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2019 Trafficking in Persons Report: Djibouti

DJIBOUTI: Tier 2

The Government of Djibouti does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Djibouti remained on Tier 2. These efforts included allocation of government land to a locally operated NGO for the construction of the country's first overnight shelter. Government officials also authorized an NGO to house vulnerable street children, young migrants, and potential trafficking victims. In addition, officials independently identified and referred 28 potential trafficking victims to protective services and increased funding to ministries with trafficking equities. However, the government did not meet the minimum standards in several key areas. It did not convict any perpetrators of human trafficking, and limited coordination and understanding of trafficking indicators among front-line officials continued to inhibit law enforcement efforts. The government did not fully operationalize its national action plan to combat trafficking for the fourth consecutive year, and victim identification efforts were mostly conducted on an ad hoc basis despite there being a formal mechanism in place.

PRIORITIZED RECOMMENDATIONS

Increase efforts to investigate and prosecute suspected trafficking offenders under the 2016 anti-trafficking law. • Institute and partner with international experts to provide regular training for judges, prosecutors, and law enforcement officials on the distinctions between trafficking and migrant smuggling and on compiling and interpreting evidence of trafficking crimes in cost-effective manners. • Establish a training program for the Coast Guard to improve identification of potential trafficking victims among migrants transiting by sea. • Provide support, as feasible, for the country's first 24-hour shelter for vulnerable migrants, including trafficking victims. • Widely disseminate and implement standardized procedures for government personnel to proactively identify potential victims, especially among vulnerable populations like migrants or orphans, and transfer them to care. • Continue to strengthen protective services for victims through partnerships with NGOs or international organizations. • Revise, finalize, and implement the extended national action plan. • Continue to coordinate with civil society to spread anti-trafficking awareness nationwide.

PROSECUTION

The government maintained law enforcement efforts to combat trafficking. 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 minor or forcing a victim into prostitution as aggravating circumstances for which the penalties increased to 10 to 20 years’ imprisonment. Law No.111, Regarding the Fight Against Terrorism and Other Serious Crimes of 2011, remained in effect, also prohibited sex trafficking and labor trafficking and prescribed penalties of 10 to 15 years’ imprisonment, which were also sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Definitions and penalties in these two laws sometimes diverged, at times causing confusion that hampered law enforcement, prosecutorial, and judicial officials’ ability to prosecute suspected traffickers effectively.

During the reporting year, the government investigated 29 potential trafficking cases, down from 250 investigations during the previous year; however, data from the previous year included many trafficking-related crimes like smuggling or domestic abuse, whereas data from this reporting period did not. The government reported prosecuting 58 suspected traffickers in 29 cases under the 2016 anti-trafficking law, compared to nine cases the prior year. It convicted an unknown number of defendants for smuggling, compared with one conviction in 2017 for forced labor, and also acquitted an unknown number due to insufficient evidence. Severe resource and capacity limitations impeded officials’ ability to develop comprehensive investigations of trafficking indicators and crimes. Additionally, limited awareness among the Coast Guard on how to identify trafficking victims among migrants encumbered its ability to gather and collect evidence in potential trafficking crimes effectively. The government did not report any investigations, prosecutions, or convictions of officials complicit in human trafficking offenses in 2018.

In 2018, the government newly designated the Ministry of Interior (MOI) as the entity officially responsible for migration issues, to include trafficking. According to civil society stakeholders, this restructuring allowed international partners and NGOs to more effectively coordinate and focus on anti-trafficking initiatives in-country. Furthermore, MOI and the Ministry of Justice (MOJ) held several trainings for technical advisors and judges to strengthen institutional knowledge on law enforcement efforts against trafficking; these trainings reached an unknown number of officials during the year. The government continued to provide in-kind support to anti-trafficking trainings facilitated and funded by international organizations. The MOJ, in collaboration with a foreign government entity, conducted a three-day seminar in Tadjourah to commemorate World Day against Trafficking; the event featured workshops from NGO leaders, government officials, and security services personnel and focused on the legal definition of trafficking, differentiation between trafficking and smuggling, and proper mechanisms to identify victims. Additionally, each law enforcement academy, as part of basic orientation courses, maintained training on recognizing trafficking cases.

