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SPECIAL CASE: SOMALIA

Somalia remains a Special Case for the fourteenth 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 Republic of Somaliland and semi-autonomous Federal 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 rural areas in south-central Somalia. The FGS focused on capacity-building and securing Mogadishu and government facilities from attacks by al-Shabaab. The African Union Mission in Somalia (AMISOM) conducted military operations in 2015 to recover al-Shabaab-controlled territory; however, its efforts were countered by increased attacks on security forces by the terrorist organization. Military courts adjudicated serious cases, including those related to terrorism, and tried many civilian cases. The government had minimal capacity to address most crime, including human trafficking, and thereby yielded negligible efforts in all regions on prosecution, protection, and prevention. Somali officials also lacked an understanding of trafficking crimes, which they often conflated with migrant smuggling.

SCOPE AND MAGNITUDE

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 may move from Somalia's southern and central regions to Puntland and Somaliland in the north. In Somaliland, women act as recruiters and intermediaries transporting victims further, to Puntland, Djibouti, and Ethiopia for domestic servitude or sex trafficking. Criminal groups formerly engaged in piracy reportedly continue to exploit Somali women and girls in domestic and sexual servitude. Somali ethnic Bantus and Midgaan remain marginalized and are sometimes kept in servitude by more powerful Somali clan members as domestic workers, farm laborers, and herders. 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 of Somali women and girls, including trafficking, by Ugandan and Burundian AMISOM personnel. An African Union investigation into the allegations concluded there was evidence of sexual exploitation and abuse by AMISOM personnel.

Internally displaced persons (IDPs) remain vulnerable to sex and labor trafficking. "Gatekeepers" in control of some IDP camps, at times allegedly in collusion with Somali officials, reportedly force girls and women to provide sex acts in exchange for food and services available within the camps. They continue to charge rent or fees for otherwise-free basic services and sell the area they control within a camp to other "gatekeepers," establishing a cycle of debt for IDPs that makes them vulnerable to inherited bondage. 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.

According to international organizations, during the reporting period Somaliland and Puntland experienced an influx of approximately 30,000 migrants and refugees, and Somali national returnees fleeing conflict in war-torn Yemen. Although no reliable statistics are available, Ethiopian economic migrants, mostly from the Oromia region of Ethiopia continued transiting Somalia *en route* to Libya, Sudan, and Europe during the reporting period. Women and girl migrants working in the informal economy were particularly vulnerable to trafficking.

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 herdsmen 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. 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. Traffickers smuggle Ethiopian women through Somalia to destinations in the Middle East, where they subsequently force them into domestic servitude and prostitution. Ethiopian children travel to Somaliland seeking employment but may instead be forced to beg on the streets. Particularly in coastal regions, some traffickers reportedly compel community elders to convince community members to travel to Europe for employment opportunities; some individuals are subjected to forced labor in Europe.

CHILD SOLDIERS

During the year, there were continued reports of the Somali National Army (SNA), Ahlu Sunna Wal Jama'a (ASWJ), pro-Galmudug militia, and al-Shabaab using child soldiers. In 2015, the FGS reiterated its commitment to eliminating the use of child soldiers among the ranks of the SNA, and

Somalia ratified the Convention on the Rights of the Child. The SNA's implementation of its action plan to curb the recruitment and use of child soldiers – signed in 2012 – was limited during the reporting period, although the federal government identified regional focal points and conducted subnational trainings. Amid routine screening missions, in close coordination with UN personnel, the Child Protection Unit identified one child in the SNA's Dhagabadan Military Training Centre and 36 children were identified and separated from an integration and recruitment process in Kismayo, preventing them from joining the SNA. Authorities handed over children separated from armed groups to the UN Children's Fund or for care. The UN continued to express concerns about the arrest and detention of children including by the SNA, IJA forces, pro-Galmudug militia, and AMISOM; some of the detained children were allegedly associated with al-Shabaab. Most Somalis lacked birth certificates, and without an established birth registration system or standardized method for recruitment, verifying claims of child soldiering remained difficult. In addition, unverified reports indicated militias opposed to al-Shabaab may recruit former al-Shabaab child soldiers.

Throughout areas beyond state control, al-Shabaab frequently recruited children for use by its militias, typically through abduction or deception. The terrorist group forced recruitment at mosques, Koranic 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. The UN reported al-Shabaab recruited 258 children from April to September 2015.

GOVERNMENT EFFORTS

Somaliland and Puntland authorities sustained minimal 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, the FGS lacked sufficient training, resources, and capacity to effectively prosecute traffickers, protect victims, or prevent the crime. 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 constitution, which remains provisional, prohibits slavery, servitude, trafficking, and forced labor under article 14. Article 29(6) prohibits the use of children in armed conflict. The Somali National Police remained understaffed, undertrained, and lacked capacity and the appropriate legal framework to effectively enforce the law. In 2015, the FGS did not report any information on the investigation or prosecution of trafficking crimes, at either the federal or regional level, including those involving officials alleged to be complicit in the facilitation of sex and labor trafficking.

The Puntland State administration and Somaliland possessed functioning legal systems but limited law enforcement capacity; they reported no reliable data on trafficking investigations or prosecutions during the reporting year. In Puntland, the Ministry of Women's Development and Family Affairs oversaw anti-trafficking efforts, and the police force in Garowe operated an anti-trafficking unit, though it lacked proper training. Provisions under Islamic law in Puntland criminalize the murder of smuggled or trafficked persons, prescribing penalties of between one and five years' imprisonment. Laws in Somaliland prohibit forced labor, involuntary servitude,

and slavery. The Ministry of Labor and Social Affairs in Somaliland continued to oversee anti-trafficking efforts, but it was inactive during the reporting period.

No governmental entity had formal procedures to identify or refer trafficking victims. Information on FGS efforts to protect trafficking victims remained limited. Somaliland officials were overwhelmed with humanitarian cases involving ethnic Somalis, economic migrants, and illegal immigration from Ethiopia, which often hindered identification and protection of potential trafficking victims. In Puntland, international organization staff continued to train officials on victim identification and referral procedures. The FGS, Puntland, and Somaliland authorities did not provide protective services to trafficking victims and relied fully on international organizations to provide victim reintegration services. Neither the federal nor regional governments provided financial aid or in-kind support to organizations assisting victims. There were no legal alternatives to the removal of foreign trafficking victims from Somalia to countries where they may face hardship or retribution; however, government officials identified no foreign victims during the year. Somaliland authorities continued to work with an international organization and the Migration Response Center in Hargeisa to establish a mobile health clinic for the IDPs surrounding the Mahamed Mooge settlement and a rehabilitation center for street children. Government officials did not report data on whether any children who were exploited in prostitution or the commission of crimes on Somali territory were protected from criminal penalties under Somali law. During the reporting year, federal and regional authorities, with external assistance, oversaw the transfer of former child soldiers associated with al-Shabaab to the custody of an international organization.

Authorities across Somalia demonstrated minimal efforts to prevent trafficking during the year. Somaliland and Puntland officials facilitated anti-trafficking public awareness efforts; however, these regional campaigns continued to conflate trafficking and smuggling and focused predominantly on economic migration. The FGS did not conduct any awareness campaigns during the reporting period. The government in Puntland established a committee to address trafficking, but it was inoperative during the reporting year. 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.

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