

SOMALIA

Trafficking in Persons Report 2012

Somalia remains a Special Case for a tenth consecutive year due to the lack of a viable central government. Control of its geographic area is divided among the self-declared independent Republic of Somaliland and the semi-autonomous region of Puntland, with the remainder of the country nominally under the control of the Transitional Federal Government (TFG). Somalia currently lacks a national governing structure that could assume responsibility for addressing the country's human trafficking problem. During the reporting period, fighting continued between TFG troops, allied militias, and African Union forces against anti-TFG forces and the terrorist group al-Shabaab. The TFG remained preoccupied with the task of securing government representatives and installations from attacks by such elements and completing key tasks required for a transition to a representative government by the August 20, 2012 deadline. The government was, therefore, not able to address human trafficking in any organized manner. In addition, the TFG currently lacks the necessary means to identify, investigate, and address systemic issues in Somalia, including those related to forced labor and forced prostitution. Its capacity to address human trafficking will not significantly increase without tangible progress in re-establishing governance and stability in Somalia.

Scope and Magnitude: Information regarding trafficking in Somalia remains extremely difficult to obtain or verify; however, the Somali territory is believed to be a source and transit country for men, women, and children subjected to forced labor and sex trafficking. As in previous years, trafficking victims were primarily trafficked within the country from Somalia's south and central regions to the Puntland and Somaliland regions in the north. Somali women and girls may be subjected to sex trafficking in Garowe, Las Anod (Sool region), and pirate towns such as Eyl and Harardheere. Girls are reportedly taken from coastal regions, particularly Bossaso, Puntland and placed in pirates' homes to be exploited in domestic and sexual servitude. Trafficking offenders reportedly used drugs to render victims unconscious during transport. In Somali society, certain groups are traditionally viewed as inferior and are marginalized, hence Somali Bantus and Midgaan are sometimes kept in servitude by more powerful Somali clan members as domestic workers, farm laborers, and herders. Due to an inability to provide care for all family members, some Somalis willingly surrender custody of their children to people with whom they share family relations and clan linkages; some of these children may become victims of forced labor or sex trafficking. While most child laborers work within their households or family businesses, some children may be forced into labor in agriculture, herding livestock, or in the construction industry.

Human smuggling is widespread in Somalia, and evidence suggests that smugglers use the same networks and methods as those used by trafficking offenders. Men, women,

and children in internally displaced persons (IDP) camps or congregated along coastal areas hoping to be smuggled to nearby African countries, Europe, or the Middle East remained particularly vulnerable to trafficking. There were reports of trafficking offenders preying on young women and children, mostly IDPs from south and central Somalia, at marketplaces and in the streets, falsely promising them lucrative jobs outside Somalia. Dubious employment agencies facilitate human trafficking, targeting individuals desiring to migrate to the Gulf States for employment. Somali women are smuggled, sometimes via Djibouti, to destinations in the Middle East, including Yemen and Syria, as well as to Sudan, Kenya, and South Africa where they are subjected to conditions of domestic servitude and forced prostitution. Somali men are subjected to conditions of forced labor as herdsmen and menial workers in the Gulf States. Somali children are reportedly smuggled to Saudi Arabia through Yemen and then placed into forced begging. Members of the Somali diaspora use fake offers of marriage to lure unsuspecting victims, many of whom are relatives, to Europe or the United States, where they are forced into prostitution and domestic servitude. Ethiopian women are smuggled through Somalia to Yemen and onward to other destinations in the Middle East where they are subsequently forced into domestic servitude and prostitution.

According to the UN, the recruitment and use of children in Somalia's armed conflict has been increasing over the past years, particularly among al-Shabaab, which is estimated to have abducted as many as 2,000 children for military training in 2010 alone (the last year in which reporting is available). UN sources documented 46 incidents of unlawful recruitment and use of child soldiers by the TFG and its allied militia in July and August 2011, and observers recorded that the number of children wearing TFG uniforms in Mogadishu increased during the reporting period; this is believed to be due largely to a lack of systematic and stringent age screening procedures. During the reporting period, the TFG publicly reiterated its policy of not recruiting children into the Somali National Security Forces. New recruits for TFG forces were screened for child soldiers (including a medical screening) before inclusion in Uganda-based training programs. Children were included in Somalia's numerous clan and other militias and, without established birth registration systems, it remained difficult to determine the exact age of persons conscripted into armed groups.

