood. The decision to leave is not one free of consequences.

## Protection risks and challenges in areas of origin

### Somalia

Intense fighting in South Central Somalia started up again in May 2009 and continued to escalate during 2010, especially in the second half of the year, with the strengthening and increasing radicalisation of the insurgent Islamist group Al Shabaab currently in control of most of southern and central Somalia. The worst of the violence is taking place within the capital city of Mogadishu where Al Shabaab is fighting the Transitional Federal Government (TFG) for control of the few neighbourhoods left within its grasp. The TFG is backed by international governments and is assisted in its struggle in Mogadishu by AMISOM, the African Union Mission in Somalia, an 8,000 strong peacekeeping force deployed since 2007 with the approval of the United Nations. Al Shabaab was originally supported by another group, Hizbul Islam, created in 2009 to strengthen the insurgency against the TFG but this alliance was terminated in October 2009 with violent clashes over the port city of Kismayo that was ultimately won by Al Shabaab. As of December 2010, Hizbul Islam has been completely absorbed by Al Shabaab. Fighting is also taking place elsewhere in South Central Somalia, mainly in the Galgadud and Hiran regions between Al Shabaab and Ahlu Sunna Wal Jamaa (ASWJ), a group that espouses a more moderate Islam rooted in traditional Somali Sufism.

While the rest of Somalia, including the semi-autonomous Puntland and the self-declared autonomous republic of Somaliland, remains relatively calm other than for a few isolated clan clashes and clashes between the Somaliland government forces and the Puntland government forces over the disputed Buhoodle area, the violence resulting from the various power struggles across the southern and central regions of Somalia have caused mass displacement within the country. According to the United Nations High Commissioner for Refugees (UNHCR), 2010 has seen 200,000 new internally displaced persons (IDPs) added to the already immense number of 1.5 million IDPs in the country. Living conditions for IDPs in Somalia are dire with insufficient humanitarian aid reaching those in need due to violence and insecurity limiting humanitarian access, and particularly due to the recent and increasing expulsion and taxation by insurgent groups of humanitarian aid organisations operating in South Central regions.<sup>3</sup> For these reasons, the flow of refugees has continued throughout the past year. UNHCR registration figures for new Somali refugees in 2010 show a total of 70,000, with over 18,000 having reached Yemeni soil to seek refuge.

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<sup>3</sup> OCHA Somalia Humanitarian Access Updates

### ***Physical violence and threat to life***

The primary reasons for fleeing South Central Somalia, particularly Mogadishu, are physical violence and basic threat to life. The continuing violence between Al Shabaab and the TFG endangering lives on a daily basis is pushing people to face the perilous journey out of the area and ultimately out of the country. The majority of Somali new arrivals in Yemen on the Gulf of Aden coast and the Red Sea coast cite these as the main reasons for leaving.<sup>4</sup> Numerous interviews with new arrivals in Yemen in 2010 and in January 2011 depict a familiar pattern that was previously described in detail in a recent Human Rights Watch report.<sup>5</sup> Al Shabaab fires at TFG and AMISOM positions from populated residential neighbourhoods throughout the city or from crowded markets, especially the Bakara market, using the cover of civilians as human shields. TFG and AMISOM troops retaliate with indiscriminate fire to the general areas of incoming fire, killing innocent civilians. Most Somali new arrivals from Mogadishu interviewed during 2010 confirm this scenario, with many having themselves been caught in crossfire or having lost relatives and homes to retaliatory shelling. Still, they must go about their daily lives in order to survive, but as Ali, a 35 year-old newly arrived in Kharaz camp in January 2011 stated in a matter-of-fact manner: *“We go about our daily lives, but we always leave the house with the knowledge that we may not be coming back. It has become too hard.”* Both the acts of using civilians as human shields and indiscriminate retaliatory fire constitute serious violations of international law<sup>6</sup>, and both sides, particularly the TFG and AMISOM, should be held to account by the international community.

New arrivals also report brutal killings of loved ones by insurgents or under unknown circumstances. The climate of fear that now pervades South Central Somalia persists even after arrival in Yemen, with many new arrivals reluctant to discuss specifics of violent incidents back in Somalia for fear of retaliation against them in Yemen or against family members who are left behind.

*Hakima is a 28 year-old Somali refugee in Kharaz camp who has made the crossing to Yemen once before. She explained how her husband was killed under unknown but suspicious circumstances in Sanaa in October 2010. Pregnant and alone with five children under the age of 9 at the time, she returned to her brother in Beletweyne in November 2010. A week later, her brother was found decapitated, again under unknown circumstances. “Al Shabaab is there”, she says. “They do not allow humanitarian aid; there is no food; people are in need; there is no security. It is difficult.” Eight months pregnant and in fear for their lives, Hakima left Beletweyne a week later with her five children in tow. She arrived in Yemen in mid-January, in a visibly uncomfortable nine months pregnant state and worried for the future.*

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<sup>4</sup> MMTF Yemen registration data.

<sup>5</sup> Human Rights International, “Harsh War Harsh Peace– Abuses by al-Shabaab, the Transitional Federal Government, and AMISOM in Somalia”, April 2010.

<sup>6</sup> GCIV articles 28 & 49; PI article 51.7; PII article 5.2.c; PI article 51.4; PII

Insurgent groups, particularly Al Shabaab, cultivate a climate of fear with physical violence to exercise control over civilian populations. This manifests itself in various ways. Individuals with links to the TFG or previous governments, real or perceived, are particularly vulnerable; simply walking or living in a government controlled area, or even accepting aid from aid organisations or the government puts one at risk of being sought out by insurgent groups.

*Liban arrived in Yemen in the first half of 2010, having travelled by air from Mogadishu. He is a former soldier with the TFG based in the Mogadishu airport. He explained how four soldiers he knew, including his best friend Ahmed, were killed by Al Shabaab and had their heads hung in a local market after having deserted the TFG military following announcements by Al Shabaab that they would grant “full freedom to those who escaped from the government and repented”. Life, both as a soldier or as an ex-soldier in Somalia, was too dangerous, so he left the country.*

Many other cases of heads, feet and hands hanging in the market places to serve as examples of unwanted behaviour have been reported by the media, Somali refugees and international organisations over the past 18 months.<sup>7</sup> Al Shabaab practices repressive forms of social control by restricting freedoms and meting out harsh punishments to those failing to adhere to the strict rules of their particular brand of radical Islam. Somali new arrivals in Yemen report men’s heads being violently shaved with knives and broken glass for failure to adhere to specific grooming standards; many men report beatings for smoking or wearing long trousers; there have been cases of feet and hands cut off and hung in the market places for theft. *“I have seen a lot of hands”*, says Zahra, a 40 year-old from Mogadishu newly arrived in Kharaz camp.

The restriction of freedoms has been especially oppressive to women. The strict rules imposed by Al Shabaab forbid women from socially mixing with men which includes women running commercial businesses such as food stalls in the markets, a traditional livelihood for women in Somalia. This has had a considerable negative impact on families, as many are female headed households or families where women are the sole bread-winners.

*Amina is a 32 year-old woman from Merca interviewed in January 2011 in Kharaz camp. She was operating a small grocery in the market in Merca, just south of Mogadishu when two of her sisters, also running small grocery businesses in the same market, were both shot dead by Al Shabaab, without prior threats or warnings. She fled immediately, leaving her six children in the care of her mother in Merca. She now hopes to earn a living making samosas in Yemen to be able to send money home for her children and her mother.*

Women are forced to wear a new style of covering not traditionally worn in Somalia; it is a confining type of *abaya* that covers the entire body except the hands, eyes and feet. It is expensive for Somali women (20\$ USD), especially considering the lack of means of subsistence nowadays. Still, they are obliged to wear it and are either beaten, arrested, or both

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<sup>7</sup> Interviews with new arrivals; DRC Protection Reports; HRW “Harsh War Harsh Peace” report; Amnesty International 2010 Annual Report.

if they don't. When arrested, they are required to pay 20\$ USD for their release. Women have found ways of coping by restricting their movements out of their homes and also with the women in one household sharing one *abaya*. Needless to say, the continuous daily restriction of freedoms has been decidedly onerous for the traditionally strong and vocal Somali women.

### ***Forced recruitment and recruitment of children***

There have been numerous reports of forced recruitment by insurgent groups, particularly Al Shabaab, as well as the TFG and its supporters, both of children and young adults, male and female, since the beginning of the current phase of the civil war. Human Rights Watch, Amnesty International, the UN Secretary-General's Special Representative on Children and Armed Conflict,<sup>8</sup> and the media have all reported extensively on the wide-spread occurrence of forced recruitment and the recruitment of children. The worse culprits are, unsurprisingly, Al Shabaab, but also rather shockingly, the TFG, a government backed by international governments, the UN, and supported by a UN backed international peacekeeping force. Child protection monitoring by DRC partners in Mogadishu continues to provide reports on forced recruitment by TFG forces (February 2011). However, new arrivals are consistently reporting that forced recruitment by Al Shabaab is happening – young girls and women as servants and spies, young boys and men to be trained as soldiers. In direct correlation to the forced recruitment, the number of young men and boys, many of whom are unaccompanied minors, arriving on Yemen's shores has increased steadily in 2010<sup>9</sup>. Most worrisome are the reports from new arrivals of Al Shabaab using children to recruit other children in Quranic schools by means of brainwashing tactics at an easily impressionable and therefore vulnerable age. As pointed out by Ali and Amina, two new arrivals mentioned earlier, for this purpose, Al Shabaab are only interested in boys under the age of fifteen, Amina's twelve and nine year old sons having already been approached in this manner for recruitment. Desperate parents are now sending their young sons and daughters by themselves on the perilous journey out of the country.

### ***Forced marriages***

Evidence of forced marriages has surfaced during the last year as yet another protection risk faced by young women in the South Central region, and it appears exclusively perpetrated by Al Shabaab.<sup>10</sup> In the vein of their radical form of Islam, there are reports of soldiers harassing young unmarried women for their hand in marriage and using threats and violence to those who dare to refuse. The women are told that they must marry 'for the sake of Allah', foregoing

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<sup>8</sup> HRW "Harsh War Harsh Peace" report; Amnesty International 2010 Annual report; Report of the Secretary-General on children and armed conflict in Somalia (S/2008/259); The Recruitment and Use of Children by Armed Forces or Armed Groups in the Somali Conflict: Situation Overview, November 2009; Statement from UNICEF and Secretary General's Special Representative on Children and Armed Conflict, 4 May 2010.

<sup>9</sup> MMTF Yemen registration data.

<sup>10</sup> MMTF Yemen registration data; Interviews with new arrivals; DRC protection reports.

all the traditional Somali customs of the rite of marriage, not the least amongst these the payment of dowry to the woman's family.

