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SOMALIA (Special Case)

Somalia remains a Special Case for the 21st consecutive year. The country continued to face protracted conflict, insecurity, and ongoing humanitarian crises, which impeded 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 southcentral Somalia. Al-Shabaab 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 combat human trafficking. Overall, the government demonstrated minimal efforts on prosecution, protection, and prevention of 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. The government disproportionately focused on transnational trafficking crimes related to immigration violations and did not take adequate action to address trafficking crimes within its own borders, including sex trafficking and domestic servitude. Government complicity in trafficking crimes continued to hamper anti-trafficking efforts.

GOVERNMENT EFFORTS

FGS and FMS authorities sustained minimal efforts to combat trafficking. 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. The Puntland FMS 2017 human trafficking legal framework prohibited trafficking in persons; however, international organizations continued to report authorities did not implement the law.

Similar to previous years, neither the FGS nor the FMS collected comprehensive statistics on law enforcement efforts related to trafficking. The FGS Office of the Attorney General (OAG) reported 23 trafficking investigations, compared with 30 trafficking investigations in 2021. Of the 23 investigations, 12 involved labor trafficking, including two travel agency owners allegedly facilitating trafficking crimes; the government did not report any other case details. The government reported six investigations remained ongoing from the previous reporting period. The OAG reported prosecuting seven alleged traffickers under trafficking-related laws of the penal code (articles 455-457), compared with 30 trafficking-related prosecutions in 2021. Courts convicted six traffickers, the same number reported in 2021, and acquitted one trafficker for unspecified reasons. The government did not provide sentencing data. Officials’ propensity to conflate human

trafficking and migrant smuggling and focus on transnational trafficking made it probable some reported cases involved individuals with irregular migration status and other crimes not involving exploitation through forced labor or sex trafficking. The government reported continuing informal cooperation with officials in Libya, South Sudan, and Sudan on migration issues, which may have included potential trafficking crimes; however, the government did not report taking any specific anti-trafficking law enforcement actions as a result of international cooperation. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses, including military officials for the forced recruitment or use of child soldiers; however, corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year.

Law enforcement, prosecutorial personnel, and courts remained understaffed and undertrained and lacked capacity to effectively enforce anti-trafficking laws. The Somali Police Force (SPF) Criminal Investigations Department maintained specialized anti-trafficking and migrant smuggling units in Mogadishu and Puntland mandated to investigate potential cases of trafficking. The SPF, in partnership with foreign donors, established an additional specialized unit in South-West State. In 2022, the OAG established the Human Trafficking and Immigration Crimes Unit, mandated to investigate and initiate the prosecution of crimes related to human trafficking and immigration violations. In collaboration with the government, foreign donors and international organizations expanded training for officials – including police, prosecutors, judges, and immigration officials – across the country on investigating and prosecuting human trafficking crimes, international cooperation in trafficking cases, and the distinction between migrant smuggling and human trafficking.

Similar to previous years, the government did not systematically gather or report statistics for trafficking victims, and reporting remained largely anecdotal. The government reported identifying and referring 50 trafficking victims to services, compared with identifying and referring 45 victims to services in 2021. Of the 50 victims identified, traffickers exploited 12 in labor trafficking and the type of trafficking for 38 victims was unspecified; 41 victims were adults and nine were children. The government did not have standard operating procedures to identify or refer trafficking victims to services, and all levels of government relied fully on international organizations and NGOs to provide victim services. The FGS did not possess sufficient financial resources to provide direct services or auxiliary support to organizations assisting victims and vulnerable populations.

An international organization continued to operate migration response centers (MRCs) in Bosasso and provided services for transiting migrants, including potential trafficking victims. An international organization discontinued support to the MRC in Mogadishu during the reporting period due to lack of funding; the government continued to minimally support the MRC, though services available were limited. The Bosasso MRC offered services such as medical care, psycho-social support, and shelter, and operated a hotline. In 2022, an international organization registered 1,811 vulnerable migrants in Bosasso; the 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 MRC had irregular access to protective services. Due to a lack of formal identification procedures, authorities likely arrested, detained, or deported some unidentified trafficking victims, particularly for immigration violations; 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.

A lack of technical expertise and limited capacity continued to hinder the government's overall efforts to develop and coordinate an effective anti-trafficking policy. The government did not have a designated lead anti-trafficking official, agency, or national coordinating body and remained without a NAP to combat human trafficking. For the third consecutive reporting period, the FGS did not report conducting anti-trafficking awareness activities. The OAG established a general hotline in 2022 to report all crimes, including human trafficking; however, no data was available. The Ministry of Labor and Social Affairs employed 35 labor inspectors to enforce labor laws;

however, they remained without operational resources and did not receive training on relevant trafficking laws to identify 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 UN TIP Protocol.

