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IN THIS SECTION /

SPECIAL CASE: SOMALIA

1. **Special Case: SOMALIA**
2. **GOVERNMENT EFFORTS**
3. **PROSECUTION**
4. **PROTECTION**
5. **PREVENTION**
6. **TRAFFICKING PROFILE**

Special Case: SOMALIA

Somalia remains a Special Case for the 17th 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 in the Juba River Valley, 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, 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 demonstrated a slightly improved capacity to address most crimes; however, there was demonstrated minimal efforts demonstrated in all regions on prosecution, protection, and prevention of trafficking.

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 officials remained understaffed, undertrained, and lacked capacity to effectively enforce anti-trafficking laws. 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 did not pass it by the close of the reporting period due to continued disagreements on various provisions. 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. Neither the FGS nor authorities in Puntland and Somaliland reported on law enforcement efforts. 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. During the previous reporting period, the Somali Police Force (SPF) under the FGS reportedly investigated one potential trafficking case involving South Sudanese traffickers, but it did not report the verdict of the case; in Puntland, authorities prosecuted 23 child sex trafficking cases, three of which resulted in convictions and five-year prison sentences plus a fine. 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 criminal action against military officials for the unlawful recruitment and use of children during the year. During the reporting period, the Criminal Investigations Department of the SPF established an anti-trafficking and migrant smuggling unit, which was staffed by six police officers and mandated to investigate potential cases of trafficking to be referred for prosecution. The unit, supported by an international organization, investigated 43 potential trafficking cases during the year.

The FGS lead anti-trafficking official was the Special Envoy for Children's and Migrants' Rights, who steered a small staff under the Office of the Prime Minister. According to a foreign government donor estimate, the Special Envoy had a roughly \$5.5 million budget during the reporting period. The inter-ministerial Trafficking and Smuggling Task Force ostensibly served as the national 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. Although the Ministry of Internal Security reportedly led the task force, interdepartmental competition hampered its progress. It did not report progress on development of its national action plan on trafficking efforts for the second consecutive year. International organizations sponsored all trainings during the reporting period, as the FGS and Somaliland possessed negligible capacity to fund or facilitate their own. Between August and September 2018, an international organization conducted three general human trafficking courses—one in Mogadishu and two in Garowe—which reached a total of 50 officials. In October 2018, the same entity ran three additional courses for a total of 42 people, two of which targeted investigators and one that pertained to the Maritime Police Unit. According to another international organization, immigration officials hosted two separate trafficking trainings during the reporting period that reached 125 officials and aimed to specifically help officials at border points accurately identify trafficking victims. 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, and relevant government bodies lacked the resources and expertise critical to the collection and analysis of such data. Furthermore, the FGS did not possess the financial means necessary to provide direct protective services for trafficking victims or auxiliary support to organizations assisting these victims. Trafficking victims in Somaliland received assistance at an international organization-run Migration Response Center (MRC) in Hargeisa and at the Hargeisa Orphanage Center, managed by the government, until they can be reunited with their respective families. Neither facility was dedicated solely to trafficking victims but instead intended broadly for the vulnerable transiting migrant population. However, an international organization responsible for screening at MRCs noted trafficking victims comprised a large proportion of individuals who received assistance there. In the previous reporting period, Puntland authorities developed and operationalized a regional referral mechanism for trafficking victims, with support from an international organization; the extent to which officials employed it during the current period was unclear. Victim care varied significantly across the country, and some specialized care (e.g. mental health counseling) was unavailable due to a dearth of qualified practitioners in-country. Beyond the scope of an international organization's migrant response centers, victims had limited access to protective provisions. In 2018, the FGS facilitated the repatriation of 585 returnees to Somalia, a marked increase from 24 Somali migrants it worked to repatriate from Libya, with auxiliary support from the EU, in