*Hani is a 23 year old woman who fled to Yemen due to threats of forced marriage after a friend gave her mobile phone number to an Al Shabaab soldier in Jowhar. He began a persistent campaign of harassment over the telephone for her hand in marriage despite her repeated refusal. Having never met him in person, Hani did not know what he looked like, but he somehow knew who she was and was aware of all her movements around town. Fearing for her life, her parents disguised her as a pregnant woman in need of medical attention and thus managed her escape out of Jowhar to Mogadishu. Still, the soldier persisted and knew of her whereabouts in Mogadishu. Fearing for her life, Hani fled the country.*

*Nima, a 29 year old arrived in Kharaz camp from Mogadishu in January 2011, told of what she witnessed in Mogadishu. An Al Shabaab soldier had asked a young woman for her hand in marriage, an offer she refused. They came to her home at night and killed her, an event that was filmed on a mobile phone camera. This video was showed to others around the community as a warning to those who refuse to marry 'for the sake of Allah'.*

Desperate parents are hiding their unmarried daughters inside their homes and those who can afford it are sending them out of the country; registration of new arrivals figures show a marked increase in young women and unaccompanied girls arriving in Yemen to avoid the threat of forced marriages.<sup>11</sup>

### ***Lack of access – health services, education, market places, livelihoods***

All of the above mentioned protection risks, as a matter of course, affect access to basic necessities and services such as access to the market places for food, access to health services, basic education and means of livelihood. This is compounded by the absence of a functional government for the last twenty years to maintain government services such as the health and education systems and social welfare safety nets. Hospitals that are still operational and stocked with necessary supplies and medicines are far and few between, as are good quality public schools. Most individuals cannot afford the few adequate schools and hospitals available, with drastically insufficient international aid to cover the gaping holes. Accessing markets safely to purchase food is difficult, but mostly the issue is having the means to pay for food and other necessities with increasingly limited livelihood options. The Food Security and Nutrition Analysis Unit – Somalia (FSNAU) reported in January 2011 that one in four children is acutely malnourished in Southern Somalia and that the acute malnutrition rate for children in the Afgoye corridor had increased from 15% to 21% in the second half of 2010.<sup>12</sup> As is often the case, children are the first affected when food shortages occur at the household level. With

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<sup>11</sup> MMTF Yemen registration data.

<sup>12</sup> FSNAU news Release, January 28, 2011.

no end to the civil war in sight, and with the humanitarian access and protection space shrinking proportionately to Al Shabaab's solidification and spreading of power, these protection risks will continue to push people into displacement, some of whom will continue arriving in Yemen in search of security, assistance and the possibility of an education and future for their children.

## Ethiopia

UNHCR new arrivals figures in Yemen for 2010 show 34,509 Ethiopians out of a 53,487 total arrivals. Ethiopians well outnumber the 18,873 Somalis and 105 others registered in 2010. They account for almost two-thirds of the estimated new arrivals in Yemen in 2010, a complete reversal from 2008 when two-thirds of new arrivals were Somalis. Of these, only a small percentage seek asylum from persecution in their homeland for actual affiliation to government opposition parties. Although a significant number of the Ethiopian migrants are economic migrants in search of better livelihood opportunities, especially considering severe drought conditions pervading the country in 2010, another significant percentage fall in a grey zone that involves elements of economic migration brought on by political and economic oppression that does not fall under the protection of the *Refugee Convention* or any other international legal instrument. The individuals falling under this murky category do not seek asylum, and would not be granted refugee status should they apply as they may be classified as economic migrants only. As such, they face probable deportation or voluntary repatriation once caught by authorities either in Yemen or Saudi Arabia, the preferred end destination for most. This group is caught in a politically sensitive situation with complex implications of mass migration not arising from open conflict. However, the fact remains that these are vulnerable individuals for whom protection space is severely limited.

According to the Organisation for Economic Co-operation and Development's (OECD) Official Development Assistance statistics, Ethiopia is one of the largest recipients of development aid and is apparently making good progress in achieving its Millennium Development Goals,<sup>13</sup> yet mass migration is steadily increasing, especially in the last three years. Statistics gathered through the registration of Ethiopian new arrivals – keeping in mind that only a small percentage (1 out of 25 Ethiopian arrivals) are actually registered since most continue on with their migration via smugglers the instant they set foot on the Yemeni coast – indicate that 47% are of Oromo ethnicity, 7% are from the Somali region, and 20% from Amhara.<sup>14</sup> Interviews with the new arrivals indicate a pattern in the reasons behind their migration that includes political and economic oppression by the government for perceived allegiance due to their ethnicities to government opposition groups, mainly the Oromo Liberation Front (OLF), the Ogaden National Liberation Front (ONLF) and the All Ethiopian Unity Party (AEUP) in the Amhara region, among others. The political system based on ethnic federalism, instituted by the Ethiopian People's Revolutionary Democratic Front (EPRDF) in 1994 with the intention of

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<sup>13</sup> <http://www.oecd.org>

<sup>14</sup> MMTF Yemen registration data.

democratic representation for all groups has, in reality, become a polarizing system in recent years as opposition groups became increasingly capable of mounting real challenges to the hold on power of the EPRDF. This has resulted in an increase of oppressive tactics by the EPRDF towards other ethnic groups to maintain its hold on power.<sup>15</sup> That, coupled with severe droughts in recent years, is mostly likely the primary reason behind the increased flow of Ethiopian migrants in the Horn of Africa. Indeed, Ethiopian migrants are attempting migration due to lack of access to livelihood opportunities, but in many cases there is more behind this than simple economic migration and it should be better acknowledged and taken into consideration.

Humanitarian access within Ethiopia is tightly controlled and limited by the Ethiopian government, especially with regards to human rights monitoring, making it especially difficult for international aid organisations to operate effectively and with total accountability in the country.<sup>16</sup> Despite reports of human rights abuses by various parties and of development aid being used as a means of political control by the government to quench opposition, international funding continues without much restriction.<sup>17</sup> On the other hand, assistance available to Ethiopian migrants who have ventured out of the country to Yemen and beyond in search of better conditions, is limited. This leaves them with the only options of deportation or voluntary repatriation when left stranded at the northern Yemen border or without means of subsistence elsewhere in the country. Those who are deported back or voluntarily returned to Ethiopia – a questionable ‘voluntariness’ in some cases considering the non-existence of alternative options – go back to difficult conditions to face more than lack of livelihood opportunities. Options for these individuals are limited, making them vulnerable and in need of better protection than is currently available.

### ***Lack of access to education, livelihood opportunities and other government programs***

Interviews with new arrivals in Yemen mirror prior reports by Human Rights Watch and the Internal Displacement Monitoring Centre (IDMC) profile on Ethiopia to the effect that there is widespread discrimination by local government officials against political opponents when distributing aid through donor supported programs, salaries or training opportunities, whether it be agricultural assistance such as seeds and fertilisers, or whether it is referrals to health services and schools.<sup>18</sup> The majority of new arrivals from Oromia and the Somali Region interviewed claim that they left Ethiopia to find work and send money back; but many also make similar claims that if they manage to find work in Ethiopia, they will automatically be accused by the government of supporting one of the opposition groups, and that they are not allowed access to education opportunities. Jalto, a 24 year-old Oromo woman, says “*Oromos*

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<sup>15</sup> International Crisis Group Africa Report No. 153, 2 September 2009.

<sup>16</sup> Amnesty International Annual Report 2010.

<sup>17</sup> Human Rights Watch “Development Without Freedom - How Aid Underwrites Repression in Ethiopia” report, October 2010.

<sup>18</sup> HRW “Development Without Freedom” report; IDMC

*are always linked to the Front. As Oromos, we can't get work or an education. They [the government] will not allow us to develop.*" Her fellow travelers all concurred.

### ***Physical violence, arbitrary arrests and detention***

New arrivals are also reporting occurrences of physical violence as well as arbitrary arrests and detentions. The government and the ONLF in the East have been involved in a protracted low-intensity conflict for over a decade. According to reports from the media and international organisations, both sides have perpetrated violence and abuses against civilians in the course of this conflict. The conflict in neighbouring Somalia has contributed in escalating tensions and the clashes have continued in the Somali region throughout 2010. There have been reports of over 300 civilian deaths at the hands of government forces between September and December 2010, causing displacement within the region due to insecurity.<sup>19</sup> New arrivals report this insecurity, along with arbitrary arrests, killings and rapes.<sup>20</sup>

*Leila is an 18 year-old who reported being raped in detention by an Ethiopian soldier. "I came to Yemen in 2006 through the Red Sea and travelled to Saudi Arabia without registration. I have been working there until I had been deported to Ethiopia in late 2009. Then I was attacked by the new police of Ethiopia operating in Dhagahbur-Zone 5. I was arrested under the false allegation of helping the ONLF rebels because I belong to the Ogaden tribe. I was released on bail after some days with the bribe of 350 Birr. Again new police attacked my family and took me to the prison again. During the night, one man came to me to rape me in the room. After I disagreed with his request, he tried to use his power. His name was Mohamed. Then he called two of his friends. They caught me by the hands and legs. He did what he wanted to do." She was released some days later and fled to Yemen.*

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<sup>19</sup> IDMC Ethiopia Country Profile.

<sup>20</sup> DRC protection reports

## Protection risks and challenges while in transit

Various changes over the course of 2010 have had an impact, both positive and negative, on the conditions of travel for migrants *en route* from their areas of origin all the way to the Yemeni coast. Some protection risks have been mitigated, others increased and new ones arose. Of particular importance, the spreading knowledge of the extreme dangers and high mortality rate of migrants crossing the Gulf of Aden in the past years, and most especially the crackdown on smuggling both at borders and along the coasts by the government authorities of Puntland, Somaliland and Djibouti, have played significant roles in the shifting of migration routes in the Horn of Africa to Yemen.

The crackdown on smuggling and the tight control at the border under the guise of counter-terrorism of Al Shabaab/Al Qaeda by the Puntland government at the South Central Somalia and Puntland border in Galkayo has led to new routes bypassing Puntland altogether, travelling through Ethiopia from Galkayo direct to Hargeysa in Somaliland, and on to Djibouti for the Red Sea crossing into Yemen. Indeed, Mixed Migration Task Force in Yemen (MMTF) registration data indicates that 66% of new arrivals in Yemen for 2010 came through this route instead of the Gulf of Aden route departing from the Bossasso area on the northern coast of Puntland, as opposed to 32% in 2008. Add to this, similar increasing crackdowns on smuggling by the Somaliland and Djibouti governments trying to mitigate their own overloads of migrants and refugees, and the result is an increased difficulty to flee, and consequently, a new set of protection challenges.

