

Special Case: SOMALIA

Somalia remains a Special Case for the sixteenth consecutive year. During the reporting period, the Federal Government of Somalia (FGS) controlled its capital city, Mogadishu, and regional governments retained control over most local capitals across the country. The self-declared independent region of Somaliland and the federal member state of Puntland retained control of security and law enforcement in their respective regions. The FGS had limited influence outside Mogadishu; the al-Shabaab terrorist group continued to occupy and control rural areas in the Juba River Valley in south-central Somalia, which it used as a base to conduct attacks across the country, and was itself involved in human trafficking. The FGS focused on capacity-building and securing Mogadishu and government facilities from attacks by al-Shabaab. The sustained insurgency by al-Shabaab continued to be the main obstacle to the government's ability to address human trafficking in practice. The government had minimal capacity to address most crimes, including human trafficking, and thereby demonstrated minimal efforts in all regions on prosecution, protection, and prevention of trafficking. Some federal and regional armed forces were not paid regularly, limiting the government's effective control of its territory and its ability to undertake anti-trafficking efforts. Police across Somalia lacked proper investigatory capacity to deal with trafficking cases. Although reportedly improved from previous years, some Somali officials continued to lack an understanding of trafficking crimes, which they often conflated with migrant smuggling. Previous reports allege certain regional government officials were beneficiaries of trafficking rings in Somalia.

GOVERNMENT EFFORTS

Somaliland and Puntland authorities sustained limited efforts to combat trafficking during the reporting period. Due to the protracted campaign to degrade al-Shabaab and establish law and order in Somalia, law enforcement and judicial officials remained understaffed, undertrained, and lacked capacity to effectively enforce the law. The pre-1991 penal code (applicable at the federal and regional levels) criminalized labor trafficking and some forms of sex trafficking. Article 455 criminalized slavery, prescribing penalties of five to 20 years imprisonment. Article 464 criminalized forced labor, prescribing penalties of six months to five years imprisonment. Article 457 criminalized the transferring, disposing, taking possession or holding of a person, and prescribed penalties of three to 12 years imprisonment. All of these penalties were sufficiently stringent. Article 408(1) criminalized compelled prostitution of a person through violence or threats,

prescribing penalties of two to six years imprisonment, which was sufficiently stringent but not commensurate with those prescribed for other serious crimes, such as rape. The provisional constitution prohibited slavery, servitude, trafficking, and forced labor under Article 14. Article 29(6) under the provisional constitution prohibited the use of children in armed conflict. In September 2017, Somaliland endorsed a draft human trafficking law, designed in consultation with an international organization; although relevant line ministries endorsed the draft law, the Somaliland Parliament had not passed it by the close of the reporting period. In November 2017, Puntland ratified a human trafficking legislative framework after three years of consultations with an international organization. The legal framework was composed of new penal and criminal procedure codes and a law that specifically prohibited trafficking. Authorities in Puntland and Somaliland did not report on law enforcement efforts. In 2017, the Somali Police Force (SPF) under the FGS reportedly investigated one potential trafficking case involving South Sudanese traffickers, but it did not report any prosecutions or convictions; in 2016, SPF police also investigated one potential trafficking case that failed to progress through the judiciary. During the previous reporting period, authorities in Puntland prosecuted 23 child sex trafficking cases, three of which resulted in convictions and five-year prison sentences plus a fine of 1.6 million Somali shillings (\$2,780). However, analogous to previous years, no comprehensive statistics existed at either the federal or regional levels on investigations, prosecutions, or convictions of or related to trafficking. Information regarding officials alleged to be complicit in the facilitation of sex and labor trafficking remained largely unknown, and the government did not report efforts to investigate, prosecute, or convict any official for involvement in trafficking or criminal activities related to trafficking during the reporting period. It failed to take action against military officials for the unlawful recruitment and use of children during the year.

The inter-ministerial Trafficking and Smuggling Task Force served as the federal government's anti-trafficking coordinating body, which included representation from the SPF, Ministry of Internal Security, Ministry of Foreign Affairs, Ministry of Justice, and Ministry of Interior and Federal Affairs, and led by the permanent secretary of the Ministry of Interior and Federal Affairs. During the previous reporting period, the task force commenced development of a national action plan on trafficking efforts, but did not report progress on this plan within the current reporting period. The criminal investigations division of the SPF had a 40-officer

Counter-Trafficking and Organized Crime Unit, but according to an international organization, this unit has never received counter-trafficking training. The SPF counter-trafficking unit and coast guard officers participated in various trainings on the recognition of trafficking cases separately led by two international organizations during the reporting period. Justice officials from the FGS also participated in a workshop on prosecution and adjudication of trafficking cases also conducted by an international organization. The Puntland state police, in collaboration with an international organization, conducted two follow-up trainings on trafficking investigations for 42 officers during the reporting period. In Puntland, the state-level Counter-Trafficking Board, established in March 2013, was the lead and, during the reporting period, it established a referral mechanism to coordinate trafficking and irregular migration issues and facilitated a provision of direct assistance to trafficking victims, in addition to generating awareness of these issues. The Somaliland government established the Counter Human Trafficking Agency of Somaliland in 2016, which included representatives from immigration, police, coast guard, the attorney general's office, and the ministries of commerce, finance, and civil aviation. The agency was mandated to coordinate counter-trafficking efforts including developing legislation and collecting data, but its work remained limited in reach.