PROTECTION

The government increased efforts to protect trafficking victims. Although it had formal identification and referral procedures to guide officials in the proactive identification of victims, relevant officials did not consistently use these procedures. During the reporting period, without assistance from international organizations, authorities identified 28 potential trafficking victims and referred them all to care, an increase from seven it independently identified and assisted the previous year. For each of the 28 individuals, the government worked in tandem with an international organization to provide appropriate services. In addition, the government repatriated approximately 3,000 Ethiopians, which included an unknown number of migrants vulnerable to trafficking; it provided fully funded transportation to the Ethiopian border and subsequently coordinated with Ethiopian officials to conclude the repatriation process. The government continued to grant authority to an international organization to conduct trafficking screenings of all transiting migrants—many of whom were potential trafficking victims—and partnered with this entity to provide water, food, and temporary shelter for more than 1,000 people during the reporting period.

In January 2019, the MOI allocated government land to a locally operated NGO for the construction of a shelter for unaccompanied migrant and highly vulnerable street children—the first secure, 24-hour dormitory in the country that could appropriately house trafficking victims. For the first time, the government also permitted one NGO and other organizations working with orphans to host minors at their respective facilities overnight; many of these vulnerable children previously slept on the streets or along Siesta Beach—a spot once notorious for trafficking. Separately, the Coast Guard provided clothing and food to vulnerable migrants stranded at sea and transported them to care provided by an international organization, typically in Khor Angar. Additionally, the government continued its administration and funding of three migrant response centers (MRCs) across the country, in Loyada, Obock, and Khor Angar, which included office and short-term living quarters staffed and operated by an international organization, along routes heavily traversed by migrants. Since 2017, the Ministry of Health has provided one full-time doctor—trained to identify trafficking indicators—to the National Union for Djiboutian Women counseling center, a facility that deals with trafficking cases among other crimes. Also during the year, health officials, in partnership with an international organization, continued to operate five mobile clinics in Djibouti’s critical regions to provide care for the more than 300 Ethiopians who transited Djibouti daily to reach the Arabian Gulf. In addition, the Women and Family Promotion Ministry, in partnership with the European Union, executed and validated a qualitative research study to examine the plight of street children, one of the groups most vulnerable to exploitation. This ministry also increased the presence of social workers in Djibouti’s rural areas to respond to instances of abuse, including trafficking, marking the first time rural citizens had access to counseling.

Key ministries that supported groups vulnerable to trafficking increased transparency regarding funding and provided significant resources during the reporting period, despite being overall resource-strapped. The government increased its funding from more than 90 million Djiboutian francs to more than 140 million Djiboutian francs (\$508,470 to \$790,960) to relevant ministries, MRCs, transit centers, and local NGOs,

which operated counseling centers and other programs—including a hotline—that assisted potential trafficking victims during the year. 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; it was unclear whether the government employed these provisions during the reporting year. Additionally, the 2016 law directed the government to provide necessary victims legal assistance and an interpreter, in addition to psychological, medical, and social assistance. There were no reports the government penalized victims for unlawful acts traffickers compelled them to commit; however, due to irregular implementation of formal identification procedures, trafficking victims may have remained unidentified within the law enforcement system.

