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2021 Trafficking in Persons Report: Somalia

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SPECIAL CASE: SOMALIA

Somalia remains a Special Case for the 19th consecutive year. The country continued to face protracted conflict, insecurity, and ongoing humanitarian crises during the reporting period, while the COVID-19 pandemic exacerbated the crises and further hampered government and NGO operations. The Federal Government of Somalia (FGS) controlled its capital city, Mogadishu, and Federal Member State (FMS) governments retained control over 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 many rural areas and maintained freedom of movement in many other areas, including south-central Somalia. The group exploited the local population by collecting illegal taxes, 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 address human trafficking. The government continued nascent improvements to civilian judicial 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. Overall, the government continued to demonstrate minimal efforts in all regions on prosecution, protection, and prevention of human trafficking during the reporting year.

GOVERNMENT EFFORTS

The FGS, Somaliland, and Puntland authorities sustained minimal efforts to combat trafficking during the reporting period. Law enforcement, prosecutorial personnel, and judicial offices remained understaffed and undertrained and lacked capacity to effectively enforce antitrafficking laws. 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. In September 2017, Somaliland endorsed a draft human trafficking law designed in consultation with an international organization; however, the Somaliland Parliament did not pass it for the fourth consecutive reporting period and relied predominantly on immigration legislation to prosecute trafficking crimes. 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; however, international organizations continued to report authorities had not yet implemented the anti-trafficking law.

Similar to previous years, neither the federal nor the regional governments within Somalia gathered or shared comprehensive statistics on investigations, prosecutions, or convictions related to trafficking. During the reporting year, the FGS Office of the Attorney General (AGO) reported 479 arrests related to immigration violations, which may have included potential trafficking crimes or penalized potential unidentified victims, compared with 17 arrests in 2019. The AGO reported that 129 of these arrests involved individuals attempting to travel to Turkey with suspicious passports; the government did not provide further information to indicate if these were trafficking cases or implicated potential unidentified victims. Authorities in Somaliland did not report any anti-trafficking law enforcement actions during the reporting period, compared with the arrest of six individuals in connection with an alleged dual trafficking and smuggling case in 2019. In July 2020, local officials in Garowe—the capital of Puntland—investigated an alleged case of forced labor among Bangladeshi workers at a construction company after workers reported a wage dispute to the local police; the government did not report any further case details or the outcome of the investigation. Puntland authorities reported prosecuting two trafficking-related cases during the reporting period, compared with an international organization reporting two trafficking cases involving six suspects in 2019. Authorities did not report if the cases reported in 2020 and 2019 were related. The FGS, Somaliland officials, and Puntland authorities did not report any information regarding ongoing cases from prior reporting periods. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses, including military officials for the unlawful recruitment and use of children; however, corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. The Somali Police Force (SPF) Criminal Investigations Department maintained a specialized anti-trafficking and migrant smuggling unit, supported by an international organization, and mandated to investigate potential cases of trafficking, which employed an unspecified number of police officers. The unit did not report investigating any potential trafficking cases for the second consecutive year, compared with 43 investigations in 2018. Observers previously reported that the SPF regularly tasked the anti-trafficking unit to undertake other assignments unrelated to human trafficking. During the reporting period, an international organization provided training to civil society organizations operating in the region, as well as five Somali officials, on the identification of and assistance to vulnerable migrants, including potential trafficking victims. Foreign donors supported training for police officers

on investigating and prosecuting cases of human trafficking and training for police recruits and NGOs on migration and trafficking issues.

