

DJIBOUTI: Tier 2 Watch List

The Government of Djibouti does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government made key achievements during the reporting period; therefore, Djibouti was upgraded to Tier 2 Watch List. These achievements included increased investigations and prosecutions of trafficking cases and expanded trainings for law enforcement, prosecutorial, and judicial officials primarily on the 2016 anti-trafficking law. Officials partnered with an international organization to assist trafficking victims. Additionally, the government implemented a national identification and referral mechanism during the year—developed by an international organization—and continued to partner collaboratively with civil society stakeholders to organize diverse anti-trafficking awareness raising events throughout the year. The anti-trafficking working group met more than ten times during the year under the direction of the newly appointed national coordinator for anti-trafficking and anti-smuggling efforts. Despite these achievements, the government did not amend its anti-trafficking law, which does not incorporate the international law definition of trafficking, nor did it convict any traffickers after passing the law in March 2016. In addition, the government's identification of potential victims remained sporadic and protective services largely insufficient. The government did not fully operationalize its national action plan to combat trafficking for the second consecutive year and the general lack of capacity and coordination among relevant government agencies continued to hinder progress in national anti-trafficking efforts.

RECOMMENDATIONS FOR DJIBOUTI

Strictly enforce the anti-trafficking law through investigations and prosecutions of trafficking offenders; widely implement standardized procedures for government personnel to proactively identify potential victims and transfer them to care; expand protective services for victims, through partnerships with NGOs or international organizations, and implement

the protections mandated by the anti-trafficking law; amend the anti-trafficking law to comport with the international law definition, specifically to remove the requirement that the government prove that force, fraud, or coercion were used in cases of child sex trafficking, and repeal contrary provisions of existing laws; expand training for judges, prosecutors, and police on the distinctions between trafficking and migrant smuggling; compile and publicize data on convictions and sentences of trafficking offenders; implement the extended national action plan; institute a module on human trafficking as a standard component of the mandatory training program for new police and border guards; and develop and launch a nationwide anti-trafficking awareness campaign.

PROSECUTION

The government modestly increased law enforcement efforts to combat trafficking, although some provisions of its anti-trafficking law remained inconsistent with international law. The 2016 Law No. 133, On the Fight Against Trafficking in Persons and Illicit Smuggling of Migrants, criminalizes all forms of trafficking; it prescribes penalties of five to 10 years imprisonment, and 20 when aggravating factors are present, which are sufficiently stringent and commensurate with those for other serious crimes, such as rape. However, contrary to the international definition, Law No. 133 requires the government prove that force, fraud, or coercion were used when children are subjected to sex trafficking. Law No. 111, Regarding the Fight Against Terrorism and Other Serious Crimes of 2011, remains in effect and also prohibits all forms of trafficking with the same problem regarding child sex trafficking, and prescribes penalties of 10 to 15 years imprisonment, which are also sufficiently stringent and commensurate with the penalty for other serious crimes. These two similar laws have some divergent definitions and penalties, which risk generating confusion and raising legal issues, making it difficult for law enforcement, prosecutorial, and judicial officials to effectively prosecute human traffickers.

During the reporting year, the government investigated nine trafficking cases, an increase from none the previous year. While the government reported prosecution of 10 suspected

traffickers in seven cases, judges convicted all defendants for smuggling crimes due to insufficient evidence of exploitation. It did not initiate trafficking prosecutions or secure convictions in 2015. Two prosecutions, one of which commenced in 2012, remained ongoing from previous reporting periods. The government did not report any new investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses in 2016. In 2014, the government arrested five military officials for alleged trafficking crimes. However, the government reported they subsequently returned to their jobs and never appeared when summoned to court in 2015; this case was dismissed without criminal action during the reporting period.