PREVENTION

The government increased its efforts to prevent trafficking. During the reporting period, the government continued revisions to its 2015-2022 national action plan but did not fully operationalize it for the fourth consecutive year, due in part to the recent transfer of responsibilities to the MOI. The justice ministry's website featured the government's anti-trafficking efforts throughout the year and publicized articles on human trafficking in addition to Djibouti's anti-trafficking law. The state-sponsored press also publicized articles on every anti-trafficking outreach event in Djibouti and included informational materials targeted to vulnerable groups, including street children and domestic violence victims. As part of the World Day against Trafficking, justice officials, in partnership with a foreign government entity, organized a three-day seminar to raise awareness on the dangers of trafficking among rural communities; an NGO provided the venue, and officials contributed refreshments, circulated invitations, and coordinated with the state-sponsored press to report on the event. This event culminated in a series of recommendations to improve inter-ministerial coordination on trafficking in remote locales. Additionally, officials worked with the Islamic High Council to produce sermons that contained trafficking awareness elements. In December 2018, justice sector officials hosted an event to socialize the issue of trafficking among imams and other religious leaders in Djibouti City. The Women's Ministry promulgated on the local radio and television stations its hotline for domestic abuse cases, which also included instances of sex trafficking, but did not report the number of trafficking or related calls it received or if it identified any traffickers as a result. In March 2019, the MOI, in partnership with the UN, organized a three-day workshop with representatives from law enforcement, judicial sector officials, and other ministries to foster a better understanding of the rights of children, particularly as they relate to trafficking. The government made efforts to reduce the demand for commercial sex acts and forced labor. The government increased the number of law enforcement personnel at nighttime at Siesta Beach—a time and location once notorious for commercial sex transactions—and the inspector general continued its unannounced public inspections at the sites of foreign companies throughout the country. Djibouti's armed forces—via a train-the-trainer program—provided pre-deployment civil-military training to their personnel to ensure service members did not engage in or facilitate any form of trafficking on international peacekeeping missions. The coast guard had a separate

training for the identification of trafficking at sea. English and Amharic language teachers at the Ministry of Foreign Affairs’ training center for diplomatic personnel included information on trafficking and domestic servitude in their course material.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Djibouti. Men, women, and children, primarily economic migrants from Ethiopia and Somalia, transit Djibouti voluntarily en route to Yemen and other locations in the Middle East, particularly Saudi Arabia. An unknown number of these migrants are subjected to forced labor and sex trafficking in their intended destinations, and these irregular migrants are also at increased risk of becoming trafficking victims in various transit points. Economic migrants also pass through Djibouti to return to their respective countries of origin. According to government estimates and an international organization, in 2018 more than 150,000 people embarked on the sea crossing from the Horn of Africa to Yemen, contributing to the highest annual total of the past decade. During the reporting year, approximately 91,500 Ethiopian migrants transited Djibouti (population of one million)—more than 300 each day—thereby putting a significant strain on the government’s resources. In addition to this substantial influx of migrants, the civil war in Yemen continued to generate a reverse flow of persons from Yemen to Djibouti. The government allowed roughly 37,500 people of diverse nationalities to enter freely and take refuge since the start of the Yemeni war in 2015; some of them had endured various types of exploitation, possibly including trafficking, before their arrival in Djibouti. Given the protracted political instability in Ethiopia’s Oromia and Somali regions, Ethiopians, including unaccompanied minors, continued to journey on foot from Ethiopia to Djibouti either to claim asylum with their families or to continue onward to destination countries in the Arabian Gulf, thereby causing an uptick in refugee camp populations by approximately 2,000; austere and overcrowded conditions in these camps perpetuated trafficking vulnerabilities.

During the reporting period, officials identified an increasing number of vulnerable minors in Djibouti City, particularly along the Siesta Beach road, and subsequently increased their presence along the beach and its surroundings to deter trafficking crimes. Djiboutian and migrant women and street children are vulnerable to sex trafficking in Djibouti City, the Ethiopia-Djibouti trucking corridor, and Obock, the main departure and arrival point for Yemen. Some smugglers may transport or detain migrants against their will and subsequently subject them to trafficking and other forms of abuse in Djibouti. Smuggling networks, some of whose members are likely Djiboutian, sometimes charge exorbitantly high rents or kidnap and hold migrants transiting Djibouti, including children, for ransom. Parents sometimes compel their children to beg on the streets as a source of familial income; children may also travel from foreign countries—including Ethiopia and Somalia—to beg in Djibouti.

ecoi.net summary:

Annual report on trafficking in persons (covering April 2018 to March 2019)



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