Similar to previous years, the government did not systematically gather or report statistics for trafficking victims, and reporting remained largely anecdotal. The government did not have standardized procedures to identify or refer trafficking victims to protective services at any level and all levels of government relied fully on international organizations and NGOs to provide victim assistance and reintegration services. The FGS did not possess sufficient financial resources to provide direct services or auxiliary support to organizations assisting victims and vulnerable populations. The SPF Airport Police Task Force reported identifying five potential victims of child trafficking—four girls were en route to Kenya and one girl, who was accompanied by her parents, was en route to the United Arab Emirates (UAE); it was unclear if suspected traffickers exploited any of the children in forced labor or sex trafficking or intended to do so. In Puntland, officials reported identifying 324 potential trafficking victims in 2020; according to media reports, the government identified 150 of these victims in Bosasso and all 324 victims were children. International NGOs provided the Somaliland Immigration and Border Control Agency with two buses to transport migrants and potential trafficking victims from remote to more populated areas where they could be provided with services. Potential trafficking victims in Somaliland received assistance at an international organization-run Migration Response Center (MRC) in Hargeisa until the MRC could reunite them with their respective families; the same international organization operated another MRC in Bosasso in Puntland. In December 2020, the FGS, with support from an international organization, established an MRC in Mogadishu. The MRCs were not dedicated solely to trafficking victims and provided services broadly for the vulnerable transiting migrant population. The government and international organizations did not report the number of potential trafficking victims who received assistance at MRCs during the reporting period; however, the government reported that referrals to them were minimal due to decreased resources at MRCs, such as staffing and service availability, because of pandemic-related funding cuts. Puntland authorities maintained a regional referral mechanism for trafficking victims with support from an international organization; however, officials did not report the extent of its use during the reporting period. Victim support varied significantly across the country and specialized care was sporadic due to limited practitioners in country; victims in areas not serviced by the MRCs had irregular access to protective provisions. Authorities routinely detained potential victims for immigration

violations, including possession of fraudulent visas; 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.

Authorities across Somalia demonstrated decreased efforts to prevent trafficking during the year. The government's lead anti-trafficking official remained the special envoy for children and migrants' rights, who previously directed a staff of five under the office of the prime minister and was responsible for coordinating efforts on migration, trafficking, and reintegration across federal and regional governmental jurisdictions. Observers noted that the special envoy's role was possibly reduced during the reporting period. While the Office of the Special Envoy served as the secretariat, the FGS Ministry of Women and Human Rights and representatives from Galmudug previously served as the co-chairs of a technical task force on trafficking. The task force was inactive during the reporting period, whereas it had conducted monthly meetings and training in 2019. A lack of technical expertise and limited capacity continued to hinder the secretariat's efforts to develop and coordinate effective anti-trafficking policy. In Somaliland, the Ministry of Justice, in partnership with international organizations, maintained a mixed migration task force that could oversee trafficking-related issues; however, officials did not report the task force undertaking anti-trafficking efforts during the reporting period. In Puntland, the state government maintained an inter-ministerial mixed migration task force and the Puntland Counter Trafficking Board; however, officials did not report these entities undertaking antitrafficking efforts during the reporting period. In 2019, the Office of the Special Envoy developed a strategic, quasi-national action plan (NAP) that outlined three priorities: policy, coordination, and outreach; however, the government did not report implementing the NAP following the removal of the prime minister in July 2020. The FGS did not report conducting anti-trafficking awareness campaigns during the reporting period, compared with multiple campaigns targeting first responders in 2019. The government did not operate a hotline to report human trafficking during the reporting period. Authorities across Somalia did not make efforts to reduce the demand for commercial sex acts. 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 of humanitarian actors continued to hamper comprehensive efforts to address the recruitment and use of child

soldiers during the year. Al-Shabaab continued to commit the vast majority of violations, although there were reports of the Somali federal defense and police forces—which included the Somali National Army (SNA) and SPF—Puntland forces and police, Jubaland forces, Galmudug forces and police, federal and state gendarmes, and clan militias unlawfully recruiting and using both male and female child soldiers (between 10 and 17 years old). An international organization verified the recruitment and use of 213 children (including 12 girls) by all actors between April and June 2020; 532 children (including 12 girls) between June and September 2020; and 426 children (including 15 girls) between October and December 2020. During the previous reporting period, an international organization documented the recruitment and use of at least 710 children. According to an international organization, the state and non-state actors implicated in reporting had used 67 percent of children for unknown purposes in the conflict; 22 percent of children as combatants in hostilities; and 11 percent of children in support roles such as security escorts, checkpoint guards, messengers, and cleaners. During the reporting period, observers also reported three instances in which security forces had recruited and armed children (two boys and one girl) to guard public buildings and government officials in Mogadishu.

