

Somalia (Special Case)

Somalia remains a Special Case for the 18th consecutive year. The country continued to face protracted conflict, insecurity, and ongoing humanitarian crises during the reporting period. The Federal Government of Somalia (FGS) controlled its capital city, Mogadishu, and Federal Member State (FMS) governments retained control over most local capitals across the country. The self-declared independent region of Somaliland and the Puntland FMS 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 and maintained operational freedom of movement in many other areas in south-central Somalia, which it used as a base to exploit the local population by collecting illegal taxes, conducting indiscriminate attacks against civilian and civilian infrastructure across the country, and perpetrating 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. The government continued to modestly improve capacity to address most crimes; however, it demonstrated minimal efforts in all regions on prosecution, protection, and prevention of trafficking during the reporting year.

GOVERNMENT EFFORTS

The FGS, Somaliland, and Puntland authorities sustained minimal 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, prosecutorial personnel, and judicial offices remained understaffed, undertrained, and lacked capacity to effectively enforce anti-trafficking laws. The FGS continued to lack a comprehensive legal framework to address human trafficking. 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 were 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; however, the Somaliland Parliament did not pass it by the close of the current reporting period and relied predominantly on immigration legislation to prosecute trafficking crimes. 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.

Despite minimal reporting from the FGS, similar to previous years, neither the federal nor the regional levels gathered or shared comprehensive statistics on investigations, prosecutions, or convictions of or related to trafficking. During the reporting year, the Attorney General's Office reported 17 arrests related to immigration violations and alleged human trafficking crimes. Additionally, in January 2020, authorities detained one Somali man outside the Aden Abulle International Airport on suspicion of human trafficking; at the close of the reporting period the investigation remained ongoing. In Somaliland, immigration officials reported they arrested six individuals in connection with an alleged dual trafficking and smuggling case, all of whom awaited trial at the end of the year. According to an international organization, Puntland authorities registered two trafficking cases involving six suspects during the reporting period but did not report details about either case. The authorities 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. The government did not report criminal action against military officials for the unlawful recruitment and use of children during the year. The Somali Police Force Criminal Investigations Department (CID) maintained a specialized anti-trafficking and migrant smuggling unit, supported by an international organization, which was staffed by an unspecified number of police officers and mandated to investigate potential cases of trafficking. The unit did not report investigating any potential trafficking cases during the year, whereas it registered 43 investigations the year prior. In April 2019, an international organization provided an advanced training course on

trafficking topics for CID police officers from Mogadishu, South West State, and Puntland.

The government's lead anti-trafficking official remained the Special Envoy for Children's and Migrants' Rights, who steered a staff of five under the Office of the Prime Minister and was responsible for coordinating efforts on migration, trafficking, and reintegration across federal and regional governmental jurisdictions. While the Office of the Special Envoy served as the Secretariat, and the FGS Ministry of Women and Human Rights and representatives from Galmudug served as the co-chairs of a technical task force on trafficking. During the reporting year, the task force met monthly and participated in an induction training on trafficking and smuggling and on a whole-of-government approach to curbing the crime. While anti-trafficking coordination efforts modestly improved during the reporting period, a lack of technical expertise and limited civilian judicial and overarching capacity hindered the Secretariat's efforts to develop and coordinate effective anti-trafficking policy. The task force held an awareness-raising event along the border area with Kenya to highlight the International World Trafficking Day.

Similar to previous years, the government did not systematically gather or report statistics for trafficking victims, and reporting remained largely anecdotal. The government did not have standardized procedures to identify or refer trafficking victims to protective services at any level, and all levels of government relied fully on international organizations and NGOs to provide victim assistance, protective provisions, and reintegration services. The FGS did not possess sufficient financial assets to provide direct services or auxiliary support to organizations assisting victims and vulnerable populations. International NGOs provided the Somaliland Immigration and Border Control agency with two buses to transport migrants and trafficking victims from remote to more populated areas where they could be provided with services. Trafficking victims in Somaliland received assistance at an international organization-run Migration Response Center (MRC) in Hargeisa and another MRC in Bosasso in Puntland until the MRC could reunite them with their respective families. Neither facility was dedicated solely to trafficking victims and instead provided services broadly for the vulnerable transiting migrant population. However, the international organization responsible for screening at MRCs reported some potential trafficking victims comprised an undetermined proportion of individuals who received assistance there. Puntland authorities maintained a

