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2022 Trafficking in Persons Report: Somalia

Somalia (Special Case)

Somalia remains a Special Case for the 20th consecutive year. The country continued to face protracted conflict, insecurity, and ongoing humanitarian crises, while the ongoing COVID-19 pandemic exacerbated the crises and further hampered government, international community, and NGO operations. The Federal Government of Somalia (FGS) controlled its capital city, Mogadishu, and Federal Member State (FMS) governments retained control over their respective capitals. The FGS had limited influence outside Mogadishu. Al-Shabaab, an al-Qa’ida-affiliated terrorist organization based in Somalia, continued to occupy and control many rural areas and maintained freedom of movement in other areas, including south-central Somalia. The group exploited the local population by collecting illegal “taxes” from businesses, conducting indiscriminate attacks against civilians and civilian infrastructure across the country, and perpetrating human trafficking. The sustained insurgency by al-Shabaab continued to be a significant obstacle to the government’s ability to address human trafficking. The government continued nascent improvements to civilian justice systems and criminal investigation programs to address most crimes; however, it also conflated human trafficking and migrant smuggling, hindering the effectiveness of its anti-trafficking efforts. Government complicity in trafficking crimes and limited ability to counter the recruitment and use of child soldiers by al-Shabaab also continued to hamper anti-trafficking efforts. Overall, the government demonstrated minimal efforts in all regions on prosecution, protection, and prevention of human trafficking.

GOVERNMENT EFFORTS

FGS and FMS authorities sustained minimal efforts to combat trafficking during the reporting period. Law enforcement, prosecutorial personnel, and courts remained understaffed and 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 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 November 2017, the Puntland FMS 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; however, international organizations continued to report authorities had not yet implemented the anti-trafficking law.

Similar to previous years, neither the FGS nor the FMS gathered or shared comprehensive statistics on investigations, prosecutions, or convictions related to trafficking. During the reporting year, the FGS Office of the Attorney General (AGO) reported 30 trafficking investigations, compared with one forced labor investigation and 479 arrests related to immigration violations, which may have included potential trafficking crimes or penalized potential unidentified victims, in 2020. Of the 30 investigations, nine involved forced labor; the government did not report any other case details. The government reported 21 investigations remained ongoing from the previous reporting period; however, the government did not provide updates on these cases. The AGO reported prosecuting 30 alleged traffickers—of which nine involved forced labor—compared with two trafficking-related prosecutions in 2020. The government convicted nine traffickers—the first convictions reported since 2018. Officials prosecuted and convicted traffickers under trafficking-related laws of the penal code (Articles 455-457) and false identity laws (Article 383); however, the government did not report disaggregated case data or sentencing details. The government reported cooperating informally with officials in Libya, South Sudan, and Sudan on migration issues, which may have included potential trafficking crimes; however, the government did not report any specific anti-trafficking law enforcement actions during the year. The government did not report any investigations, prosecutions, or convictions

of government employees complicit in human trafficking offenses, including military officials for the unlawful recruitment and use of children; however, corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year.

The Somali Police Force (SPF) Criminal Investigations Department maintained a specialized anti-trafficking and migrant smuggling unit in Mogadishu mandated to investigate potential cases of trafficking, which employed an unspecified number of police officers. The unit, supported by an international organization and a foreign donor, did not report investigating any potential trafficking cases for the third consecutive year, compared with 43 investigations in 2018. Observers previously reported that the SPF regularly tasked the anti-trafficking unit to undertake other assignments unrelated to human trafficking. In December 2021, the SPF, in partnership with foreign donors, established a new specialized anti-trafficking and migrant smuggling unit in Puntland and began developing an additional unit in South West State. Foreign donors and international organizations supported training for police officers across the country on investigating and prosecuting human trafficking crimes, international cooperation in trafficking cases, and the distinction between migrant smuggling and human trafficking. Officials noted a lack of comprehensive training for FGS and FMS officials, language constraints, and lack of personnel capacity limited the effectiveness of some training.

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 and reintegration services. The FGS did not possess sufficient financial resources to provide direct services or auxiliary support to organizations assisting victims and vulnerable populations. The government reported identifying and referring 45 trafficking victims to services, compared with identifying 329 potential victims in 2020. Of the 45 victims identified, traffickers exploited nine in forced labor, and the type of trafficking for the other 36 victims was unknown.