During the reporting period, the terrorist group al-Shabaab used systematic force and deception to target vulnerable children, sometimes as young as eight years old, for membership in their militias. Al-Shabaab reportedly increased recruitment at Koranic and general schools and other educational facilities and threatened to punish teachers and parents who refused to send their children to the training camps. Al-Shabaab continued to use children for direct participation in hostilities and other support functions in southern and central Somalia, including for planting roadside bombs and other explosive devices, carrying out assassinations, pottering, domestic servitude, and serving as human shields during incursions. The UN reported al-Shabaab's recruitment of over 180 boys and girls in Lower Juba in May and June 2011 and another 168 boys in

July and August. Al-Shabaab also continued to forcibly recruit young girls who were then “married” to its militia leaders and used for sexual servitude, logistical support, and intelligence gathering.

Government Efforts: The respective authorities operating in Somalia’s three regions made few concrete efforts to address human trafficking during the reporting period; anti-trafficking efforts were weak on all fronts – prosecution, protection, and prevention – in all regions of Somalia. There is a severe lack of capacity in every part of the country to adequately address the problem. Understanding of human trafficking and how to identify and address it remained low among government officials and the general population. None of the three regions have laws that specifically prohibit human trafficking, although the pre-1991 penal code outlawed forced and compulsory labor, and local laws prohibited forced labor, involuntary servitude, and slavery in Somaliland. In December 2010, the Puntland Parliament enacted provisions under Islamic law prohibiting the death of smuggled or trafficked persons and prescribing punishments of between one and five years’ imprisonment. In April 2012, Puntland courts sentenced a Somali man to 12 years’ imprisonment for attempting to traffic nine children between the ages of seven and 14 from southern Somalia to Yemen, via Puntland, for forced labor. The court transferred custody of the children to a local UNICEF-funded NGO until their parents could be identified. In 2012, Puntland’s anti-trafficking unit intercepted five children in Galkacyo who they identified as potential trafficking victims. There were no known investigations or prosecutions of suspected trafficking crimes in Somaliland or TFG-controlled areas during the reporting period. No governments provided protective services to victims of trafficking, although IOM and local organizations provided rented houses and reintegration services to rescued trafficking victims in Puntland and Somaliland. These facilities were dedicated to trafficking victims and accessible to male and female Somali and foreign victims. These organizations also placed child victims with families for care. During the reporting period, IOM and its local partners provided medical and psychological assistance, food, clothes, vocational training, and seed money for establishing small businesses to 27 victims of trafficking – five in Puntland and 22 in Somaliland. IOM reported that clan elders referred a total of 68 suspected trafficking victims in Somaliland and Puntland to its attention, including five in Puntland, 62 in Somaliland, and one in Kenya. Neither the governments of Puntland, TFG, nor Somaliland provided financial or in-kind assistance to these organizations. During the reporting period, Somaliland immigration officials, the Crime Investigation Department within the police, and social services providers began using an IOM-developed screening checklist to refer potential trafficking cases to IOM. Officials from Puntland and Somaliland governments also formalized a referral process to guide officials in transferring trafficking victims detained, arrested, or placed in protective custody to NGOs that provided care. In July 2011, TFG forces arrested and jailed three boys (12, 13, and 14 years of age) for association with military activities. Despite requests made by local elders, the TFG refused to release the boys.

No governments made known efforts to prevent trafficking in persons, neither conducting anti-trafficking information or education campaigns nor making any discernible efforts to reduce the demand for commercial sex acts. IOM facilitated the formation of Counter Trafficking Task Forces (CTTF) in both Puntland and Somaliland, which were comprised of representatives from several ministries. It also provided two months of training for the task force members to develop action plans to combat trafficking; however, due to a lack of project funding and ministry turn-over in both governments, the action plans were not completed during the reporting period. In November 2011, the TFG entered into negotiations to finalize a UN-sponsored action plan to address the recruitment and use of child soldiers. In December, the TFG's Chief of Staff of the National Security Force appointed two child protection points of contact. The TFG agreed to allow third-party monitoring of its training facilities located in Uganda. Somalia is not a party to the 2000 UN TIP Protocol.