

2023 Trafficking in Persons Report: Djibouti

DJIBOUTI (Tier 3)

The Government of Djibouti does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so, even considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity; therefore Djibouti was downgraded to Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including partnering with an international organization and foreign donors to establish a shelter for adult trafficking victims; partnering with the same international organization to validate an NRM to refer potential trafficking victims to care; referring one potential victim to services; and signing a presidential decree mandating a national coordinating body to combat trafficking. However, the government did not report investigating or prosecuting trafficking cases and did not convict any traffickers for the sixth consecutive year. Despite participating in anti-trafficking trainings, prosecutors reportedly dropped trafficking charges and reclassified cases of trafficking as other crimes with lower penalties, and judges continued to use outdated versions of the penal code that did not incorporate updates from the trafficking provisions in the 2016 anti-trafficking law. The government did not formally identify any trafficking victims for the fourth consecutive year, and protection services available to trafficking victims remained limited. The government lacked an operational task force to coordinate anti-trafficking efforts and did not draft a new NAP after its previous NAP expired in 2022. Efforts to investigate and prosecute trafficking crimes within the country's borders, including domestic servitude, forced begging, and child sex trafficking, remained negligible. Many officials considered human trafficking only as a migration-related crime, and some officials continued to deny the existence of sex and labor trafficking in Djibouti.

PRIORITIZED RECOMMENDATIONS:

- Increase efforts to investigate and prosecute traffickers, and seek adequate penalties for convicted traffickers, including allegedly complicit officials, which should include significant prison terms, in accordance with the trafficking provisions in the 2016 anti-trafficking law.
- Systematically and proactively identify trafficking victims, including by screening vulnerable populations – such as refugees, asylum-seekers, individuals involved in commercial sex, transiting migrants, and Cuban medical professionals – and refer all identified trafficking victims to appropriate care.

- Increase judicial officials' awareness of the trafficking provisions in the 2016 anti-trafficking law, including by providing training for judges on trafficking crimes and ensuring the penal code on the judges' bench includes the 2016 anti-trafficking law.
- Establish, operationalize, and disburse funding to the National Committee to Combat Trafficking in Persons and Similar Practices.
- Develop and finalize an updated NAP to combat trafficking and allocate resources to its implementation.
- Provide specific anti-trafficking training to law enforcement officials, labor inspectors, prosecutors, and magistrates to improve case investigation, victim identification, and referral of victims to appropriate care.
- Strengthen protection services for trafficking victims, including by providing specialized services to trafficking victims and providing funding or in-kind assistance to NGOs and international organizations providing protection services.
- Increase anti-trafficking training for police, prosecutors, and judges on strong evidence gathering, the use of non-testimonial evidence to corroborate victim testimony, the irrelevance of a victim's initial consent when proving a trafficking crime, victim-centered investigations, and the distinctions between human trafficking and migrant smuggling.
- Strengthen the partnership between police and prosecutors to more efficiently and effectively prosecute trafficking cases.
- Increase awareness of all forms of human trafficking, including domestic servitude and forced child begging, among the public through government-run campaigns or provide financial or in-kind support for NGO-run campaigns.
- Improve nationwide data collection and coordination on anti-trafficking law enforcement and victim identification efforts, including a method to disaggregate data between human trafficking crimes and other crimes, such as migrant smuggling.

PROSECUTION

The government decreased anti-trafficking law enforcement efforts. The 2016 Law No. 133, On the Fight Against Trafficking in Persons and Illicit Smuggling of Migrants, criminalized sex trafficking and labor trafficking; it prescribed penalties of five to 10 years' imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with those for other serious crimes, such as rape. The law considered the involvement of a child or forcing a victim into "prostitution" as aggravating circumstances for which the penalties increased to 10 to 20 years' imprisonment.

The government did not report investigating or prosecuting trafficking crimes, compared with 16 investigations and eight suspects prosecuted in three cases in 2021. For the sixth consecutive year, officials did not convict any traffickers. Analogous to previous years, most potential human trafficking crimes moved forward as migrant smuggling charges, resulting in more lenient sentences; this approach likely weakened deterrence and did not adequately address the nature of trafficking crimes. Observers reported law enforcement did not always pursue reports with potential trafficking indicators. Observers also reported prosecutors routinely dropped trafficking charges, citing a lack of political will to address the crime or denial of the existence of trafficking in Djibouti, and reclassified them as other crimes, including migrant smuggling, rape, and sexual assault. Law enforcement officials sometimes halted investigations of potential trafficking crimes after foreign national victims

and witnesses left the country, rather than utilizing other means of gathering evidence to continue investigations. Similarly, prosecutors and judges did not ensure continued inclusion of foreign victims' testimony who returned to their country of origin, often resulting in dropped cases or acquittals due to a lack of evidence. Additionally, victims often chose not to participate in court proceedings due to the protracted nature of the criminal courts and administrative process. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking crimes; however, corruption and official complicity in trafficking crimes remained significant concerns, potentially inhibiting law enforcement action. Observers reported that security forces, especially at lower levels, were susceptible to bribes and may have ignored trafficking crimes.