### *Physical violence and robberies*

Al Shabaab's solidification of power and control in South Central Somalia has brought about the appearance of more checkpoints in this segment of the journey for Somalis. This has meant an increased risk of violence by Al Shabaab enforcing its strict rules of Islam, specifically regarding the ban on smoking as well as the grooming of beards and hair for the men, and the wearing of the *abaya* and travelling without the escort of a male family member for the women. New arrivals in Yemen report numerous beatings and abuse by Al Shabaab at checkpoints for these reasons, among others. On the other hand, reports also indicate that attacks and robberies by villagers or roaming bandits that used to prevail in this area have drastically gone down with the tight control of Al Shabaab over the area.<sup>21</sup>

The new route through Ethiopia to Hargeysa has meant new risks of robberies by Ethiopians and extortion by Ethiopian border authorities. Similarly, the crackdown on smuggling at checkpoints on the Puntland coast has resulted in longer, more circuitous and dangerous walking routes from Bossasso to departure points on the coast, during which villagers and bandits have been reported to rob and attack migrants already depleted by the increased physical exertion involved.

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<sup>21</sup> Interviews with new arrivals; DRC protection reports

There are widespread reports of robbery, theft and extortion from smugglers, brokers, soldiers and villagers at practically all segments of the journey, with the exception of Al Shabaab-controlled territory. Almost all new arrivals report losing all the funds they had amassed to undertake the journey and to survive on arrival making them extremely vulnerable as they scramble to somehow earn the capital to continue their journey. For these migrants who cannot afford plane tickets to their destination and therefore are travelling by land and sea, being left stranded without cash at some point in their journey appears nearly unavoidable.

### ***Closed borders, arbitrary arrests, detentions and refoulement***

Reports of closed borders, arbitrary arrests and detention, as well as *refoulement* have come in at a constant stream throughout the year from Puntland, Somaliland and Djibouti. Specifically, the Puntland border with South Central Somalia in Galkayo has refused entry to men under pretext of the fight against terrorism.<sup>22</sup> UNHCR reported specific instances where IDPs were actively pushed back from Puntland into South Central Somalia, including one time involving 900 individuals. Somaliland is increasingly stopping men from getting through its border checkpoints, although the payment of bribes appears to facilitate the process on many occasions. The same closed border situation prevails in Djibouti, with the added restriction of entrance to women also reported.<sup>23</sup> The Djibouti closed border has resulted in an increased use of smugglers to cross the Somaliland border into Djibouti at Loya-ade and then on to Obock, a segment of the journey where a high number of rapes, including gang rapes have occurred.

According to UNHCR and new arrivals in Yemen, the Puntland and Djibouti governments, and to a lesser extent the Somaliland government as well, have arbitrarily arrested, detained and ultimately deported Somali men back to South Central Somalia, clear cut cases of *refoulement*.<sup>24</sup> Ethiopians also do not fare well in this regard. As they are classified as economic migrants, those caught by authorities in Djibouti, Somaliland and Puntland, are now automatically arrested, detained and deported. As a counter measure, Ethiopians migrants are now circumventing border control points by undertaking arduous routes on foot from the border to Obock where they arrive exhausted and unprepared for more protection challenges that confront them there.

The Djibouti government is also cracking down on smugglers in Obock, where the military raid smugglers' and brokers' houses, arrest mixed migrants and deport them back to Ethiopia and Somalia.

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<sup>22</sup> See for example, UNHCR news report of 23 July 2010 – “Forced return of IDPs from Puntland to conflict prone south central”.

<sup>23</sup> Interview with new arrival.

<sup>24</sup> UNHCR warning issued 23 July 2010 warning over treatment of Somali refugees.

### *Sexual exploitation and rape*

While in transit, women migrants, for the most part Somali women, face sexual and gender-based violence (SGBV), predominantly rape and sexual extortion. Numerous cases of both are reported by new arrivals during protection monitoring interviews done by the Danish Refugee Council (DRC) on the Red Sea coast. Formal reporting of cases to authorities and organisations working in SGBV, however, is for the most part not happening. Through a review of protection reports and registration data gathered by DRC, as well as case data gathered by Intersos,<sup>25</sup> the two organisations identified in a joint report two main risk areas for women with regards to SGBV: while in transit on the inland route between Loya-ade and Obock in Djibouti by the Djibouti military or gangs of villagers, with particular mention of Afari men, and by abusive smugglers and brokers while awaiting departure in Obock.<sup>26</sup> More recent new arrivals also report attacks and rapes by armed bandits attacking houses where the migrants are waiting in Obock. There were two reports of simultaneous gang rapes of Somali women in the area of Khor Ambada in the first half of 2010, and to add to the protection risks of victims of rape in that specific leg of the migration, there is basically no possibility of medical attention until arrival in Yemen.

There are also reports of sexual servitude perpetrated by smugglers or brokers in Obock. The usual *modus operandi* of the perpetrators starts with denial of payment of fees for their brokering and smuggling services, followed by sexual servitude for extended periods until the perpetrator decides that the woman has earned her fare across the sea to Yemen, or until he gets tired of her and moves on to the next victim.

DRC and Intersos posit that the rate of SGBV in these areas increased in 2010 due to Somali women travelling increasingly on their own without group protection. However, even when groups of male fellow travellers tried to protect the women in some cases, they were attacked and chased away themselves. What is certain is that there is serious risk of sexual violence to migrant women in Djibouti, and the presence of DRC protection monitoring teams on the Red Sea coast has aided in detecting more cases that would never get reported otherwise.

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<sup>25</sup> Italian NGO, UNHCR implementing partner in SGBV and psychosocial counselling in registration centers and Bassateen.

<sup>26</sup> DRC – Intersos report on “Red Sea New Arrivals – SGBV Trend Analysis January to March 2010”.

### ***Lack of access to food, shelter and water***

The majority of migrants who undertake the journey to Yemen, whether from Ethiopia or Somalia, all face difficult times when available funds for travel expenses and food, water and shelter are barely enough; but all of these necessities are for the most part available. Conditions in IDP and refugee camps along the way in Somalia and Djibouti are quite rough, to be sure, and with robberies occurring throughout the journey, a high number of migrants will face lack of access to either or all of these necessities at some point. However, they can find ways of coping such as finding temporary menial work along the way to earn money, get remittances from family abroad, borrow from fellow travelers, etc. But the situation in Obock is of another order as ways to cope are practically non-existent once migrants find themselves stranded without access to food, water or shelter for days on end.

Both Somalis and Ethiopians use the services of brokers and smugglers to make their way through Djibouti to the Obock area which is the main departure point for the Red Sea route to Yemen. Migrants are guided on land or transported by boat across water to Obock by smugglers and are then sheltered in smugglers' or brokers' houses in Obock while awaiting transfer to the departure point on the coast. With unpredictable weather patterns and rough seas, as well as with the crackdown on smuggling in the coastal areas by the Djibouti government, migrants are left stranded on isolated stretches of coastline on an average of 3 days, and sometimes up to 5 days, waiting for the boat that will transport them across the sea to Yemen. It is while here that they have no access to food, safe drinking water or shelter from the sun. Those who were lucky enough to be able to procure food before leaving for the departure point run out before long, and like the others are left at the mercy of smugglers who, occasionally, will come back with food and water, but mostly don't. Several deaths at the departure point have been reported by new arrivals over the past year. Many new arrivals in Yemen need medical treatment for severe dehydration and acute diarrhea, and some arrive very ill from having drunk sea water. This situation is still happening as of January 2011, despite awareness of this issue. No humanitarian aid organisations operate in Obock and certainly none can reach departure points which are kept unknown to authorities, for obvious reasons. Somalis fare worse than Ethiopians in Obock due to the smugglers preferring to transport Ethiopians first. Ethiopians represent more profits to smugglers since they continue on their journey using their services once they arrive in Yemen; Somalis, on the other hand, stay put on arrival in order to register as refugees.

### ***During sea crossing***

The sea crossing is where the most important mitigation of protection risk has occurred in the past couple of years. The shift of travelling routes from the Somalia northern coast and across the Gulf of Aden to the now predominant route from Obock across the Red Sea has been a huge factor. The Red Sea crossing is a much safer crossing as it covers a shorter distance, cutting the trip down to 5 hours as opposed to the average 3 to 5 days on the Gulf of Aden crossing. The Red Sea also has much calmer and manageable sea conditions. Consequently,

the number of boats capsizing, with the ensuing drownings, has gone down dramatically. Equally important has been the change of tactics by the Yemeni coast guard authorities regarding the apprehension of smugglers. Following high numbers of deaths due to smugglers throwing migrants off the boats far from the shores to avoid being chased and caught by the Yemeni coast guard, the international community, particularly UNHCR, successfully lobbied the Yemeni government and provided trainings to the coast guard authorities to change the way they dealt with smugglers dropping migrants along the Yemen coastline. The boats are now allowed closer to shore to disembark the migrants safely and the smugglers are not given chase. This has almost completely eliminated the mass drownings vividly brought to international attention in previous reports by Médecins Sans Frontières (MSF)<sup>27</sup> and Human Rights Watch.<sup>28</sup> New arrivals in 2010 consistently reported safe landings close to shore without negative interference from the authorities.

Another significant improvement has been the curbing of abusive and brutal treatment of migrants by the smugglers, particularly on the Gulf of Aden route which had by far the worst record. Now, for the most part, new arrivals report good treatment by the smugglers, nearly no SGBV cases, and few reports of beatings, although those still happen in cases of persons standing up in the boats and putting the boat at risk of capsizing. According to the Charitable Society for Social Welfare (CSSW) medical team at Mayfaa refugee reception center, the main reception center for new arrivals crossing the Gulf of Aden, the rate of injuries from beatings on the boats has gone down dramatically over the past 2 years. One possible explanation for this attitude change in the smugglers is the loss of business to the reportedly more humane Red Sea smugglers.

UNHCR statistics show that the rate of death during crossing from the Horn of Africa to Yemen has gone from 1056 in 2008, to 529 in 2009, and finally down to 19 in 2010. Migrants are making it to shore, and they are arriving in much better shape than previously.

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<sup>27</sup> MSF “No Choice: Somalia and Ethiopian Refugees, Asylum Seekers and Migrants Crossing the Gulf of Aden”, June 2008.

<sup>28</sup> HRW “Hostile Shores” report, December 2009

## Protection risks and challenges on arrival in Yemen

### *Gulf of Aden coast vs Red Sea coast*

Protection risks on arrival vary depending on whether one is Somali or non-Somali. Somalis are granted *prima facie* refugee status and are thus afforded a greater level of protection by state authorities and aid organisations upon arrival. Non-Somali new arrivals, 99% of which are Ethiopians, are not granted *prima facie* refugee status and are considered illegal migrants when they disembark on the Yemen coastline, unless they expressly seek asylum. The level of risk non-Somalis face on immediate arrival depends on whether they arrive on the Gulf of Aden coast or whether they arrive on the Red Sea coast. According to MMTF Yemen statistics, 82% of estimated non-Somali new arrivals in 2010 disembarked on the Red Sea coast, as opposed to 18% on the Gulf of Aden coast. Conversely, only approximately 10% of those estimated non-Somali new arrivals on the Red Sea coast were actually registered at the Kharaz registration center, whereas 89% of the estimated non-Somali new arrivals on the Gulf of Aden coast were registered at the Mayfaa and Ahwar registration centers. The reason behind this difference lies on the way the coastal authorities on each of the two coasts have chosen to implement the national migration laws. The authorities on the Gulf of Aden coast have taken a more lenient and humane approach by allowing all new arrivals to be transported to the registration centers in order to receive basic assistance and to seek asylum if they so choose. On the other hand, the disembarkation area on the Red Sea coast is a military zone, where the authorities originally chose a hard line with non-Somali new arrivals. Up to March 2010, they were automatically categorized as illegal migrants subject to immediate arrest, detention and ultimately deportation, without being given the possibility of seeking asylum. This strategy led to the proliferation of human smuggling activities as the opportunity for such services was ripe.