regional referral mechanism for trafficking victims with support from an international organization; however, the extent to which officials employed it during the current period was unclear. Victim support varied significantly across the country, and specialized care was sporadic due to limited practitioners in-country, and, beyond the scope of the MRCs, victims had irregular access to protective provisions. Authorities routinely detained potential victims for immigration violations, to include possession of fraudulent visas; however, the government allegedly screened some detained individuals for trafficking at ports of entry, particularly in Mogadishu. In Somaliland, immigration officials claimed to have identified more than 300 Ethiopian migrants who were potential trafficking victims during the reporting period; it was unclear if the regional government provided any with care or repatriation. The government did not have a legal alternative to the removal of foreign trafficking victims from Somalia to countries where they may face hardship or retribution.

Authorities across Somalia demonstrated minimal efforts to prevent trafficking during the year. During the reporting year, the Office of the Special Envoy developed a strategic, quasi-national action plan that outlined three priorities: policy, coordination, and outreach. The FGS held multiple campaigns across Somalia to elevate awareness and promote the roles of first responders in identifying and referring victims to relevant authorities. In cooperation with an international organization, the government organized an anti-trafficking event in Galkayo, which reached an unknown number of individuals. During the reporting period, the FGS, in consultation with organizations representing employers and employees, finalized a national employment policy to guide the creation of jobs, and a draft national labor code on responsible labor practices, to include the prohibition of forced labor. Authorities across Somalia did not make any discernible efforts to reduce the demand for commercial sex. The government did not provide anti-trafficking training for its diplomatic personnel. Somalia was not a party to the 2000 UN TIP Protocol.

The dire security situation and restrictions on movement of humanitarian actors continued to hamper detailed child soldier reporting during the year. However, there were continued reports of the Somali National Army (SNA), Somali National Police (SPF), Galmudug Forces, Galmudug Police, Jubaland Forces, clan militias, the African Union Mission in Somalia (AMISOM), and al-Shabaab unlawfully recruiting and using both male and female child soldiers (between ages 10 and 17),

with the latter entity committing the vast majority of violations. An international organization documented the recruitment and use of more than 450 children (including seven girls) by all actors in the conflict between April and September 2019, and 84 percent of such cases were attributed to an upsurge in an aggressive child recruitment campaign by al-Shabaab militants, with retaliation against communities refusing to hand over children. From September to December 2019, an international organization verified the recruitment and use of more than 260 children; al-Shabaab remained the main perpetrator, followed by the SPF, SNA, clan militia, and Galmudug Forces. During the previous reporting period, an international organization documented the recruitment and use of 1,850 children; the marked decline of the current year's verified numbers was directly attributable to reduced monitoring and reporting capacities of the international body due to denied access to conflict zones and other regions across the country. According to an international organization, all alleged state and non-state actors used 69 percent of children for unknown purposes in the conflict, 15 percent of children as combatants in hostilities, and 16 percent of children in support roles such as security escorts, checkpoint guards, messengers, and cleaners. One boy, approximately 14-16 years old and recruited by the SPF, was reportedly seen by an international observer armed and dressed in uniform while controlling traffic and directing vehicles alongside several other police officers at Warta Nabada district in Mogadishu/Banadir.

The government continued to implement the 2012 action plan to end the unlawful recruitment and use of children by the SNA in piecemeal fashion; the FGS retained limited ability to command and control the SNA and allied militias, especially those outside of Mogadishu. However, reflective of its intent to accelerate implementation of the aforementioned action plans, in September 2019 the FGS adopted a detailed roadmap to strengthen child protection and identify areas for targeted improvement. In accordance with this roadmap, the Child Protection Unit of the Ministry of Defense, in collaboration with an international NGO, conducted a three-day workshop for 40 SNA soldiers based in Hudur, Bakol in Southwest region, to train and raise awareness on the prevention of recruitment and use of children during armed conflict. It conducted a similar training in Dhussmareeb for 40 armed state actors. Furthermore, the Ministry of Women and Human Rights Development facilitated trainings on child rights and child protection for a total number of 261 participants from the security sector, inter-ministerial staff, members of parliament, and civil society. The Minister of Justice and Judiciary

Affairs, jointly with international organizations, launched the campaign “Act to Protect Children Affected by Conflict” during an event held to commemorate the Day of the African Child. Finally, UN officials together with key government counterparts conducted three trainings for 89 military officers, judges, prosecutors, police investigators, and civil society workers in Jowhar, Mogadishu, and Beledweyne on the protection of children affected by armed conflict. Despite these trainings, international organizations continued to report government forces detained some children for their actual or alleged association with al-Shabaab and did not apply juvenile justice standards or adhere to international obligations. Specifically, from April to December 2019, one international organization reported Somali federal and regional security authorities (primarily the police) arrested and detained more than 115 boys aged 11-17. In addition, SPF, SNA, Jubaland forces, and Galmudug forces arrested and detained approximately 60 boys aged 11-17 for their alleged association with armed groups. Purportedly, officials released 63 percent of the children at a later stage, while the other 22 remained in detention.