An international organization continued to operate Migration Response Centers (MRCs) in Mogadishu and Bosasso and provided services for transiting migrants, including potential trafficking victims. The MRCs offered medical care, psycho-social counseling, and shelter, in addition to operating a hotline. The MRCs registered 12 vulnerable migrants in Mogadishu and 2,631 vulnerable migrants in Bosasso; an international organization screened all registered migrants for trafficking indicators and reported identifying many individuals as potential trafficking victims. Victim support varied significantly across the country, and specialized care was sporadic due to limited availability of services in country; victims in areas not serviced by the MRCs had irregular access to protective services. Due to a lack of formal identification procedures, authorities routinely arrested, detained, or deported unidentified trafficking victims for immigration violations, including possession of fraudulent visas; however, the government reportedly screened some detained individuals for trafficking indicators at ports of entry, particularly in Mogadishu. 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, nor did it provide government benefits or services to foreign victims.

The government maintained a ministerial-level task force, chaired by the Ministry of Internal Security, focused on migration issues, which included a working group on human trafficking; however, the group was inactive during the reporting period. For the second consecutive year, the government did not report whether its lead anti-trafficking official, the special envoy for children and migrants' rights, continued to function; observers previously reported the special envoy's role was possibly reduced. Additionally, the government did not report if the Ministry of Women and Human Rights technical task force, which included a working group on human trafficking and migration, continued to function, after reports indicated the group's inactivity in the previous reporting period. A lack of technical expertise and limited capacity continued to hinder the government's overall efforts to develop and coordinate effective anti-trafficking policy. For the second consecutive reporting period, the FGS did not report conducting anti-trafficking awareness campaigns during the reporting period, compared with multiple campaigns targeting first responders in 2019. The government did not operate a hotline to report human trafficking crimes or refer potential victims to services. The Ministry of Labor and Social Affairs, which established a labor inspectorate in 2020 and hired 35 labor inspectors, remained without an operational budget. The government did not report providing anti-trafficking training to labor inspectors or identifying any potential trafficking crimes. The government did not provide anti-trafficking training for its diplomatic personnel, nor did it make efforts to reduce the demand for commercial sex acts. 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 comprehensive efforts to address the unlawful recruitment and use of child soldiers during the year. Observers reported pandemic-related travel restrictions decreased general access to monitor the recruitment and use of children, while threats of recruitment and use of children increased during the pandemic. Al-Shabaab continued to commit the vast majority of violations, although reports continued of the Somali federal defense and police forces—which included the Somali National Army (SNA) and the SPF—Puntland forces and police, Jubaland forces, Galmudug forces and police, Hirshabelle police, and clan militias unlawfully recruiting and using child soldiers, many between 10 and 17 years old. According to an international organization, state and non-state actors unlawfully recruited and used children in various roles, including as combatants, security escorts, checkpoint guards, messengers, and cleaners; however, perpetrators used the majority of children for unknown purposes.

The government continued to implement the 2012 action plan to end the unlawful recruitment and use of children by the SNA; however, the FGS exercised inconsistent command and control of SNA forces. In 2021, the government established a national children and armed conflict working group chaired by the Ministry of Defense and composed

of representatives from the FGS, FMS, and international organizations. The national working group met four times to discuss internal organization structures and procedures to strengthen efforts to prevent the unlawful recruitment and use of child soldiers. The government also established and regularly convened regional-level working groups but did not report any actions taken by these groups. The Ministry of Defense’s Child Protection Unit (CPU), in partnership with international organizations and foreign donors, screened 3,296 SNA personnel at five military bases, compared with screening 4,899 personnel during the previous reporting period. The CPU identified and referred to care one child soldier among those ranks, compared with no child soldier identifications in the previous reporting period. Most Somalis lacked birth certificates, and in the absence of established birth registration systems or standardized methods for recruitment, verifying claims of unlawful child soldiering remained difficult. In 2018, the FGS undertook a process of biometric registration of SNA soldiers to validate their identities, force numbers, locales, electronic payment accounts, and registered weapons to increase transparency and accountability in the security sector and curb the recruitment and use of child soldiers in the SNA. The government did not report implementing this biometric registration mechanism for the third consecutive reporting period, though some SNA units have reportedly enrolled in the system. In collaboration with an international organization and foreign donors, the CPU continued to conduct training and awareness campaigns targeted toward hundreds of military and community leaders to prevent the recruitment and use of child soldiers. International organizations continued to report some government forces arrested and detained children for their actual or alleged association with al-Shabaab and did not apply juvenile justice standards or adhere to international obligations.

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. Anecdotal evidence indicates 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 from south-central Somalia and Kenya—into sex trafficking, military support roles, direct combat, and marriages to al-Shabaab militants. Al-Shabaab continues to enslave an indeterminate number of young girls and exploit them in forced marriage and sexual servitude. IDPs, certain minority and marginalized communities, people residing in al-Shabaab territory, and children remain the most vulnerable to sex trafficking and forced labor. 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 the construction industry. Somali children working in the informal sector are vulnerable to trafficking, as they often are driven by familial or economic pressure to seek employment opportunities abroad. 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 families left behind or exert threats if they refuse or are unable to pay.