Severe resource and capacity limitations continued to impede officials' ability to comprehensively investigate trafficking crimes. Officials reported the requirement for law enforcement to present an investigative report and evidence to the court within three days of a suspect's arrest (two days for crimes committed in Djibouti City) continued to inhibit law enforcement's ability to fully investigate all crimes, including trafficking, and judges often dismissed cases on procedural grounds. As in prior years, criminal courts, authorized to hear trafficking cases, only convened twice during the year. The government and NGOs continued to report the printed copy of the penal code used by some judges was out of date and did not include the 2016 anti-trafficking law; therefore, in practice, most judges did not use the 2016 anti-trafficking law to convict alleged traffickers and instead relied on older provisions from the 1995 penal code, such as kidnapping or abuse of power. The government, in partnership with the EU and an international organization, began nascent steps to update the printed copy of the penal code available to judges. Observers reported families or village elders often settled allegations of labor trafficking – including domestic servitude and potential sex trafficking crimes – informally through traditional arrangements between religious and community leaders, without recourse to the formal court system.

The Djibouti National Police (DNP) maintained a specialized unit to investigate crimes against children, including child trafficking, and an anti-vice unit mandated to investigate commercial sex establishments, including sex trafficking. The Ministry of Justice (MOJ) had two prosecutors specifically trained to handle cases involving trafficking or vulnerable children. The Ministry of Interior (MOI) continued to provide training on victim identification to new police recruits during basic training. The MOJ, in partnership with international organizations, provided anti-trafficking training seminars to judges, prosecutors, clerks, and advisors at the National School for Judicial Studies (ENEJ). Additionally, the government collaborated with international organizations to train law enforcement officials, including police, prosecutors, gendarmerie, coast guard, and magistrates on human trafficking, including on the 2016 anti-trafficking law. Despite training efforts, some officials continued to conflate human trafficking with migrant smuggling and other crimes not involving sex or labor trafficking, potentially resulting in the misclassification of human trafficking crimes, and demonstrated an incomplete understanding of the irrelevance of initial consent in a human trafficking crime. The government reported nascent cooperation with the Government of Ethiopia on trafficking cases.

PROTECTION

The government maintained minimal overall victim protection efforts. For the fourth consecutive year, the government did not report formally identifying any trafficking victims. The government reported identifying one potential trafficking victim and referring the potential victim to an international organization for services. Similar to previous years, the government quickly repatriated potential victims – most of whom were Ethiopian – to their home countries without screening for trafficking indicators in some instances. The government did not have specialized SOPs to proactively identify

trafficking victims and refer them to care; instead, there were disparate SOPs to screen for vulnerabilities, sometimes including trafficking, across different agencies that officials used to varying degrees to screen vulnerable populations for trafficking. In October 2022, the government, in partnership with an international organization, validated an NRM which included referral forms and screening tools to refer potential victims and vulnerable migrants to protection services. The same international organization provided training to government officials and civil society actors on the NRM and its use.

In November 2022, an international organization, with government approval, opened the country's first shelter for adult trafficking victims and vulnerable migrants. Since its opening, four adult vulnerable migrants and two dependent children received temporary housing, psycho-social support, medical care, and basic needs at the shelter; government officials referred one adult to the shelter, while NGOs referred the other three. The Ministry of Health (MOH) partnered with the international organization operating the shelter and signed a formal agreement to allow shelter beneficiaries to receive free medical care at a local hospital when shelter staff were not able to provide treatment. In conjunction with the adult shelter, an NGO, with government approval, opened a shelter for vulnerable children in September 2022. The shelter provided services to 22 vulnerable children experiencing homelessness; a local NGO referred all 22 children to the shelter.

The government continued to assist potential trafficking victims through programming targeting refugees or migrants. An international organization continued to operate a migrant response center (MRC) in Obock, which provided transiting migrants – including an unknown number of potential trafficking victims – water, food, medical support, temporary shelter, and repatriation assistance. Observers reported government support to the MRC remained limited. MRC staff, in partnership with MOH officials, continued to operate mobile clinics along dangerous migration routes that could provide vulnerable migrants with medical assistance or referrals to the MRC. Coast guard officials continued to provide clothing and food to vulnerable migrants stranded at sea and referred migrants to the MRC identified in the northern part of the country. An NGO continued to operate a day center for unaccompanied migrant children and vulnerable children who experienced homelessness, including potential trafficking victims; the government did not report referring any children to the NGO or supporting the NGO's operations during the reporting period. The National Union of Djiboutian Women (UNFD) continued to operate a center in Djibouti City for vulnerable women and children, including potential trafficking victims, to receive legal, medical, and psycho-social assistance. For the second consecutive year, the government did not report the funding amount allocated to protection efforts that may have assisted potential trafficking victims, compared with more than 109 million Djiboutian francs (\$615,820) allocated in 2020 to relevant ministries, MRCs, transit centers, and local NGOs.