The government continued to implement the 2012 action plan to end the unlawful recruitment and use of children by the SNA; however, the FGS exercised inconsistent command and control of SNA forces. The Ministry of Defense's Child Protection Unit (CPU), in partnership with international organizations and foreign donors, reported screening 4,899 SNA personnel in Galmudug, South West State, Jubaland, and Mogadishu. The CPU did not report identifying child soldiers among those ranks, but it did identify 11 child soldiers recovered from al-Shabaab and referred an unspecified number of these children for further assistance. In collaboration with an international NGO and foreign donors, the CPU continued to conduct training and awareness campaigns targeted toward hundreds of military and community leaders to prevent recruitment and use of child soldiers during the reporting period. International organizations continued to report some government forces had detained children for their actual or alleged association with al-Shabaab and did not apply juvenile justice standards or adhere to international obligations. Specifically, from April to September 2020, an international organization reported Somali federal and regional security authorities (primarily the police) arrested and detained 108 children (including one girl) aged 11 to 17 years for their alleged association with armed groups. Purportedly, officials eventually

released 61 of the children, while 46 children remained in detention; the status of one boy was unknown.

In early 2019, an international organization supported a consultative meeting on the Somalia strategy and operational framework on the prevention of and response to child recruitment, release, and reintegration; the strategy was awaiting parliamentary approval for the second consecutive 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. 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 recruitment and use of child soldiers in the SNA. The government did not report implementing this biometric registration mechanism for the second consecutive reporting period, though some SNA units have reportedly enrolled in the system.

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. Traffickers most commonly use four cross-border routes, mirroring migration flows: a northern route to Europe via Libya; an eastern route to Europe via Turkey; a direct southern path to Kenya, Tanzania, or South Africa; and a path from south-central Somalia through Puntland onward to Yemen via the Bab el-Mandeb strait. In previous reporting periods, in Somaliland some women acted as recruiters and intermediaries who transported victims to Puntland, Djibouti, and Ethiopia for the purposes of forced labor in domestic service or sex trafficking. In prior years, the FGS anecdotally reported fewer Somalis arrived in their intended destination countries but rather became stranded in transit countries. Anecdotal evidence indicates al-Shabaab continues to facilitate human trafficking crimes, using deception, infiltration of *madrassas* and mosques, coercion or harassment of clan elders or family members, school raids, and abductions to recruit and subsequently force victims—including children hailing mostly from south-central Somalia and Kenya—into sexual slavery, military support

roles, direct combat, and marriages to al-Shabaab militants. 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 continued to enslave an indeterminate number of young girls and exploited them in forced marriage and sexual servitude during the reporting period.

IDPs, certain marginalized ethnic minorities, people residing in al-Shabaab territory, and youth remain the most vulnerable to sex trafficking and forced labor. During the reporting period, authorities noted the age of vulnerable migrants appeared to be much lower than previous years, to include children as young as 15 years old. Somali children working in the informal sector are vulnerable to trafficking, as they often are 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 families left behind or exert threats if they refuse or are unable to pay. In general, the predominant factors that compel migrants to leave Somalia are poverty, insecurity, and natural disasters. As of February 2021, an international organization registered more than 900,000 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 and who may subsequently exploit some of these children 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 the construction industry. Although there is a lack of reliable statistics, in prior years Somaliland and Puntland continued to receive an influx of economic migrants and refugees from war-torn Yemen and the Oromia region of Ethiopia, in addition to returnees primarily from Yemen and Saudi Arabia.

Most trafficking networks continue to be organized 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. Traffickers increasingly recruit individuals through social media platforms and travel agencies, with a growing level of network sophistication. Traffickers also target and recruit children, without their parents’ awareness or support, using 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 forced labor, including in domestic service, or sex trafficking. Traffickers subject Somali men to forced labor in farming and construction in the Gulf States. Traffickers transport children to Djibouti, Saudi Arabia, and the UAE 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.

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