However, the situation for non-Somalis on the Red Sea coast did improve as of March 2010. After intense pressure from the international community led by UNHCR, the authorities in the area began to allow transportation of non-Somali asylum seekers to Kharaz registration center. Also after much advocacy, there has been a slow-down on systematic arrests and detention of those non-Somalis that did not want to seek asylum. The non-asylum seekers are now, for the most part, allowed to make their own way from the coast to Kharaz registration center, with a special allowance for individuals clearly in need of medical attention or with obvious vulnerabilities to be transported by aid organisations to the registration center for assistance. Unfortunately, the options for Ethiopians not seeking asylum once they have registered at the reception center are very limited and so the demand for smuggling on arrival remains high.

Despite the positive changes on the Red Sea coast, the difference that remains in the welcome of non-Somali migrants by state authorities in each area impacts the level of protection risk they face when arriving in Yemen, and consequently it determines the level of risk they will live with during their stay in the country.

### *Smuggling*

The presence of smugglers and the attitude of villagers in the disembarkation areas affect the level of risks faced by new arrivals, particularly for Ethiopians. For several reasons, the Red Sea coast has a more robust smuggling network in place than the Gulf of Aden coast. As mentioned above, since Ethiopians are not *prima facie* refugees and are subject to eventual deportation if not granted asylum, they need the services of smugglers to make their way through the rough terrain of Yemen without being caught by authorities; most are aiming for Saudi Arabia and other Gulf countries to seek employment, and some are aiming for specific regions of Yemen, such as Rada in the West, seeking work in the qat fields where many Ethiopians are already working. Villagers in the disembarkation area on the Red Sea coast appear involved in the smuggling network, in collusion with the military authorities present in the region. Considering that an estimated 28,464 Ethiopians arrived there in 2010 alone, and considering that only 2,758 of them actually went to the registration center, this that means over 25,000 continued on their journey via the smuggling network. It is a very lucrative business for smugglers, who reportedly charge 10,000 to 15,000 Rials (45 to 70 USD) per person for their services. The more people they smuggle, the more money they stand to earn. Consequently, smugglers on the shore who are in direct contact with the boat smugglers are already on the shore when the migrants disembark; they reportedly round up all Ethiopians in vehicles and drive away before the arrival of authorities or aid organisations. Whether they actually want to be smuggled or not is not necessarily taken into consideration by smugglers at that point. Somali new arrivals in Kharaz registration center consistently report individuals on the shore asking which individuals are Ethiopians, separating them from the Somalis, loading them up in vehicles and driving away. The Somalis, their *prima facie* refugee status being common knowledge by everyone at this point, are for the most part left alone by smugglers, and either left alone or assisted by villagers. There have been some reports of Somalis robbed by villagers, but not to the level suffered by Ethiopians.

The smuggling network on the Gulf of Aden coast is not as extensive, although 11% arrivals are picked up by smugglers on immediate arrival. According to Yemenis, staff of aid organisations and new arrivals interviewed, communities on this coast have much less tolerance for the presence of smugglers in their territories. This combined with the considerably lower rate of non-Somali arrivals and the fact that they are transported to the registration centers without exception, makes smuggling less pervasive on the Gulf of Aden coast, and hence mitigates protection risks upon immediate arrival.

Smugglers are also present at the reception centers, this time targeting Somali new arrivals, trying to mislead and convince them of the benefits of being smuggled onwards to Saudi Arabia and beyond, before they are made aware of their options and rights as refugees, and before they are informed of the dangers of smuggling and trafficking by the aid organisations present at the registration centers. Unaccompanied minors lacking the protection and community support of adult supervision are especially vulnerable to this.

### ***Physical and sexual violence and human trafficking***

New arrivals report physical and sexual violence, including robbery, at the hands of various groups: military, police and coast guard authorities, villagers and smugglers. The authorities are mostly accused of robbery, but to a lesser extent than villagers and smugglers. The distinction between villagers and smugglers on the Red Sea coast is rather blurry in accounts of such incidents by new arrivals, probably due to the involvement of villagers in the smuggling network in that area. For the most part, Somalis are either left alone as a result of the widespread knowledge of the protection afforded to them by their *prima facie* refugee status, or they tend to cope with such dangerous situations by sticking up for themselves and each other as a community, making them less vulnerable than the Ethiopians who mostly travel on their own, have less cohesion as a people, and no *prima facie* refugee status protection. But there have been some reports of Somalis robbed and abused by villagers or the authorities.

The most common trend reported is of villagers / smugglers on the Red Sea coast gathering the Ethiopians, bringing them to remote villages and robbing them of whatever little money they may have left after the perils of their journey through the Horn of Africa. There are also claims of physical and sexual abuse at this stage, although information is rare as most of these individuals never make it to registration centers to report incidents. Most of the Ethiopians are presumably smuggled onwards from there but some are released to make their own way, perhaps because they express their intention to seek asylum in Yemen or to stay in the South of the country, thereby being of no monetary value to the smugglers.

*Abdul, a 22 year-old Ethiopian new arrival in Kharaz registration center in January 2011, recounts the experience he and his four travelling companions – Omar, 15 years old, Mohamed, 21 years old, Mohamed, 16 years old, and Jalto, a 24 year old woman – had with smugglers the previous day. “The villagers asked who was Ethiopian. They let the Somalis, four women, go. Then they surrounded us and took the 20\$ that I had left. The rest of us had no money. They took us to their room. Then they took away from the room 15 to 20 persons; about 4 or 5 were men, the rest were women, all young, between 15 to 22 years old. We don’t know where they are now.” The rest of them were driven to a road, dropped off and told “start walking this way, you will reach the refugee camp.”*

Whether what Abdul describes constitutes solely smuggling for the sake of making money by simply transporting individuals in search of work to another country or whether it is actually involving human trafficking, or a combination of both, is unclear. Although the Yemeni government and aid organisations operating in the country are all clear that human trafficking is taking place in Yemen, specifics are rare, and the line between smuggling and trafficking remains blurry. The US State Department’s Trafficking in Persons Report released in June 2010, however, is unequivocal on its view on this issue:

*“Yemen is a transit and destination country for women and children from the Horn of Africa; Ethiopian and Somali women and children travel willingly to Yemen with the hope of working in other Gulf countries, but once they reach Yemen are forced into prostitution or domestic servitude. Others migrate willingly with false promises of comfortable employment as domestic servants in Yemen, but upon arrival are forced into prostitution or domestic servitude. Female Somali refugees are forced into prostitution in Aden and Lahj governorates and Yemeni and Saudi gangs traffic African children to Saudi Arabia. Somali pirates capitalize on the instability in the Horn of Africa to subject Africans to forced labor and prostitution in Yemen, in addition to their piracy and human smuggling crimes.”<sup>29</sup>*

The International Organisation for Migration (IOM) is soon to publish its assessment on human trafficking in Yemen, as is the United Nations Children’s Fund (UNICEF) on the issue of trafficking of children in Yemen. Neither reports were available at the time of writing, but should be useful in shedding light on the smuggling / trafficking debate in the country. In any case, the fact remains that mixed migrants arriving in Yemen, whether Ethiopian economic migrants or Somali refugees, and whether smuggled or trafficked, are decidedly at risk of physical and sexual violence, as well as servitude, prostitution and all other implications that come with human trafficking.

### ***Physical hardship***

Although migration from the Horn of Africa is difficult for all categories of migrants, upon arrival on the Red Sea coast, it is particularly harsh for non-Somalis, i.e., for Ethiopians. On the Gulf of Aden, Ethiopians are transported on arrival to the refugee registration centers where they are given medical assistance, food, clothes, access to bathing facilities, and the opportunity to rest before the next stage of the process. On the Red Sea coast, Ethiopians who are not moving on with smugglers are given basic assistance at reception centers for a couple of hours, but those who are not seeking asylum and not visibly sick or vulnerable, are left after these few hours to make their way from the reception center to the registration center in Kharaz camp on foot without assistance. The distance between the reception center located in Bab Al Mandeb and Kharaz refugee center is over 50 kms. The South of Yemen is arid desert land, with rocky soil, sand dunes and nearly no vegetation; temperatures reach upward of 40 degrees Celsius in the summer season. It is harsh dangerous terrain for anybody, but even more so for exhausted, underfed and dehydrated new arrivals with no money and no water, inadequate clothing and footwear, and with the presence of smugglers and sometimes hostile villagers and authorities along the way.

The same situation holds after the registration process is finished. For those who arrived on the Gulf of Aden coast, they are transported to the Kharaz camp after 24 hours at the registration centers. Somalis have five days in the camp to get medical attention and proper meals and tents to sleep in, after which they must decide if they will remain in the camp, where living conditions are not good but where there is at least some sort of shelter and basic services, or

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<sup>29</sup> US State Department, Trafficking in Persons Report, 10<sup>th</sup> Ed., June 2010.

whether they will leave the camp and make their own way to urban areas to integrate and try to survive on their own. Ethiopians, on the other hand, are not allowed to stay for five days at the registration centers. They are given a UNCHR attestation letter when registered which allows them 10 days to make their own way to UNHCR offices in either Aden or Sanaa to apply for asylum.<sup>30</sup> For most, this involves walking from Kharaz camp to Aden, a 150 kms distance in the same arid empty desert with no money and nothing but maybe the odd water bottle for the lucky ones; they arrive with no money and have no immediate support system to gather funds to arrange transport to Aden, which in any case is very difficult to manage, but especially difficult if you have been there less than 12 hours and know nobody there. It is a two-day walk through potentially hostile areas, with always the risk of being stopped by authorities and detained, although the practice of systematic arrests of Ethiopians has eased in the past year and respect of the temporary protection afforded by the attestation letter by the same authorities has reportedly improved.