The 2016 anti-trafficking law included provisions allowing trafficking victims temporary residency during judicial proceedings and permanent residency, as necessary, as a legal alternative to removal to countries where victims might face hardship or retribution; however, the government did not report providing temporary residency to any trafficking victims during the year. Additionally, the law directed the government to provide victims legal assistance and an interpreter, in addition to psychological, medical, and social assistance; observers reported, in practice, the government did not provide these provisions due to the lack of available resources and reliance on in-person testimony. Due to inconsistent implementation of formal identification procedures, trafficking victims, particularly vulnerable migrants and individuals in commercial sex, may have been deported or remained unidentified within the law enforcement system.

PREVENTION

The government decreased efforts to prevent trafficking. Overall anti-trafficking coordination efforts remained minimal, and the government did not report allocating funds for prevention efforts. The Director of the ENEJ remained the government focal point for anti-trafficking efforts. However, in February 2023, the government, via a presidential decree, mandated the establishment of a new national coordinating committee, chaired by the Ministry of Justice, to lead the government's anti-trafficking efforts. The government did not report taking further action to establish the committee by the end of the reporting period. The government's 2015-2022 NAP expired, and it did not draft a new NAP. The government collaborated with international organizations that held awareness campaigns targeting vulnerable migrants on trafficking risks. The Ministry of Women and Family Affairs, with support from the EU and an international organization, released a report analyzing available resources and current gaps in child protection, including for unaccompanied children engaged in forced begging in Djibouti City. The UNFD operated two 24-hour hotlines to report cases of GBV and refer victims to services, which could be utilized by trafficking victims. The hotlines received an unreported number of calls in 2022, including calls involving domestic servitude, compared with more than 1,200 calls reported in 2021; hotline staff reported an unknown number of potential trafficking calls to law enforcement. Labor recruitment and placement companies were subject to random inspections by the inspector general; however, the government did not report if any inspections found potential trafficking cases. The government did not report conducting labor inspections to enforce laws against forced labor. The government did not make efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE:

As reported over the past five years, human traffickers exploit domestic and foreign victims in Djibouti, and to a lesser extent, traffickers exploit victims from Djibouti abroad. Traffickers, including family members, exploit local and migrant children, primarily from Ethiopia and Somalia, in forced begging in Djibouti City. Traffickers exploit migrant and local children in sex trafficking, sometimes using substances as a means of coercion. Traffickers exploit Djiboutian and migrant women and children experiencing homelessness in sex trafficking or labor trafficking, particularly domestic servitude, in Djibouti City and Obock. Traffickers may exploit migrant women in sex trafficking at truck stops and in restaurants and guest houses in Balbala, one of Djibouti's poorest neighborhoods. Traffickers may exploit foreign workers – including Ethiopians, Yemenis, Indians, Pakistanis, and Filipinos – in forced labor in domestic servitude, construction, and food service sectors. In 2021, Tunisian officials reported identifying one Djiboutian victim of forced labor in Tunisia.

Adults and children, primarily undocumented economic migrants from Ethiopia and Somalia, transit Djibouti voluntarily en route to Yemen and other locations in the Middle East, particularly Saudi Arabia. An international organization estimates more than 150,000 migrants – predominantly Ethiopian – transited Djibouti in 2022, including both land and sea crossings. Traffickers often exploit migrants who have transited Djibouti or are transiting Djibouti to return to their respective countries of origin, in sex and labor trafficking in their intended destinations. Traffickers also exploit migrants who transit Djibouti to return to their respective countries of origin in labor trafficking, primarily in the agricultural sector, and sex trafficking via debt bondage or indentured servitude to pay off smugglers. Reports indicate smugglers, often involved in large, cross-border networks, hold large groups of migrants in isolated areas in Djibouti, particularly in Dikhil, where smugglers and traffickers may force migrants to engage in labor or sex trafficking. Djibouti hosts approximately 35,000 refugees and asylum-seekers; some individuals in this population may have endured exploitation before their

arrival in Djibouti and remain vulnerable to trafficking in Djibouti. Given the protracted instability in Ethiopia, many Ethiopian nationals, including unaccompanied children, continued to journey on foot from Ethiopia to Djibouti either to claim asylum with their families or, in greater numbers, to continue onward to destination countries in Gulf states; this population remains vulnerable to trafficking. Between the beginning of the conflict in northern Ethiopia in November 2020 and the signing of the Cessation of Hostilities Agreement (COHA) between the government and the Tigray People's Liberation Front in November 2022, Ethiopians of Tigrayan ethnicity in Djibouti were unable or unwilling to return to Ethiopia; many of these migrants reported abuses and may have been trafficking victims at various points on their journey, particularly in Yemen and Saudi Arabia. Since the signing of the COHA, the number of economic migrants transiting Djibouti has increased; this population remains vulnerable to trafficking due to lack of job opportunities in destination countries, particularly Yemen. Cuban medical professionals working in Djibouti may have been forced to work by the Cuban government.

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