The dire security situation and restrictions on movement of humanitarian and human rights actors continued to hamper comprehensive efforts to address the unlawful recruitment or use of child soldiers. Al-Shabaab continued to commit the vast majority of violations, although reports continued the Somali federal defense and police forces – which included the Somali National Army (SNA) and the SPF – Jubaland forces, Puntland forces and police, Galmudug forces and police, and the National Intelligence and Security Agency unlawfully recruited and used child soldiers, many between 10 and 17 years old. State and non-state actors unlawfully recruited or 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 or use of children by the SNA; however, the FGS exercised inconsistent command and control of SNA forces. The Ministry of Defense continued to oversee a national children and armed conflict working group composed of representatives from the FGS, FMS, and international organizations. The national working group met quarterly to discuss internal organization structures and procedures to strengthen efforts to prevent the unlawful recruitment or use of child soldiers. The government regularly convened regional 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 4,769 SNA personnel at five military bases, compared with screening 3,296 personnel in the previous reporting period. The CPU identified and referred to care five child soldiers among those ranks, compared with one child soldier identified 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 recruitment or use of children 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 unlawful recruitment or use of child soldiers in the SNA. The government did not report implementing this biometric registration mechanism for the fourth 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 unlawful recruitment or use of child soldiers. International organizations and NGOs 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, undermining government commitments and efforts to treat child soldiers as victims.

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 in Somalia remains challenging to obtain or authenticate. Anecdotal evidence indicates al-Shabaab continues to facilitate human trafficking crimes through deception, infiltration of *madrassas* and mosques, coercion or harassment of clan elders or family members, school raids, and abductions to recruit and use victims – including children – in direct combat and military support roles. Al-Shabaab exploits women and girls in sexual slavery and forced marriage to al-Shabaab militants. Criminals involved in terrorist networks may lure and recruit Kenyan and Ugandan adults and children to Somalia to join non-state armed groups, primarily al-Shabaab, sometimes with fraudulent promises of lucrative employment.

IDPs, minority populations, people residing in al-Shabaab territory, and Somali children working in informal sectors 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 or clan linkages who may subsequently exploit some of these children in forced labor or sex trafficking. Traffickers may exploit children in forced labor in agriculture, domestic work, herding, selling or portering *khat*, crushing stones, fishing, forced begging, or construction. Most trafficking networks continue to be organized by a combination of Somali, Djiboutian, Eritrean, and North African traffickers. Somali economic migrants sometimes incur debts under the “go now, pay later” trafficking scheme or through economic exploitation. Traffickers also target and recruit children using false promises that no payment will be demanded until they reach their targeted destinations. According to an international organization, traffickers extort payments from families left behind or exert threats if they refuse or are unable to pay. Traffickers increasingly recruit individuals through social media platforms and travel agencies, which at times may facilitate trafficking crimes. Traffickers, smugglers, and dubious employment agencies 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 experience conditions of forced labor, particularly in domestic service, or sex trafficking. Traffickers exploit Somali men in farming and construction in the Gulf states. Traffickers transport Somali children to Djibouti, Saudi Arabia, and the United Arab Emirates and force them to beg on the streets.

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 southern route to Kenya, Tanzania, or South Africa; and a route from south-central Somalia through Puntland onward to Yemen via the Bab el-Mandeb strait. An international organization reported previous COVID-19 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 labor and sex trafficking. Between the beginning of the conflict in northern Ethiopia in November 2020 and the signing of the Cessation of Hostilities Agreement between the Ethiopian government and the Tigrayan People’s Liberation Front in November 2022, and as pandemic-related restrictions in Somalia and Yemen ease, observers report an increasing number of Ethiopians transiting through Somalia to Yemen; many Ethiopians remain stranded in Somalia, increasing their vulnerability to trafficking.

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 “criminalized” sex trafficking and labor trafficking in June 2022. The “law” prescribed penalties of five to 20 years’ imprisonment for trafficking offenses involving adult male victims, which were increased by up to one third for offenses involving adult women and child victims. These penalties were sufficiently stringent and, with regards to sex trafficking, commensurate with the penalties prescribed for other grave crimes. For the third consecutive year, Somaliland did not report any anti-trafficking enforcement actions. 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. Reports indicate Somaliland forces unlawfully recruited and used at least one child soldier 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 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 6,612 vulnerable migrants, which may have included potential trafficking victims. The anti-trafficking “law” permitted foreign trafficking victims to remain in Somaliland under temporary residence status during the investigation and court proceedings of their cases. The anti-trafficking “law” allowed victims to seek compensation from convicted traffickers. Somaliland representatives, in partnership with international organizations, reportedly maintained a migration task force that could oversee trafficking-related issues; however, representatives did not report the task force undertaking anti-trafficking efforts for the third consecutive year. Somaliland representatives did not report conducting awareness activities, 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 Ethiopia and Yemen, in addition to returnees primarily from Yemen and Saudi Arabia; these populations are vulnerable to human trafficking due to lack of documentation, job access, or education opportunities.