The reception centers and registration centers are essential protection mechanisms for new arrivals, providing much needed medical assistance, prevention and counseling for victims of SGBV, documentation to facilitate access the asylum process for Ethiopians and temporary asylum documents necessary for the formal asylum process for Somalis, as well as awareness raising on what options are open to them thereby possibly protecting them from risks they may otherwise fall prey to, such as trafficking. All new arrivals are better protected from risks by passing through these centers, even if only for one day. However, the risky travel on foot through the desert described above remains for non-Somalis. Around 10 kms after we left Kharaz camp to return to Aden the same day we interviewed them, we drove by Abdul and his three travelling companions, Omar, Mohamed and Mohamed walking by the side of the road, with nothing but the clothes on their backs and a harsh two-day trek ahead of them, desperately signaling for our vehicle to stop.

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<sup>30</sup> Due to the prevailing security situation, this has been increased to 20 days.

### ***Arrest and detention / lack of access to the refugee registration process***

Prior to March 2010, Ethiopians found on Yemeni soil without a UNCHR attestation letter were systematically arrested, detained – on average for up to a year – and ultimately deported without access to the asylum process, a direct violation of the right of *non-refoulement* guaranteed by the *Refugee Convention* to which Yemen is a signatory. Even Ethiopians with the attestation letter were often subject to the same treatment as some police or military authorities refused to recognize the documents as valid. UNHCR, the International Committee for the Red Cross (ICRC) and other aid organisations were not granted access to the detainees for protection visits. After much advocacy and pressure by the international community, the number of arbitrary arrests and detention of Ethiopians with the attestation letter have dramatically gone down from March 2010 onwards. The Yemeni government has granted access to those in detention to the ICRC as of May 2010, and to the UNCHR as well as its implementing partners as of the end of 2009 in some areas and as of March 2010 in Taiz.<sup>31</sup> Screening for asylum seekers in detention is therefore now possible. According to UNHCR, only between 1 to 5% of Ethiopians in detention that have been screened actually seek asylum.<sup>32</sup> Conditions in the detention centers remain atrocious and a system of notification of potential asylum seekers in detention in need of screening is still lacking, nevertheless, the protection situation of Ethiopian asylum seekers in detention has improved over the course of the year.

### ***Ethiopians stranded at northern Yemeni border***

Over 3,000 migrants, mostly all Ethiopians, have been stranded in the North of Yemen at the border with Saudi Arabia since September 2010. In response to the instability in northern Yemen, the Saudi government has reinforced its border control and has adopted a policy of deporting African migrants, again mainly Ethiopians, back to Yemen, simply dropping them off on the other side of the border. Most have no money, no food, no water, and are at the mercy of smugglers, all of the same network that gets migrants across the seas from the Horn of Africa into Yemen and onwards to Saudi Arabia. Health conditions are precarious and many are at great risk of trafficking and abuse by the smugglers who are reportedly in collusion with the Yemeni and Saudi borders guards.<sup>33</sup> Some aid organisations already present in the area due to the internal displacement resulting from the conflict in the region are providing assistance to these stranded migrants.<sup>34</sup> IOM is present and has already facilitated the voluntary repatriation of hundreds of them, although, as pointed out earlier in this report, the voluntariness of such returns to difficult situations in their homelands that they fled from in the first place is questionable considering the complete non-existence of any other options presented to them.

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<sup>31</sup> Interviews with UNHCR and ICRC, January 2011.

<sup>32</sup> Interview with UNHCR, January 2011.

<sup>33</sup> Irin Humanitarian News and Analysis – Yemen news reports, 2 December 2010, 5 December 2010.

<sup>34</sup> IDMC Yemen Country Profile.

## Life as refugees in Yemen – Protection Challenges

Yemen is one of the poorest countries in the world according to the UNDP Human Development Index. There is a high level of poverty, illiteracy, unemployment and malnutrition. Water and food resources are low, the education and health systems are inadequate for the Yemeni population, and social safety net programs are either insufficient or non-existent. Civil conflict is ongoing in the North of the country which is currently trying to cope with a caseload of 342,000 IDPs, and tensions are high in the South of the country where clashes between government authorities and separatist factions occur on a regular basis. Because of its geographical location, Yemen has traditionally been a transit country for migrations. However, the continuing arrival in the course of the last decade, but especially in the last three years, of 170,864 refugees now registered with UNHCR has put a burden on the country that it can hardly handle. Approximately 95% of the refugee population is Somali. With the protracted nature of the civil war that is raging in Somalia with no end in sight, repatriation and voluntary return are not plausible durable solutions, nor is resettlement a solution for more than maybe 1,000 lucky refugees every year. For the time being, local integration remains the main plausible durable solution option. Considering that Yemen is in need of development assistance for its own population, it is even more so in need of assistance focused on integration in order to cope with the refugee population that is destined for a long-term stay in the country.

As it stands now, integration is nearly impossible. Besides the *Refugee Convention*, Yemen is signatory to a number of international human rights instruments that are meant to protect both the rights of Yemenis and refugees, including *The International Convention on the Rights of the Child*, *The International Covenant on Economic, Social and Cultural Rights*, *The International Covenant on Civil and Political Rights*, and *The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*. Many of the provisions found in these legal instruments have been incorporated into national legislation. Practical application of the laws, however, is not always possible in a country with so many problems and so few resources, with the protection of refugees certainly not a government priority in such situations. With the guidance of UNHCR, a Bureau of Refugees has recently been instituted to focus on refugee affairs, most importantly to develop a much needed national legislative and administrative refugee framework. Much work needs to be done, and for integration to be possible, major inputs into higher education, vocational training and livelihood opportunities has to occur, as well as better access to public services such as health care.

## Refugee camp setting vs. urban settings

Refugees in Yemen have the option of living in a refugee camp setting or in an urban setting. There is only one refugee camp in the country, Kharaz camp which is managed by UNHCR and currently houses approximately 14,000 refugees living in block houses and in tents. It accommodates only a fraction of the refugees arriving on Yemen's shores. The majority flock to the cities of Aden and Sanaa where they struggle to make a living. The first move undertaken by those choosing to leave the refugee camp is usually to Bassateen, a shanty town even more squalid than Kharaz camp, located on the outskirts of Aden with an estimated 40,000 population including the biggest concentration of urban refugees in the country.

In line with its policy on refugee protection and solutions in urban areas issued in September 2009, UNHCR is planning for 2011 to increase its focus on urban settings as a better option for the refugees in Yemen. UNHCR, with the assistance of partner aid organisations, is already implementing a strategy to protect urban refugee populations with education, micro-credit projects, health care and legal assistance. But a considerably more comprehensive strategy involving many more partners and funding will be necessary to eliminate the need for Kharaz camp. For the short to medium term, Kharaz camp and the protection afforded by the basic services provided there are necessary, particularly for the most vulnerable of the refugee population in Yemen. Both the camp setting and the urban setting have its advantages at this point in time, and both have its protection challenges.

## Kharaz refugee camp

### *Location and freedom of movement*

Kharaz refugee camp is in the same location as the Kharaz reception center, 150 kms west of the nearest city, Aden. It is on an arid desert plateau, with rocky soil, practically no vegetation and no fresh water sources in the vicinity. A group of small villages dispersed around the vicinity of the camp amount to a few rudimentary stone houses that do not appear any more prosperous or comfortable than the residential blocks in the camp. It is a poor and desolate area where questions of how even the local population can make a living and survive in such bare and dry terrain occur to most visitors passing through. There is practically nothing but rocky mountains, sand dunes, military checkpoints and a few Bedouin rudimentary stick dwellings between Kharaz camp and Aden. Refugees are issued a refugee identification card by the government as well as a refugee registration card by the UNHCR, and they are legally free to move in and out of the camp and travel to other parts of the country as they chose. Practically speaking however, the remote location and the lack of transportation options from the camp to Aden, as well as the often difficult soldiers under the effects of qat manning the checkpoints along the way, limit movement in and out of the camp. A bus fare from Kharaz to Aden, costs 6 US\$, a costly ride for mostly unemployed destitute refugees. The government's

choice of this location for the camp has completely isolated the camp refugees from the rest of society.

### *Relationship with the host community*

Not enough attention was paid to the needs of the host community in the early years of Kharaz camp. Assistance kept arriving for the refugees – a school was built and teachers from the refugee population were hired and received salaries; a medical clinic was built and free medication was available for refugees; decent brick shelters were built with water points and latrines spread around the camp; free food provided by the World Food Programme (WFP) arrived regularly, etc. Putting aside the fact that refugees were dislocated from their homes and the support of their community social structure, daily life in the camp was better for refugees in the camp than for villagers outside of it. Over the years, resentment in the host community built up, tensions rose and reached the level of anger after some time. Aid organisations self-corrected and began including the host community as part of their beneficiaries. Villagers were hired as teachers, a school was built in the village, community development infrastructure programs were implemented, etc. Nevertheless, issues with the host community remain because what the villagers learned from this experience was that exerting pressure on the camp residents and the aid organisations working there leads to obtaining assistance for their own community. Consequently, incidents involving the host community threatening or attacking camp residents of aid organisations now occur on a regular basis.<sup>35</sup> There does not appear to be personal animosity towards the refugees, rather it is the difficult living conditions of the host community and the availability of assistance in the area that trigger the problems.

### *Access to basic necessities*

Access to basic necessities such as food, shelter, potable water and sanitation to SPHERE standards remains an issue of funding. Because of the remote and arid location of the camp, in addition to land ownership issues in areas adjacent to the camp, it is not possible for refugees to grow sufficient food and raise enough livestock to feed themselves, although some are managing to maintain small vegetable gardens.<sup>36</sup> WFP provides basic staples on a monthly basis. The refugees purchase the rest of what they need from a little market area that organically developed on the outskirts of the camp. Children attending school get a meal at lunchtime every school day. Although complaints from beneficiaries on the quality of the food distributed abound, food is available and the rate of malnutrition is within acceptable levels.

The issues with regards to basic necessities are more in relation to shelters, as well as to access to potable water and sanitation. This, however, applies only to part of the camp – the two tented areas. The majority of the camp consists of seventy-four blocks each comprised of

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<sup>35</sup> Interview with camp committees and UNHCR in Kharaz camp, January 2011.

<sup>36</sup> ADRA Home Garden project.

twenty-five houses built of concrete blocks, with concrete floors and solid roofs. They are of adequate size, with a latrine per unit, and a shared water point located in the center of each grouping of houses at near distances, all seemingly in respect of SPHERE standards. It is one family per unit, with an average of seven persons per house. Most families have built fences around decent sized courtyards thereby allowing themselves private space. The block areas as well as the public spaces around the camp are kept relatively clean, particularly by refugee camp standards.