Traffickers exploit victims from Somalia and neighboring countries along 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 a path from south-central Somalia through Puntland onward to Yemen via the Bab el-Mandeb strait. In prior years, the FGS anecdotally reported fewer Somalis arrived in their intended destination countries but rather became stranded in transit countries, increasing their vulnerability to trafficking. An international organization reported pandemic-related travel restrictions and border closures increased the number of migrants stranded in Somalia while in transit to their destination, leading migrant smugglers to charge higher fees for their services and increasing migrants’ vulnerability to forced labor and sex trafficking. Since the ongoing conflict in Ethiopia began in November 2020, observers reported an increasing number of Ethiopians stranded in Somalia, increasing their vulnerability to trafficking.

Most trafficking networks continue to be organized by a combination of Somali, Djiboutian, Eritrean, and North African traffickers. Traffickers increasingly 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 internally displaced 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 forced labor in farming and construction in the Gulf States. Traffickers transport children to Djibouti, Saudi Arabia, and the UAE 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.

THE SOMALILAND REGION

The northwestern region of Somalia is administered as a self-declared but unrecognized independent region. In 1991, members of the Somali National Movement proclaimed the area an independent republic. The United States does not recognize Somaliland as an independent nation, nor does any other country.

Somaliland’s “penal code” criminalized some forms of trafficking. Article 464 criminalized forcing a person into or benefitting from compulsory labor and prescribed penalties of six months to five years’ imprisonment and a fine. Articles 455–458 criminalized reducing a person to slavery,” “dealing in trading in slaves,” and “sale and purchase of slaves” and prescribed penalties ranging from three to 20 years’ imprisonment. Article 407 criminalized instigating, aiding, facilitating, or exploiting the proceeds of prostitution, prescribing a punishment of two months to two years’ imprisonment and a fine. Inconsistent with international law, the penal code appeared to require force, fraud, or coercion to prove an offense of child sex trafficking. These penalties were sufficiently stringent but, with regards to sex trafficking, did not appear to be commensurate with those prescribed for other serious crimes, such as rape. In January 2022, Somaliland’s parliament passed an anti-trafficking law designed in consultation with an international organization in 2017; the law remained pending the president’s signature at the end of the reporting period. In the absence of an anti-trafficking law in previous years, Somaliland representatives relied predominantly on immigration laws to prosecute trafficking crimes.

SPECIAL CASE: SOMALIA

For the second consecutive year, Somaliland did not report any anti- trafficking enforcement actions, compared with the arrest of six individuals in connection with an alleged human trafficking and migrant smuggling case in 2019. Somaliland representatives did not report any information regarding ongoing cases from prior reporting periods. Somaliland did not report any investigations, prosecutions, or convictions of Somaliland representatives complicit in human trafficking crimes; however, corruption and complicity among Somaliland representatives in trafficking crimes remained significant concerns, inhibiting authorities’ action during the year. An international organization reported Somaliland forces unlawfully recruited and used two child soldiers (between 10 and 17 years old) during the reporting period. Somaliland did not report identifying any trafficking victims or efforts to provide protection services to victims. Somaliland did not have standardized procedures to identify or refer trafficking victims to protective services, and officials at all levels relied fully on international organizations and NGOs to provide victim assistance and reintegration services. International NGOs continued to provide the Somaliland Immigration and Border Control Agency with two buses to transport migrants and potential trafficking victims from remote regions to more populated areas where they could be provided with services. Potential trafficking victims in Somaliland received assistance at an international organization-run MRC in Hargeisa until the MRC could reunite them with their respective families; the international organization registered 1,693 vulnerable migrants, which may have included potential trafficking victims, in Hargeisa in 2021. The Somaliland Ministry of Justice, in partnership with international organizations, reportedly maintained a mixed migration task force that could oversee trafficking-related issues; however, authorities did not report the task force undertaking anti-trafficking efforts for the second consecutive year. Somaliland representatives did not report conducting awareness campaigns, operating a hotline for trafficking victims, or making efforts to reduce the demand for commercial sex acts.

As reported over the past five years, human traffickers exploit domestic and foreign victims in Somaliland and traffickers exploit victims from Somaliland abroad. Information regarding trafficking trends and victims in Somaliland remains challenging to obtain or authenticate. Traffickers exploit women and children in domestic servitude and sex trafficking in Somaliland. International organizations report some women in Somaliland may act as recruiters and intermediaries to transport victims to Djibouti and Ethiopia for the purposes of forced labor in domestic work or sex trafficking. Somaliland continues to receive economic migrants and refugees from war-torn Yemen and the Oromia region of Ethiopia, in addition to returnees primarily from Yemen and Saudi Arabia; these populations remain vulnerable to human trafficking due to lack of documentation, job access, or education opportunities.

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