In early 2019, an international organization supported a consultative meeting on the Somalia strategy and operational framework on the prevention and response of child recruitment, release, and reintegration. The director general level of relevant ministries endorsed the strategy, but it awaited parliamentary approval at the close of the reporting period. Most Somalis lacked birth certificates, and in the absence of established birth registration systems or standardized methods for recruitment, verifying claims of child soldiering remained difficult. To increase transparency and accountability in the security sector and curb the recruitment and use of child soldiers in the SNA, during the previous reporting period the FGS undertook a process of biometric registration of SNA soldiers to validate their identities, force numbers, locales, electronic payment accounts, and registered weapons. It was unclear if the FGS carried out this biometric registration mechanism during this reporting period.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Somalia, and traffickers exploit victims from Somalia abroad. Information regarding trafficking trends and victims in Somalia remains challenging to obtain or authenticate. Traffickers most commonly use four cross-border routes, mirroring migration flows: a northern route to Europe via Libya; an eastern route to Europe via Turkey; a direct southern path to Kenya, Tanzania, or

South Africa; and finally a path from south-central Somalia through Puntland onward to Yemen via the Bab el-Mandeb strait. In previous reporting periods in Somaliland, some women acted as recruiters and intermediaries who transported victims to Puntland, Djibouti, and Ethiopia for the purposes of forced labor in domestic service or sex trafficking. In prior years, the FGS noted that, anecdotally, fewer Somalis arrived in their intended destination countries but rather became stranded in transit countries. Anecdotal evidence purports al-Shabaab continues to facilitate human trafficking crimes, using deception, infiltration of *madrassas* and mosques, coercion or harassment of clan elders or family members, school raids, and abductions to recruit and subsequently force victims—including children and hailing most heavily from south-central Somalia and Kenya—into sexual slavery, military support roles, direct combat, and marriages to al-Shabaab militants. In 2018, al-Shabaab reportedly conducted numerous “handing-over” ceremonies in the presence of village and clan elders, during which the terrorists forced communities to “volunteer” hundreds of their children to fight among its ranks. Al-Shabaab continued to enslave an indeterminate number of young girls and exploited them in forced marriage and sexual servitude during the reporting period.

IDPs, certain marginalized ethnic minorities, people residing in al-Shabaab territory, and youth remain the most vulnerable to sex trafficking and forced labor. During the reporting period, authorities alleged the age of vulnerable migrants appeared to be much lower than previous years, to include children as young as 15. Somali youth working in the informal sector are at high risk of trafficking as they often are driven by familial or economic pressure to seek employment opportunities abroad. These economic migrants sometimes incur debts under the trafficking scheme dubbed “go now, pay later” or through economic exploitation. According to an international organization, traffickers extort payments from the respective families left behind or exert threats if they refuse or are unable to pay. In general, the predominant factors that compel migrants to leave Somalia are poverty, insecurity, and natural disasters. An international organization reported that, as of March 2019, it registered more than 800,000 refugees and 2.6 million IDPs from Somalia. Some Somalis willingly surrender custody of their children to people with whom they share familial ties and clan linkages and who may subsequently exploit some of these children in forced labor or sex trafficking. While many children work within their own households or family businesses, some traffickers may force children into labor in agriculture, domestic work, herding livestock, selling or portering *khat*, crushing stones, or in the construction industry.

Although there is a lack 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, in addition to returnees primarily from Yemen and Saudi Arabia.

Most trafficking networks continue to be organized by a combination of Somali, Djiboutian, Eritrean, and North African traffickers. Typically, traffickers employ deception as the predominant recruitment method, although al-Shabaab often uses coercion and force. An increasing number of traffickers recruit individuals through social media platforms and travel agencies, with a growing level of network sophistication. Traffickers also target and recruit children, without their parents' awareness or support, using 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 forced labor, including in domestic service, or sex trafficking. Traffickers subject Somali men to conditions of forced labor in farming and construction 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.