The two tented areas are of a completely different order. There are two areas that consist of about 200 tents,<sup>37</sup> located approximately 200 meters from each other. The smaller tented area of perhaps 25 to 50 tents has no latrines or water points. The bigger one has two latrine areas, consisting of no more than 3 latrines and showers per block. At the time of our visit, they were filthy and there were no doors or makeshift covers to allow privacy for the showers. A new block of latrines under construction and two additional ones planned for the near future will be welcomed additions, albeit not in the least sufficient. Residents reported that they sneak into the school grounds to use the facilities but are usually chased out. The refugees staying in the bigger tented area have been living in these decaying tents with no floors for up to two years, maybe more; in the small tented area, for a year or less. Tension in the tented areas is palpable, especially in the smaller area. A visitor walking through this area is quickly surrounded by angry and agitated residents asking for better conditions. As it is, the people living in the smaller tented area are defecating and urinating on the ground around their tents which they must share with non-family members if they are not at least a family of four. These deplorable conditions coupled with the sun hitting the canvas tents all day long and temperatures never much lower than 30 degrees Celsius and in the 40s in the summer, life in these tents for such extended periods is unhealthy physically and psychologically. With the recent visit to the camp of the United Nations High Commissioner for Refugees in January 2011 bringing attention to the living conditions there, funding will hopefully soon follow for the much needed construction of adequate shelters, latrines and water points to replace the tents and the deplorable living conditions endured by the refugees assigned to those tents.

### ***Access to health services***

Kharaz camp has a health center managed by CSSW. It is staffed by a pediatrician, a gynecologist, two general practitioners, as well as a psychiatrist that comes irregularly, once a month or every two months to serve a population of fourteen thousand camp residents. As is almost always the case, this is not sufficient; such is the reality for many poor countries when it comes to health care. However, there are gaps particular to Kharaz. Because of its isolated location, this health clinic is the only option for the camp residents. In emergencies, patients are transferred to Aden for medical care but that is only in critical cases, with a limit of three transfers per month. The rest must make do with the available care, which is insufficient to cover the need. Another gap regards medicine. Basic medications are for the most part

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<sup>37</sup> Interview with UNHCR in Kharaz camp. January 2011.

available, although supplies run out regularly. Furthermore, there is usually only one option of drugs per ailment. Consequently, if one treatment fails or has adverse side-effects, the patient is left with no other option.

Finally, one of the main gaps pertains to mental health issues. Kharaz being a camp that houses individuals who have fled from violent conflict, there are understandably a high number of mental health cases. According to the aid organisation Intersos, who does psychosocial counseling in the camp, many residents are suffering from mental illness as a result of trauma, more so women than men. These are extremely vulnerable people, several of them with dependent children. Specialized medications for mental health illnesses are generally not available in Kharaz. To compound the problem, one or two day visits per month (usually even less frequently) from the psychiatrist, is simply not enough. Intersos staff is trained for psychosocial counseling of minor cases and to screen cases requiring medical attention but they are not trained to deal with serious cases. Critical mental health cases can be referred by the psychiatrist to the state hospital in Aden. However, Intersos reports that most often than not, they will be turned away once there because they are refugees and capacity to deal with even Yemeni caseload is very low. For these reasons, mental health cases in the camp population do not get the medical assistance they need and consequently remain extremely vulnerable individuals.

### ***Access to education***

Over the years, much media attention has been focused on the school in Kharaz camp, specifically on the high ratio of students to teacher per classroom, as well as the consequences of the transition from a Somali curriculum to an Arabic curriculum in 2003. There is one primary school in the camp that covers grade 1 to grade 9. It is run by Save the Children Sweden and is 100% funded by UNHCR. Around four thousand students are registered at the school. According to the school director, himself a Somali refugee living in the camp, 74% of school-age children in the camp attend the school. The other 25% drop out for a variety of reasons, some have to stay home to tend to younger siblings, some have to leave the camp regularly to go earn money in Aden as beggars, washing cars or as domestics workers, and many leave the camp during the summer to escape the extreme heat in the camp. The school is of decent quality, particularly for a refugee camp school, however the size is the main problem. The average class has 80 students per teacher, sometimes more. There are insufficient classrooms and a cafeteria that is nowhere near capable of accommodating all the students. To deal with this overcrowding, they split the school day in two shifts a few years ago to alleviate the problem – half the students attend school in the mornings, the other half attends school in the afternoons which means the students get only half-day educations throughout primary school.

The other main factor affecting access to basic education is the transition from a Somali curriculum to an Arabic one. The reasoning behind the change focused on the long-term benefit to the Somali students of learning the national curriculum in the local language to better

their ability to integrate into Yemeni society by facilitating the continuation of their education to secondary and post-secondary levels, and ultimately into the workforce. The reasoning was and remains solid but the execution has been less so, thereby making the half-day school days even less adequate for a significant number of students. The main problem is rooted in the understanding of Arabic by both teachers and students. Half the teachers are Somalis from the camp and half are Yemeni teachers hired from the host community. None of the Yemeni teachers speak Somali, and many Somali teachers still don't have the Arabic language skills required to teach the curriculum; as well, many students don't have the Arabic language skills to absorb the lessons. To compound the problem, teacher training, which is provided by the government, is all in Arabic by Arabic speakers with no interpreters. Not all students have the academic aptitude to overcome this language gap.

Children who wish to continue to secondary school must attend the village school located nearby. This school is staffed completely by Yemenis who speak Arabic only, therefore making it inaccessible to a percentage of the refugee children. Post-secondary education or vocational training is even less accessible to the majority. According to the camp committee chairman and camp representatives, only seven to ten students per school year manage to access university level education after they graduate from secondary school. For most, vocational training is their only hope. However, vocational training options are quite limited and not comprehensive enough to actually provide the lucky few to find means of subsistence with the short and very basic trainings they received. UNHCR has agreed with the Ministry of Technical Education and Vocational Training to provide funds for 500 refugee students to attend and graduate from the Technical and Vocational Education and Training (TVET) national program in the course of the next five years. This integration into the government program is a definite step in the right direction but considerably higher numbers must get access to proper vocational training programmes that provide at least one year of training and apprenticeships for there to be any significant impact.

### ***Access to livelihood and self-reliance***

Access to livelihood to achieve self-reliance is in direct correlation with access to education for the young adults who basically grew up in the refugee camp. Those few who manage to graduate from secondary school and university certainly have better chances of finding employment. Some find positions working for aid organisations present in the camp or in Aden, especially those who have managed to gain some level of English speaking skills. For the rest of the camp population, finding employment is difficult. The geographic location of the camp and relations with the host community make employment in the area outside of the camp impossible. That leaves employment inside the camp or leaving the camp to Aden to work. In the camp, some refugees have managed to set-up small shops in the market or some even in their tents. These are rudimentary market stalls selling basic grocery items, fruits and vegetables, a couple of restaurants, a coffee shop, a tailor, a hairdresser, i.e., the small everyday necessities type of businesses usually found in refugee camps and poor

neighbourhoods. But this occupies only a small percentage of entrepreneurial individuals; the majority of the camp population remains without means of earning a living in the camp.

The Adventist Development and Relief Agency (ADRA) operates a microcredit program in the camp with UNHCR funding. However, only a negligible number of business loans were made in the course of the last three years, clearly not sufficient for significant impact with regards to livelihoods and self-reliance for camp residents. The challenge is finding a market to sell products or services in a setting such as Kharaz camp that is located in the middle of nowhere and populated by people who for the most part cannot afford what is on offer. Motivating individuals to risk taking loans, and then motivating them to make their businesses work and make loans payments in such an environment is quite a challenge.

With few employment markets open to Somali refugees outside of the camp, the options left for the remainder of the population are limited more or less to begging on the streets, washing cars and, for young women, working as domestics. Consequently, many take their children out of school or leave them in the care of others and travel to the city to beg for money on the streets of Aden; young boys wash cars also on the streets of Aden, and young teenage girls are taken out of school to go work as domestics in the city where many face abuse and harassment by employers, all the while relying on the monthly food rations to fill the gaps.

The high level of unemployment and the inability to take care of oneself and one's family is demoralising and places great strain on families having to cope with this situation everyday of their lives with no end in sight. It leads to high stress levels, desperation and hopelessness, stripping individuals of their dignity; it leads to men chewing qat on a daily basis, to mental health issues, to high levels of domestic violence and SGBV.

### *Physical violence and SGBV*

Despite the presence of different Somali clans and Ethiopians all living together in this camp setting in a difficult desert environment and in proximity to a resentful host community, violence in the camp is relatively low. Physical violence between these groups is almost non-existent, a good situation considering the circumstances. The highest level of fighting outside of the family occurs in the two tented areas where tensions are high due to the harsh living conditions; the women fight over the access to water and latrines<sup>38</sup> – there is simply not enough. For the whole of the camp, the main issues revolve around domestic violence and SGBV. The tensions of desperate camp life fuelled by qat chewing habits play a huge part in domestic violence. There is also a significant number of rapes, on average at least one rape or attempted rape per month, according to Intersos – that is cases that are actually reported; much more are suspected never to be reported. A number of those are happening around blocks 44 and 30 which are located far from lighting at night.

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<sup>38</sup> Interview with Intersos counselling center manager in Kharaz camp, January 2011.

### *Community participation*

A camp committee is in place in the camp. It is formed of one female and one male representative for each of the 74 blocks, and of an elected Grand Council which is headed by a chairman and a chairwoman. Whether the chairwoman has actual equal powers or is only there to meet the principles of gender parity espoused by the aid organisations is debatable. There are a variety of other committees in the camp, such as the Ethiopian Oromo Committee, the Sports committee and the Persons with Special Needs committee. Unfortunately, most are not functioning very effectively, according to UNHCR and other aid organisations in the camp. One committee, however, that is very energetic and independently proactive in the camp is the Refugee Youth Club which is formed of several sub-committees covering social issues, protection issues, education, the environment and health. With currently no funding but what little of their own funds the two hundred members can put together, they organise regular camp clean-up activities, they actively seek out and identify vulnerable cases and refer them to the relevant organisations for assistance; they follow-up with visits and they do peer counseling for recent school drop-outs they have identified, they contact the school headmaster and the parents of children who are not attending school, among other activities. They are seeking training opportunities on protection and SGBV issues and counseling skills, or any other trainings that could raise the level of skills they already possess to help their fellow refugees. Investments of time and funds in this Youth Club before they lose their enthusiasm and energy would be a great investment in the young adult generation in the camp and it would benefit the organisations there, not to mention the resident population, particularly with the identification of new vulnerable cases popping up regularly around the camp.

### **Urban Setting – Bassateen**

Considering the isolation of Kharaz refugee camp, most refugees who can cope prefer to live in urban settings hoping for at least the possibility of living a dignified life of self-reliance. Although refugees are dispersed around the country, the majority choose to settle in Aden or Sanaa. The highest concentration of urban refugees resides in Bassateen on the outskirts of Aden which is the closest urban area to the refugee camp. Sanaa is several hundred kms away and therefore more difficult of access for many. The exact population of Bassateen is not certain but estimates say forty thousand, a mix of Yemenis with Somali ties (returnees), Somalis, Ethiopians, and a few Sudanese. About 96% of the refugees in Bassateen are Somalis. Living conditions there are harsh; it is a densely populated slum with narrow traffic and people-clogged dirt streets strewn with rubbish. It is comprised of twenty-four blocks, thirteen of which house refugees. Some houses are multi-level, good quality dwellings mainly occupied by returnees who settled in Bassateen years before refugees started to arrive. These houses are surrounded by grimy ramshackle hovels that refugees rent; they are congested, basic shelters. The streets offer the only outdoor spaces for these houses. Life in Bassateen is by no means easy. However, it offers more opportunities for integration and self-reliance than

Kharaz camp, which in the long-term perspective is a more cost-effective option from the international aid stand-point, as well as a better option for the well-being of the refugees.

