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## 2017 Trafficking in Persons Report - Somalia

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### SOMALIA: SPECIAL CASE

Somalia remains a Special Case for the fifteenth consecutive year. During the reporting period, the Federal Government of Somalia (FGS) controlled its capital city, Mogadishu, and regional governments retained control over most local capitals across the country. The self-declared independent region of Somaliland and the federal member state of Puntland retained control of security and law enforcement in their respective regions. The federal government had limited influence outside Mogadishu; the al-Shabaab terrorist group continued to occupy and control rural areas in the Juba Valley in south-central Somalia. The FGS focused on capacity-building and securing Mogadishu and government facilities from attacks by al-Shabaab. The sustained insurgency by al-Shabaab was the main obstacle to the government's ability to address human trafficking in practice. Some areas liberated from al-Shabaab experienced further unrest caused by rival clans fighting for political power or control of resources. The government had minimal capacity to address most crime, including human trafficking, and thereby demonstrated negligible efforts in all regions on prosecution, protection, and prevention. Some federal and regional armed forces were not paid regularly, and police across Somalia lacked proper investigatory capacity to deal with trafficking cases. Although reportedly improved during the reporting year, some Somali officials continued to lack an understanding of trafficking crimes, which they often conflated with migrant smuggling. An NGO reported officials in upper echelons of certain state governments are beneficiaries of trafficking rings in Somalia, thereby hampering efforts to effectively address complicity.

### GOVERNMENT EFFORTS

Somaliland and Puntland authorities sustained limited efforts to combat trafficking during the reporting period. Due to civil unrest and the protracted campaign to degrade al-Shabaab and establish law and order in Somalia, law enforcement and judicial officials remained understaffed, undertrained, and lacked capacity to effectively enforce the law. The pre-1991 penal code (applicable at the federal and regional levels) outlaws forced labor and other forms of trafficking in persons. Article 455 prohibits and penalizes slavery, prescribing penalties of five to 20 years imprisonment. Article 464 prohibits forced labor, prescribing penalties of six months to five years imprisonment. Article 457 prohibits the transferring, disposing, taking possession or holding of a person, and prescribes penalties of three to 12 years imprisonment. All of these penalties are sufficiently stringent. Article 408(1) prohibits compelled prostitution of a person through violence or threats, prescribing penalties of two to six years imprisonment, which is sufficiently stringent but not commensurate with those prescribed for other serious crimes, such as rape. The provisional constitution prohibits slavery, servitude, trafficking, and forced labor under article 14. Article 29(6) prohibits the use of children in armed conflict. Laws in Somaliland prohibit forced labor, involuntary servitude, and slavery. In 2016, the Somali police investigated one potential trafficking case, but it did not progress to the court system for unknown reasons. Authorities in Puntland prosecuted 23 child sex trafficking cases, three of which resulted in convictions; these cases involved seven traffickers and 61 victims. The convicted traffickers received five-year prison sentences plus a fine of 1.6 million Somali shillings (\$3,000) the maximum under Puntland law, which only punishes drivers who transport trafficking victims. However, no reliable statistics existed at either the federal or regional level on investigations, prosecutions, or convictions of or related to

trafficking. While information regarding officials alleged to be complicit in the facilitation of sex and labor trafficking remained largely unknown, the government did not report efforts to investigate claims of federal officials selling falsified travel documents to travel brokers and traffickers or take action against military officials for the recruitment and use of children during the year.

The inter-ministerial Trafficking and Smuggling Taskforce served as the federal government's anti-trafficking coordinating body, which included representation from the Ministry of Internal Security, Ministry of Foreign Affairs, Ministry of Justice, Somali Police Force (SPF), and Ministry of Interior and Federal Affairs, and led by the permanent secretary of the Ministry of Interior and Federal Affairs; members of the taskforce liaised with Puntland state-level authorities during an information sharing workshop sponsored by an international organization. During the reporting year, the taskforce commenced development of a national action plan on trafficking efforts, and in May 2016 the prime minister issued a decree to specify the taskforce's membership and mandate. The criminal investigations division of the SPF has a 40-officer Counter-Trafficking and Organized Crime Unit, but according to an international organization this unit has never received counter-trafficking training. The state-level Counter-Trafficking Board, established in March 2013, was the lead in Puntland state. The Puntland state police, in collaboration with an international organization, conducted two follow-up trainings on trafficking investigations for 42 officers during the reporting period. The Somaliland government in June 2016 established the Counter Human Trafficking Agency of Somaliland, which included representatives from immigration, police, coast guard, the attorney general's office, and the ministries of commerce, finance, and civil aviation. The agency is 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. Information on FGS efforts to protect trafficking victims was unavailable. The FGS and Somaliland authorities did not provide protective services to trafficking victims and relied fully on international organizations and NGOs to provide victim assistance, including food, clothing, shelter, legal support, medical aid, counseling, and reintegration services. During the reporting year, Puntland authorities partnered with civil society to provide protective care for 23 trafficking victims; it also helped facilitate the return home of 29 minor victims. However, some of these children and recipients of protective care were likely smuggling victims. The FGS did not provide financial or in-kind support to organizations assisting victims. In Puntland in 2016, state authorities paid the lease and electric and water bills for a house rented by an organization to use as a shelter for trafficking victims; however, the amount of funding spent on this assistance was unavailable. State authorities also provided transportation costs to the victims to enable their return home. The Puntland Ministry of Women Affairs managed a safe house for victims of trafficking and domestic violence in Garowe, Puntland. 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. In Puntland state, members of the anti-trafficking board participated in a three-month radio, television, and community social mobilization awareness campaign conducted by an international organization to sensitize the public on human trafficking, including how to detect and report actual and suspected cases of trafficking; the Puntland state government did not fund the program. The FGS did not conduct any awareness campaigns during the reporting period. 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 forced labor or commercial sex acts. The government did not provide anti-trafficking training for its diplomatic personnel. Somalia is not a party to the 2000 UN TIP Protocol.