2017. 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 minimal efforts to prevent trafficking during the year. The FGS held several trafficking-related awareness campaigns, including one entitled “Telling the Truth”, which aimed to engage returnees and trafficking survivors to tell their stories at universities and through dialogue with community leaders. 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 commercial sex acts or forced labor. 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 continued to hamper detailed child soldier reporting during the year. Even so, during the year, there were continued reports of the Somali National Army (SNA) and allied militias, such as the Ahlu Sunna Wal Jama’a (ASWJ), clan militias, unknown armed elements, the African Union Mission in Somalia (AMISOM), and al-Shabaab unlawfully recruiting and using child soldiers (between ages eight and 17), with the latter entity committing the vast majority of violations. UN officials documented the recruitment and use of more than 1,850 children between April and December 2018, and 80 percent of such cases were attributed to an upsurge in recruitment by al-Shabaab militants. Al-Shabaab’s recruitment techniques included school raids, infiltration of madrassas and mosques, and harassment and coercion of clan elders. Somali press frequently reported accounts of increasingly aggressive al-Shabaab indoctrination at schools, abductions, and forceful recruitment of students into its ranks. In addition, 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 militants subjected children in military camps to weapons and bomb making training, malnutrition, severe physical punishment, and compulsory religious education and used them on the front-lines as direct participants in hostilities. The terrorist organization also enslaved an indeterminate number of young girls and exploited them in sexual servitude. Children identified in SNA units were reportedly observed wearing SNA uniforms and wielding weapons and were primarily used for guarding military bases and other support roles. Reports continued of child soldiers who defected from al-Shabaab after being forcibly recruited and who subsequently joined government-affiliated armed forces. An international organization reported peacekeeping forces of the AMISOM abducted, recruited, or used two children during the year.

The government continued to implement the 2012 action plan to end the unlawful recruitment and use of children by the SNA, although efforts to do so remained incomplete; the FGS retained limited ability to command and control the SNA and allied militias, especially those outside of Mogadishu. However, during the reporting period, the SNA’s Child Protection Unit (CPU) officers, in coordination with an international organization, conducted sensitization trainings, verification, and screenings of an unknown number of soldiers to address the use of children in its ranks. During the reporting period, the CPU visited SNA and SNA-affiliated units across five sites in South West, Hirshabelle, and Galmudug states, as well as two sites in the Mogadishu/Benadir region. Site visits

included the Jazeera Military Training Camp in Mogadishu, SNA Sector 43 Headquarters in Kismayo, and Danab bases in Baledogle and Galkacyo. Trainings focused on child rights, principles of SNA command and control structure, and the importance of preventing child recruitment into the security forces. The CPU also developed radio and print media content regarding the prevention of child recruitment and conscription in armed conflict. In August 2018, the president of Puntland officially pardoned children who were previously sentenced to imprisonment for their association with al-Shabaab following their capture in earlier years. Nonetheless, NGOs continued to report concerns about the arrest and detention by government forces of some children allegedly associated with al-Shabaab, and the lack of application of juvenile justice standards and the adherence to international obligations. In early 2019, an international organization reported it worked with local Somali organizations to provide services to more than 300 children who had been associated with armed forces. Reintegration activities included the provision of psycho-social assistance, “back-to-school” support programs, and vocational training.

Beyond the screening and training trips, the FGS continued to launch public awareness campaigns, with support from an international organization, to promote broad awareness of child protection issues and means of removing children from armed conflict. In November 2018, the FGS began drafting legislation on children’s rights, and in October 2018, the FGS launched its Education Sector Strategic Plan (ESSP 2018-2020), which identified that children’s lack of school access increased vulnerability for recruitment into armed groups. 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’s level of relevant ministries endorsed the strategy, but it awaited parliamentary approval at the close of the current 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 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.

PROSECUTION

PROTECTION

PREVENTION

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. Four cross-border routes, mirroring migration flows, are most commonly used by traffickers: a northern route towards Europe via Libya; an eastern route to Europe via

Turkey; a direct southern path to Kenya, Tanzania, or South Africa; and finally from south-central Somalia through Puntland onward to Yemen via the Bab el-Mandeb strait. During the reporting period, officials reported an uptick in trafficking cases along the eastern and southern trafficking routes. In Somaliland, some women act as recruiters and intermediaries who transport victims to Puntland, Djibouti, and Ethiopia for the purposes of domestic servitude or sex trafficking. Notwithstanding the unavailability of reliable figures, in previous reporting periods the FGS noted that, anecdotally, fewer Somalis arrive in their intended destination countries but rather become stranded in transit countries. Anecdotal evidence purports al-Shabaab continues to facilitate human trafficking crimes, using deception, infiltration of madrassas and mosques, and coercion of clan elders, 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.

IDPs, certain marginalized ethnic minorities, people residing in al-Shabaab territory, and youth aged 18-35 remain the most vulnerable to sex trafficking and forced labor. In particular, Somali youth working in the informal sector are at high risk of trafficking as they are often 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 do so. 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; some of these children may be subsequently exploited 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 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. In addition, at the conclusion of the reporting period, Puntland officials documented it assisted approximately 7,500 migrants and Somali returnees coming primarily from Yemen, Saudi Arabia, and Ethiopia.

Most trafficking networks continue to be run 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 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, forced labor, or sex trafficking. Somali men experience 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. In previous years, 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.