No governmental entity had systematic procedures to identify or refer trafficking victims to protective services, and all relied fully on international organizations and NGOs to provide victim assistance, including food, clothing, shelter, legal support, medical aid, counseling, and reintegration services. Statistics for trafficking victims in Somalia were unavailable; however, an international organization reported it received referrals of 21 trafficking victims during the reporting period. In the previous year, Puntland authorities partnered with civil society to provide protective care for 23 trafficking and smuggling victims; it also helped facilitate the return home of 29 child victims. Near the end of the current reporting period, Puntland authorities developed and operationalized a regional referral mechanism for trafficking victims, with support from an international organization. Victim care was inadequate and varied significantly across the country. Beyond the scope of an international organization's migrant response centers, victims had limited access to protective provisions. Specialized care, especially mental health, was unavailable to most victims due to a lack of practitioners. The FGS did not provide financial or in-kind support to organizations assisting victims. In Puntland and Somaliland, authorities provided building sites

for migrant response centers in Bosasso and Hargeisa, and in some cases transportation costs to the victims to enable their return home. During the reporting period, the FGS facilitated the repatriation of 24 Somali migrants who wished to return home from Libya, with auxiliary support from the EU. In addition, the FGS, with backing from an international organization, provided medical attention to repatriated citizens, and other federal authorities provided psycho-social support. There were no legal alternatives to the removal of foreign trafficking victims from Somalia to countries where they may face hardship or retribution.

Authorities across Somalia demonstrated limited efforts to prevent trafficking during the year. In Puntland state, members of the anti-trafficking board participated in a three-month radio, television, and community social mobilization awareness campaign conducted by an international organization to sensitize the public on human trafficking, including how to detect and report suspected cases of trafficking; members of the Puntland counter-trafficking board participated in some of the talks and presentations during this campaign, but the Puntland state government did not fund the program. Following the initial repatriation flight of 11 Somali migrants from Libya, the FGS used social and traditional media to cover the repatriations and highlight the risks of trafficking and abuses faced by victims. No government entity provided funding to agencies for labor inspections, and no inspectors were employed to enforce labor laws. Authorities across Somalia did not make any discernible efforts to reduce the demand for forced labor or commercial sex acts. The government did not provide anti-trafficking training for its diplomatic personnel. Somalia is not a party to the 2000 UN TIP Protocol.

During the year, there were continued reports of the Somali National Army (SNA) and allied militias, Ahlu Sunna Wal Jama'a (ASWJ) militia, clan militia, and al-Shabaab unlawfully using child soldiers, with the latter committing the large majority of violations. UN officials documented the recruitment and use of more than 2,100 children in 2017. The reported number of children used or recruited by al-Shabaab increased significantly during the reporting period as compared to the previous period, while the reported number of those used and recruited by the SNA, ASWJ, and clan militias decreased. An unspecified number of children were also reportedly used as informants by the National Intelligence and Security Agency. Children identified in SNA units were primarily used for carrying equipment and running errands; however, there were unconfirmed reports of SNA units using children as front-line fighters in Hirshabelle, as well as child soldiers who defected from al-Shabaab and immediately involved in direct hostilities by

government-affiliated forces. No children were reported abducted, recruited, or used by peacekeeping forces of the African Union Mission in Somalia (AMISOM) during the year.

The dire security situation and restrictions on movement precluded detailed child soldier reporting during the year. In 2017, al-Shabaab continued to involve children in conflict through recruitment and participation in direct hostilities, such as planting explosives and carrying out attacks, in addition to support roles such as carrying ammunition, water, and food; removing injured and deceased militants; gathering intelligence; and serving as guards. The terrorist organization also enslaved an indeterminate number of young girls and exploited them in sexual servitude. Al-Shabaab continued to raid schools, *madrassas*, and mosques for recruitment purposes, and in rural areas of Galmudug state and elsewhere, the terrorists forced students as young as 7 years old to enroll in al-Shabaab-managed *madrassas*, which included military training and indoctrination in their curricula.