During the year, there were continued reports of the Somali National Army (SNA), Ahlu Sunna Wal Jama'a, clan militia, and al-Shabaab using child soldiers.

The efforts of the FGS to end the recruitment and use of child soldiers were focused solely on the SNA. The government's implementation of the 2012 action plan to end the recruitment and use of children by the SNA remained incomplete. The work of the six military officer focal points named in 2015 was limited during the current reporting year. Nevertheless, in 2016, the SNA's Child Protection Unit reported that it conducted awareness campaigns in Mogadishu, Guul Wadaysha, and at the Siyad Army Base on the importance of preventing child recruitment into the security forces. Authorities handed over children separated from armed groups to an international organization for care. The UN continued to report concerns about the arrest and detention of some children allegedly associated with al-Shabaab by Puntland forces. Most Somalis lacked

birth certificates, and without an established birth registration system or standardized method for recruitment, verifying claims of child soldiering remained difficult.

Throughout areas beyond state control, al-Shabaab frequently recruited children for use by its militias, typically through abduction, deception, or compelling elders to hand over minors, and increasingly through fear from public executions of children alleged to be deserters or spies. The terrorist group forced recruitment at mosques, Quranic schools, and facilities for neglected children. Al-Shabaab used children for combat and other support functions in southern and central Somalia, including for planting roadside bombs and other explosive devices, serving as human shields during incursions, carrying out assassinations and suicide attacks, providing intelligence, serving as guards, and working in domestic service. Al-Shabaab also forcibly recruited young girls and exploited them in sexual servitude.

## TRAFFICKING PROFILE

Somalia is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Information regarding trafficking in Somalia remains extremely difficult to obtain or verify. Victims are primarily from Somalia's southern and central regions and subjected to trafficking within the country, especially in Puntland and Somaliland in the north. In Somaliland, women act as recruiters and intermediaries who transport victims to Puntland, Djibouti, and Ethiopia for the purposes of domestic servitude or sex trafficking. Due to poverty and an inability to provide care for all family members, some Somalis willingly surrender custody of their children to people with whom they share familial ties and clan linkages; some of these children may become victims of forced labor or sex trafficking. While many children work within their own households or family businesses, some children may be forced into labor in agriculture, domestic work, herding livestock, selling or portering *khat*, crushing stones, or in the construction industry. In 2014, an international NGO released a report documenting cases of sexual abuse and exploitation, including trafficking, of Somali women and girls by Ugandan and Burundian African Union Mission in Somalia (AMISOM) personnel. An African Union investigation into the allegations concluded there was evidence of sexual exploitation, abuse, and trafficking by AMISOM personnel.

Notwithstanding the lack of reliable statistics, Somaliland and Puntland received an influx of economic migrants and refugees from war-torn Yemen and the Oromia region of Ethiopia. Regional governments from Somaliland and Puntland reported smuggling and trafficking continued through Somalia as a transit point on routes to Libya, Sudan, and Europe. Women and girl migrants working in the informal economy were particularly vulnerable to trafficking. Reports document an uptick in middle-class Somali citizens attempting to migrate to Europe, which increased their vulnerability to trafficking. An international organization reported that youth aged 18 to 35 from south-central Somalia, driven by pressure to seek employment opportunities abroad, are the most vulnerable to trafficking. As in prior reporting periods, certain marginalized ethnic minorities Somali Bantus and Midgaan continue to face greater risk of sex and labor trafficking, as do IDPs and people living in areas under al-Shabaab control. Self-identified administrators of some IDP camps reportedly force girls and women to provide sex acts in exchange for food and services; some Somali officials are alleged to be complicit in such exploitation. These camp administrators continue to charge rent or fees for otherwise-free basic services and sell the area they control within a camp to other administrators, establishing a cycle of debt for IDPs that makes them vulnerable to trafficking, including inherited bondage.

According to an international organization, traffickers employed deception as the predominant recruitment method over threat or force, as utilized in years past. 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 or forced prostitution. Somali men experience conditions of forced labor as herdsman and workers in the Gulf States. Traffickers transport children to Saudi Arabia 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. Federal government officials allegedly sell falsified travel documents to travel brokers and traffickers. NGOs and international organizations report Somalis increasingly seek to move to other African destinations, including Kenya and South Africa. Authorities in Somaliland report an increase in the transporting or kidnapping of children and unemployed university graduates, who later transit Ethiopia and Sudan and are sometimes held hostage by networks in Libya en route to Europe and the Middle East. Some members of the

Somali diaspora use false offers of marriage to lure unsuspecting victims, many of whom include relatives, to Europe or the United States, where they force them into prostitution or domestic servitude. Traffickers reportedly subject Somali children fleeing al-Shabaab and seeking refuge in Kenya to forced labor or sexual exploitation. 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. Ethiopian children travel to Somaliland seeking employment but may instead be forced to beg on the streets. Some traffickers reportedly compel community elders, particularly in coastal regions, to convince community members to travel to Europe for employment opportunities; some individuals are subjected to forced labor in Europe.

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