Refugees in Bassateen can easily access the city and its labour market opportunities, however limited they may be. Relations with the host community are friendly as the locals in Bassateen already have ties with Somalia, and the refugees do not receive assistance and services that the host community does not. However, the protective net provided by the assistance of food, water and shelter in the refugee camp does not exist in urban settings; refugees must fend for themselves to procure basic necessities. Therefore, protection issues revolve around whether one can find means of subsistence and what kind of means it involves. Most protection risks in Bassateen increase or decrease in direct proportion to the level of income, which is why promoting livelihood opportunities and access to education and vocational training is essential to urban protection.

### *Access to basic necessities*

As mentioned above, there are no food rations provided by WFP for refugees living in urban settings, even one like Bassateen where refugees are all concentrated within a delimited area. There is a market street in the neighbourhood where fruits and vegetables, meat, fish and all the dietary staples are sold in street stalls operated by refugees and locals. As a coping mechanism to ensure a basic level of nutrition while they try to achieve total self-reliance, refugees who move from the camp to the urban setting of Bassateen tend to keep their 'resident' status in the camp for a period after their departure and travel back to Kharaz once a month to receive the food rations on distribution day. ADRA who has a drop-in center in Bassateen provides one-off food, clothing and monetary assistance to extremely vulnerable new arrivals. The rented houses have access to water and electricity, although the quality of how these are set-up may vary. Sanitation in the streets is lacking. Some rubbish collection points are simply piles in the middle of the street and rubbish is everywhere. The empty fields surrounding Bassateen are littered with rubbish.

Most refugees manage to find shelter; either they find refugees already settled there who are willing to take them in, or some lucky ones quickly get remittances from abroad to rent a room. However, not all new arrivals in Bassateen are successful at finding shelter soon after they arrive. Most arrive with no money, no connections, no plan, young persons and non-Somalis especially. On each side of the road that goes by Bassateen are fields strewn with rubbish and bushes. Up to a hundred new arrivals sleep here every night using pieces of cardboard as mattresses and their sandals for pillows. They call this area The Farm. Those with no options but sleeping in the Farm are left quite vulnerable. UNHCR has recently opened a newly built shelter for new arrivals to Bassateen that provides a concrete floor, roof and half-walls, with a section for women and one for men, and bathing facilities. The eligibility requirements are unclear but it seems that it is open to refugees and asylum seekers that were registered upon arrival. They are allowed to stay for ten days only while they try to find some other shelter. At the time of our visit, no new arrivals were making use of the shelter for reasons unknown to

UNHCR, a situation that can and will probably be resolved with a better information campaign and outreach to new arrivals by community leaders and committees.

### ***Access to basic services***

Access to basic education and health services are important for integration as one needs knowledge and skills to have livelihood options, and good health to be able to earn. The same set-up as in Kharaz camp exists in Bassateen with regards to schools and medical and counseling services: Save the Children Sweden supports the primary school (grade 1 to 9); CSSW operates the health center; Intersos has a drop-in center providing psychosocial and legal counseling for victims of SGBV and domestic violence, as well as screening, counseling and referrals for mental health cases. As in Kharaz, these services are free of charge, but they are also faced with the same issues. The school is overcrowded with an average of 90 students per teacher; the poor transition from the Somali curriculum to the Arabic curriculum with the language barrier issue is here also present; children drop out to go earn money or care for younger siblings; high school, but even more so higher education and vocational training opportunities, are not accessible to the majority. Similarly for health services: there are not enough physicians and health care personnel, supplies and hospital space to cover all of Bassateen residents; medication supplies are limited and run out regularly, severe mental health cases can't access the care they need. The one difference here with regards to health services, and it is an important positive difference, is that refugees living in Bassateen have access to other hospitals and health clinics in Aden. Access to these state medical clinics and hospitals is far from hundred percent, there is discrimination towards refugees on occasion,<sup>39</sup> but at least refugees here have more than one option, especially if they have some financial means. More at risk are asylum seekers going through the refugee status determination process but not yet recognized as refugees who reportedly have difficulty accessing health services.

### ***SGBV and physical violence***

A risk assessment of Bassateen refugees conducted by Intersos in 2009 showed that the second biggest group at risk in the Bassateen population, after people with health issues are women and young girls,<sup>40</sup> with the highest risk factors involving physical violence, including domestic violence, rape, threats and harassment. Children, boys and girls, as well as men are

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<sup>39</sup> Interview with Intersos protection staff in Bassateen drop-in center, January 2011.

<sup>40</sup> Intersos 2009 Risk Assessment in Yemen Annual Report.

also victims of SGBV and physical violence in Bassateen.<sup>41</sup> The difficult living condition and the lack of means of subsistence for most refugees in Bassateen increase risky behaviours and pressures on the community that results in higher protection risks to vulnerable individuals.

Domestic violence and the police response to domestic violence is a major concern in the Bassateen refugee community according to the Elders Committee and Intersos.<sup>42</sup> Families live in poverty in squalid conditions; unemployed idle men often spend what little money the family has scraped together to feed qat chewing habits; wives get angry and berate the men, tensions rise, and domestic violence ensues. Some men beat their wives, but also some women beat their men. Somali culture does not encourage reporting the abuse, particularly for abused men. Police do not view men as victims of domestic violence and so do not get involved in such cases. The police capacity and willingness to get involved in domestic violence between Somali families is low. Intersos has provided awareness raising and capacity building activities to sensitize and better equip police to deal with domestic violence, but more such activities would be positive inputs, as would be better gender representation in the police force, although this would be a tough sell in Yemen society.

Living in the same conditions, children also bear the brunt of family violence. Intersos reports the prevalence of child abuse; many children are brought in with burns and bruises on their bodies at the hands of their parents or extended family members. Although the legal framework in Yemen is clear that disciplinary methods causing physical violence harmful to a child are illegal, it is culturally present in the community, including the refugee community. Child neglect is also prevalent in the Bassateen community, mostly in the form of young children and infants left alone during the day while women go to work or beg in the city. Intersos runs a daycare in their drop-in center but it only has the capacity for 85 children. It is a good program and the waiting list is long, but it can only take the most vulnerable cases. Private daycare in homes is available for those who can afford the small fee, but some of these are very crowded.<sup>43</sup> There has been a worrying increase in child rape, specifically children raping other children, in the second half of 2010 which some suggest is partly linked to overcrowding both in schools and daycares. The government plans to open a kindergarten later this year, a positive development, which will hopefully help mitigate risks to children in overcrowded daycare or left to fend for themselves for days at a time.

Rape is also present in the adult community. Although exact figures are not available to the writer at time of writing, incidents of rapes increased in 2010 from the previous year. It is not clear whether this increase is due to an increase in reporting of rapes after better outreach and awareness-raising or whether actual rape incidents have increased. Intersos protection staff at the drop-in center in Bassateen reports that an average of 2 rapes per months come to their attention in the drop-in center; obviously there are many more not reported. Some of these cases are incidents that happened while in transit and some once settled in Bassateen.

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<sup>41</sup> Interview with Intersos protection staff in Bassateen drop-in center, January 2011.

<sup>42</sup> On average 11 to 12 cases of domestic violence come to the Intersos center per month

<sup>43</sup> IRIN Humanitarian News and Analysis report of 24 June 2010.

### ***Risky livelihoods for women***

#### **a) Domestic work**

Yemen is a male dominated society. Due to cultural beliefs, women are barred from a wide variety of occupations, mainly those involving interactions with men who are not relatives in a 'non-family' setting, as well as most occupations requiring technical skills. Traditionally in Yemeni culture, it is the man's responsibility to support the family; in point of fact, men occupy 91% of the workforce and women, only 9%.<sup>44</sup> Regardless, the most important source of employment for refugees in Yemen – domestic work – is available to women. It is one of the few occupations open to refugee women in urban areas in the country. Unfortunately, women, including young girls, undertaking domestic work are at risk of serious exploitation, including poor working conditions, low pay and sexual abuse.<sup>45</sup> The protection of laws and regulations governing working conditions do not reach the informal sector under which domestic work falls. Culturally, Yemenis' attitudes towards domestic workers are not respectful of a person's rights and dignity.

#### **b) Prostitution**

In urban areas, young women are at risk of being lured into prostitution. Bassateen is no exception. There are many female-headed households in Bassateen. Many women are widows whose husband has been killed in the civil war in Somalia; many women are divorced or abandoned by husband, casualties of the strain exerted on marriages by the pressures of war and poverty, both in Somalia and in a refugee setting.<sup>46</sup> With the lack of access to livelihood opportunities for women, some resort to prostitution for survival and to provide for their families. It is well known in the Bassateen community that Block 3 is where one goes for prostitution and drugs. Outreach and alternative livelihood options to mitigate protection risks to women engaging in prostitution are needed. Intersos recently conducted a risk assessment survey on the issue of prostitution in Bassateen which was not made available at the time of writing but will hopefully be of use for aid organisations to design programs to assist this vulnerable group.

#### **c) Begging**

The increasing rate of arrivals in the past three years combined with the economic downturn has resulted in a shrinking of the labour market for refugees. As a consequence of this, begging as a means of subsistence is on the rise in Yemen. A quick walk in most commercial

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<sup>44</sup> DRC Market Based Analysis of Skills Gaps in Yemen, September 2009.

<sup>45</sup> Interviews with Intersos in Bassateen and with refugees in Kharaz, January 2011.

<sup>46</sup> Interviews with ADRA, Intersos, and the Elders Committee in Bassateen, January 2011.

areas around Aden elicits an immediate crowd of refugee beggars clamouring for attention; the majority of the beggars are women. Vulnerability to abuse and SGBV is high for any individual reduced to begging, particularly women and young girls. Society in general, and even more so business owners and police authorities do not look favorably on beggars. Consequently, risk of rough treatment and physical violence is something they contend with on a daily basis. The level of desperation that is usually behind the decision to resort to begging also puts beggars at risk of sexual exploitation.

### ***Child beggars***

The Elders Committee, as well as Intersos protection team in Bassateen, among others, reports a recent trend of refugee children dropping out of school to go beg in the streets of Aden at the behest of their parents thus exposing children to a variety of protection risks, including sexual exploitation. Child labour is prevalent in many forms in Yemeni society and not all child labour should be condemned. Various national laws exist to protect the rights of working children in the country, and since 2000, Yemen is a member of the International Labour Organization (ILO) International Programme on the Elimination of Child Labour (IPEC) that aims to eliminate the worst forms of child labour. The worst forms of child labour, as defined by the ILO, damage children's health, threaten their education and lead to further exploitation and abuse.<sup>47</sup> Taking children out of school and sending them off for days and nights at a time to beg for money qualifies as a worst form of child labour, and this issue should be addressed urgently by the international community.