The government continued to implement the 2014 action plan to end the recruitment and use of children by the SNA, although efforts to do so remained incomplete. However, during the reporting period, the SNA's Child Protection Unit (CPU) reported it conducted trainings for SNA officers and enlisted soldiers and expanded awareness outside of Mogadishu and visited SNA and SNA-affiliated units across five sites in Southwest, Hirshabelle, and Galmudug states, as well as two sites in Mogadishu and Banaadir regions. During these visits, the CPU screened approximately 1,500 soldiers and briefed them on the importance of preventing child recruitment into the security forces; of these, it identified 16 children and referred them to the FGS and UN authorities for care. Nonetheless, the UN continued to report concerns about the arrest and detention of some children allegedly associated with al-Shabaab by government forces, particularly in Puntland. Beyond the screening and training trips, the FGS launched a public awareness campaign, with UN support, to promote broad awareness of child protection issues and means of removing children from armed conflict. It also produced advertisements for television and radio stations in south-central Somalia to discourage child recruitment, and it commissioned local artists for a series of counter-recruitment billboards and banners placed around Mogadishu, Puntland, Southwest, Hirshabelle, Galmudug, and Jubaland. Most Somalis lacked birth certificates, and without an established birth registration system or standardized method for recruitment, verifying claims of child soldiering remained difficult.

TRAFFICKING PROFILE

As reported over the past five years, Somalia is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Information regarding trafficking in Somalia remains extremely difficult to obtain or verify. Trafficking routes within the country are particularly opaque, but anecdotally, victims are more likely to be subjected to trafficking from south-central Somalia to the regions of Puntland and Somaliland in the north. In Somaliland, women act as recruiters and intermediaries who transport victims to Puntland, Djibouti, and Ethiopia for the purposes of domestic servitude or sex trafficking. A majority of victims originate in south-central Somalia, with the main destinations being Europe (primarily Italy), Yemen, Gulf States (primarily Saudi Arabia), South Africa, and Kenya. Three cross-border trafficking routes are most commonly used by traffickers: (1) south-central Somalia to Yemen via Puntland; (2) Somalia to Europe via Kenya or Ethiopia and onward to Libya or Egypt; and (3) Somalia to South Africa via Kenya and Tanzania. A fourth route, to Europe via Turkey, is also employed by some traffickers, albeit in smaller numbers due to higher costs. Notwithstanding the unavailability of reliable figures, the FGS notes that, anecdotally, fewer Somalis arrive in their intended destination countries but rather become stranded in transit countries. Al-Shabaab continued to facilitate human trafficking crimes, using deception to recruit victims in south-central Somalia and Kenya and subsequently forcing them into sexual slavery, support roles, and marriages to al-Shabaab militants.

During the reporting period, an increasing number of middle-class Somalis and unaccompanied children were subjected to trafficking, though IDP and unemployed youth aged 18-35 remain the most vulnerable. Due to poverty and an inability to provide care for all family members, some Somalis willingly surrender custody of their children to people with whom they share familial ties and clan linkages; some of these children may become victims of forced labor or sex trafficking. While many children work within their own households or family businesses, some children may be forced into labor in agriculture, domestic work, herding livestock, selling or portering *khat*, crushing stones, or in the construction industry. Driven by pressure to seek employment opportunities, youth and women working in the informal sector remain at high risk of trafficking. In addition, certain marginalized ethnic minorities continue to face greater risk of sex and labor trafficking, as do people living in areas under al-Shabaab control. Although there remains a dearth of reliable statistics, Somaliland and Puntland continued to

receive an influx of economic migrants and refugees from war-torn Yemen and the Oromia region of Ethiopia during the reporting period. Exploitation of and gender-based violence in refugee and IDP camps in Somalia, sometimes perpetrated by gatekeepers in control of the camps, remains a concern, particularly in exchange for food and services for what are otherwise free services; this establishes a cycle of debt and renders these individuals vulnerable to trafficking.

According to an international organization, traffickers employ deception as the predominant recruitment method, though al-Shabaab often uses coercion and force. Most trafficking networks are run by a combination of Somali, Djiboutian, Eritrean, and North African traffickers. Somali police reportedly investigated one network run by South Sudanese traffickers during the reporting period. An increasing number of traffickers target and recruit children, without their parents' awareness or support by false promises that no payment will be demanded until they reach their targeted destinations. Traffickers and smugglers reportedly take advantage of the vulnerability of IDP women and children, mostly from southern and central Somalia, at times using false promises of lucrative jobs in Europe and North America. Traffickers transport Somali women, sometimes via Djibouti, to the Middle East, where they frequently endure domestic servitude or forced prostitution. Somali men experience conditions of forced labor as herdsmen and workers in the Gulf States. Traffickers transport children to Saudi Arabia and Djibouti and force them to beg on the streets. Dubious employment agencies facilitate human trafficking by targeting individuals desiring to migrate to the Gulf States or Europe for employment. Authorities in Somaliland previously reported an increase in the transporting or kidnapping of children and unemployed university graduates, who later transit Ethiopia and Sudan and are sometimes held hostage by networks in Libya en route to Europe and the Middle East. Trucks transporting goods from Kenya to Somalia sometimes return to Kenya with young girls and women; traffickers procure these young girls and women and exploit them in brothels in Nairobi or Mombasa or send them to destinations outside Kenya. Undocumented Ethiopians in northern Somalia also remain vulnerable to trafficking as they seek employment in Puntland and Somaliland to fund subsequent travel to the Middle East. Ethiopian children travel to Somaliland seeking employment but may instead be forced to beg on the streets.