### ***Access to livelihood opportunities and self-reliance***

#### **a) Barriers to livelihood opportunities**

Four main factors affect access to employment opportunities for refugees. The first is the education and skill level of the majority of refugees living in Yemen; the second is the language barrier; the third concerns the state of the labour market and the economic opportunities available for the population in general; and the fourth factor, in direct correlation to the previous one, is the government blocking access for refugees to certain sectors of the labour market, despite the provisions of the *Refugee Convention* affording refugees the right to work.

Having been without a functioning government for two decades now, the education system and labour markets in Somalia have suffered dramatically, which in turn means the education level and skills sets of Somali refugees are very basic. The same goes for other refugees, whether they are Ethiopians, Sudanese or Eritreans; most come from poor marginalised communities where access to anything but very basic education and menial work was the best

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<sup>47</sup> Also: *The Convention on the Rights of the Child* calls for the recognition of the right of children to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with their education, or to be harmful to their health or physical, mental, spiritual, moral or social development.

they could hope for. To compound the low level of education and skills, a majority of refugees, particularly the newer arrivals, do not speak Arabic, the language spoken in Yemen, or not to a sufficient level to access employment opportunities in the labour market. In any case, the Yemeni government blocks access to certain employment sectors for refugees. Specifically, the government issued a decree listing occupations blocked to refugees that include construction work, technical skills (welding, plumbing, electricians, etc.), trades requiring specific skills (barbers, bakers, etc.), work involving writing skills (journalists, administrative clerks), service jobs (telephone operators, drivers and waiters), jobs in the agricultural sector, accounting and management work.<sup>48</sup> Essentially, the government blocks access to all jobs in the formal sector. This is a protective measure to safeguard the shrinking employment opportunities for Yemeni citizens. The level of unemployment in Yemen is a high 34%. The economy is on a steady decline but the cost of living is on the rise. Add to that the flow of refugees that continue to arrive in search of livelihood opportunities and it results in a shrinking labour market for both Yemenis and refugees. What is left for refugees is work in the informal sector: domestic work and washing cars and ultimately, begging on the streets.

#### **b) Vocational training**

ADRA and Tadamon, a community-based organisation (CBO) working out of Bassateen, currently run training programs for residents of Bassateen, including Yemenis. ADRA offers a four-month basic computer skills training as well as language classes, both English and Arabic. At the time of our visit, no other trainings were offered at their vocational center in Bassateen, although some vocational training such as mobile phone repair and hairdressing are offered on occasion. Tadamon offers training but mostly involving self-reliance skills as opposed to technical vocational skills. Nevertheless it is worth pointing out that this CBO's work is making a difference in this community as we will see later on. Also, as mentioned earlier, UNHCR has reportedly entered an agreement with the Ministry of Technical Education and Vocational Training (TEVT) to benefit five hundred refugees over the course of five years. Despite the fact that the TEVT has its problems and its certificates are not necessarily valued by employers in the community,<sup>49</sup> it is a good start on the path to integrating refugees into the labour market. But five hundred individuals in five years is just a drop in a very big bucket. If self-reliance and integration is to happen at a significant level, there is great need for substantial, high-quality, serious vocational training programs resulting in government accredited certificates. Whether this can be better achieved through improving the TEVT programs or through separate non-governmental programs is something that needs considering. In either case, these programs need to be more than superficial trainings of a few months in very basic skills. They need to be at least one year-long effective programs in specialized skills in demand based on labour market needs analysis. The formal trainings have to be followed by apprenticeships incorporated into the programs, keeping in mind that apprenticeships can also benefit employers who get free skilled, albeit inexperienced, labour for a period of time, and they get

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<sup>48</sup> DRC Market Based Analysis of Skills Gaps in Yemen, September 2009.

<sup>49</sup> DRC Market Based Analysis of Skills Gaps in Yemen, September 2009.

to assess the skills of would-be candidates for future positions in their businesses. The programs would have to be open to the host community very much in need of vocational training also as well as to ensure community buy-in. They would ideally need to eventually be run by CBOs or the government in order to ensure long-term impact and sustainability.<sup>50</sup> But first and foremost, the international community must advocate strongly with the government to ease the restrictions to access for refugees to the employment sectors mentioned above. There are substantial investments of efforts and funds that need to happen in this sector if self-reliance leading to a dignified life in an urban setting is to be achieved.

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<sup>50</sup> The Norwegian Refugee Council's Youth Education Pack (YEP) would be a good example of such a program.

**c) Microcredit programs**

Microcredit business loans are an effective path to self-reliance for the category of entrepreneurial individuals who can handle the responsibility. Empowering someone to create their own means of livelihoods is an education in business and financial management in itself and can pave the way to integration in the local community. It can also mean the possibility of taking care of their family's needs and it does not take existing jobs from the host community. It can possibly have some effect in the development of the local economy as it may eventually create employment opportunities for others, and a successful business implies that it fills a need in the community. Furthermore, a successfully managed microcredit program has a shot at sustainability as it involves capital inputs in the first years of the program that can become a revolving fund when clients respect their loan repayments. The fact that refugees are clients, as opposed to the traditional beneficiaries of aid, changes the whole mindset of helplessness and victimization to self-reliance and dignity. Most are small loans obviously not likely to lead to big business profits, but in a place such as Bassateen, they can make a difference in a family's life. If a refugee can earn money to be able to feed, clothes, house and care for his family's health, protection risks go down dramatically.

Tadamon currently runs the only successful microcredit program in Bassateen. ADRA also runs a program but has only issued six loans in previous years. Instead, they currently provide items for refugees wanting to start businesses such as food items for grocery stores, which the person then has to repay. Tadamon, on the other hand, has made 702 small business loans since 2007, with 310 in 2010 alone. The monthly repayment rate is currently at 94%. The loans range from a minimum of 200 USD to a maximum of 5,000 USD. The loans are accessible to women only, 80% of which are allocated to refugees and 20% to individuals from the host community. Their loans are combined with trainings on financial management and self-reliance. Businesses, located mostly in Bassateen but some also in Aden, include various shops, hairdressers, tailors and seamstress shops, traders and restaurants. The capital for the loans originally funded by UNHCR has been operating as a revolving fund since 2010. Considering the current lack of access to a very limited labour market for refugees in Yemen, there is definite need of capacity building and investment in successful community-based microcredit programs such as this one to create livelihood opportunities and greater self-reliance in Bassateen. Specifically, microcredit business loans would benefit families if they were accessible to men as well. Men have even less livelihood opportunities than women in Yemen; idle unemployed men spend their days chewing qat and feeling helpless and frustrated. Rates of domestic violence are high, as they usually are in such circumstances. Granted women are traditionally more apt to spend the money they earn through microcredit business loans on their family's well-being, but there is a need and demand for microcredit business loans for men nonetheless.

**d) Overcoming the language barrier**

Another need identified while visiting Bassateen relates to overcoming the language barrier to access employment opportunities and essentially to integrate.<sup>51</sup> Adults or minors past primary school age newly arriving in Yemen do not speak Arabic. ADRA offers Arabic language courses in its vocational center but more is needed to meet demand. An informal private tutoring system has already developed within the community. Support to this private tutoring system is a possibility that could encourage job creation and educational efforts; perhaps a voucher system backed by a training and accreditation component for the tutors.

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<sup>51</sup> Interviews with Elders Committee, ADRA, Tadamon, and Youth Committee in Bassateen, January 2011.

## Recommendations

### To the UNHCR

- Call on the Puntland, Somaliland and Djibouti governments to ensure that refugees fleeing South Central Somalia are able to access protection and assistance and to exercise their right to seek asylum. Collaborate with the Yemen government to develop and implement programs that will facilitate the integration of refugees into the Yemen society, with particular emphasis on livelihoods and self-reliance, and better access to education.
- Advocate for additional funding to respond adequately to the needs of refugees and asylum seekers in Kharaz camp, particularly with regards to building new shelters with adequate water access and latrines to eliminate the tented areas, to ensure proper access to health services and to upgrade school facilities to eliminate the overcrowding.
- Advocate firmly with the Yemen government to lift all restrictions to access by refugees to certain sectors of the labour market.
- Work closely with the Yemen government towards solutions to prevent child begging in urban areas.

### To the IOM

- Give more attention to the 'voluntary' aspect of Ethiopian economic migrants who are being returned to difficult situations in Ethiopia with no other options available to them. Engage the Ethiopian government and governments of the Gulf countries in discussion on legal migration options for Ethiopians such as foreign workers employment programs in Gulf countries.

### To donor governments

- Recognize that the return of refugees to Somalia is not a durable solution anytime in the short to medium term, and therefore to provide additional support to the Yemen government, to UNHCR and other aid organisation to implement programs that will facilitate the integration into the Yemen society, with particular emphasis on livelihoods and self-reliance.
- Provide additional support to the Yemen government, to UNHCR and other aid organisations to allow them to respond adequately to the needs of refugees and asylum seekers in Kharaz camp, particularly with regards to building new shelters with adequate water access and latrines to eliminate the tented areas, to ensure proper access to health services and to upgrade school facilities to eliminate the overcrowding.

### **To the Yemen government**

- Allow access to all non-Somalis disembarking on the Red Sea coast of Yemen, to allow for transport by aid organisations to the Kharaz registration center.
- Allow UNHCR to facilitate transportation of non-Somali new arrivals from the Kharaz registration center to the UNHCR offices in Aden to access the RSD process.
- Take all necessary steps to ensure compliance with international human rights law by all members of its military and police forces towards new arrivals, particularly officers posted on the Red Sea coast, and prosecute accordingly those found in violation.
- Institute a notification system in detention centers to alert in a timely manner the relevant government department and UNHCR on the presence of potential asylum seekers in detention.
- Collaborate closely with the aid community to facilitate the integration of refugees in the Yemen community, particularly with regards to education, livelihoods and self-reliance. Immediately lift all restrictions on access by refugees to certain sectors of the labour market.
- Work closely with UN agencies towards solutions to prevent child begging in urban areas.

### **To aid organisations in Yemen**

- Collaborate with the Yemen government and to UNHCR to develop and implement programs that will facilitate the integration into the Yemen society, with particular emphasis on livelihoods and self-reliance, and better access to education.
- Advocate for additional funding from donors to respond adequately to the needs of refugees and asylum seekers in Kharaz camp, particularly with regards to building new shelters with adequate water access and latrines to eliminate the tented areas, to ensure proper access to health services and to upgrade school facilities to eliminate the overcrowding.



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