To better delineate between trafficking and smuggling, more than 300 national police personnel attended an open discussion organized by Djibouti's National Police Chief in Djibouti's National Police academy and led by local experts on the differences between these crimes. During the reporting period, the Ministry of Justice (MOJ) coordinated a roundtable for approximately 80 officials and civil society stakeholders to socialize the 2016 anti-trafficking law and mechanisms to investigate potential trafficking crimes; for this event the government paid for promotional materials, the event facility, refreshments, and 300 printed booklets containing the anti-trafficking law. In the bi-annual MOJ general assembly, the president of the Court of First Instance and State Prosecutor discussed effective application of the anti-trafficking law with judges and prosecutors. In collaboration with an international organization, the centrally-appointed regional governors of Tadjourah, Dikhil, and Obock hosted three separate trainings in their respective regions and each provided a venue for training sessions for roughly 40 participants from civil society and law enforcement focusing on the anti-trafficking law. In addition, the government provided in-kind contributions to support anti-trafficking trainings facilitated and funded by international organizations.

PROTECTION

The government took steps to strengthen its victim protection infrastructure, but efforts to identify and provide protective services for trafficking victims were conducted on an ad hoc basis and remained largely insufficient. In December 2016, the government implemented a national identification and referral mechanism developed and funded by an international organization; however, it did not enact or routinely implement this mechanism during the reporting year, which likely left some individuals vulnerable to exploitation and potential re-victimization. Furthermore, the government granted authority to another international organization to conduct trafficking screenings of all transiting migrants. It partnered with this entity to provide water, food, and temporary shelter for an unknown number of potential trafficking victims in more than 200 cases reportedly involving indicators of trafficking; in 2015, the government did not identify or provide protective services to victims. Separately, an international organization referred nine potential victims to the national police; while investigations were ongoing, the victims remained under direct care of the organization. The *gendarmerie* continued its coordination with an international organization to transfer migrants, including potential trafficking victims, on an ad hoc basis to either medical facilities or the Migrant Response Center (MRC) in Obock—an office staffed and operated by an international organization along the route most heavily traversed by migrants from Somalia and Ethiopia en route to Yemen. In October 2016, the Ministry of the Interior provided this international organization with a building to create a second MRC after unprecedented migrant arrivals in Obock, a population vulnerable to trafficking. Djibouti remains without a shelter in which to house trafficking victims. The government also allocated an unspecified funding amount to local Djiboutian NGOs, which operated counseling centers and other programs that may have assisted trafficking victims during the year. The 2016 anti-trafficking law's provisions for establishment of victim assistance programs for trafficking victims, funded through asset seizure, remained unimplemented for the second consecutive year.

The 2016 anti-trafficking law established provisions allowing trafficking victims temporary residency during judicial proceedings and permanent residency as necessary as legal alternatives to removal to countries where they may face hardship or retribution; however, these provisions were not employed during the reporting year. Additionally, the 2016 law

directs that necessary legal assistance and an interpreter be provided to victims; the government did not report providing such assistance during the reporting period. The government agency that assists refugee and disaster victims, the Ministry of Interior, the national *gendarmes* and police force, the Coast Guard, the Ethiopian embassy in Djibouti, and an international organization coordinated efforts to facilitate more than 1,000 voluntary returns of migrants, mainly Ethiopians, including 388 unaccompanied minors and 54 women, to their countries of origin in 2016. Some of these individuals reportedly encountered violence, coercion, or exploitation during their travels through multiple countries and, thus, may have been exploited in trafficking.

PREVENTION

The government increased efforts to prevent trafficking. During the reporting year, the government extended its 2015 national action plan to combat trafficking through 2020 but did not fully operationalize it. The anti-trafficking working group met more than ten times during the year under the direction of the newly appointed national coordinator for anti-trafficking and anti-smuggling efforts; however, the general lack of capacity and coordination among relevant government agencies continued to hinder progress in national anti-trafficking efforts. The government-sponsored newspaper included numerous articles on trafficking and groups vulnerable to trafficking such as street children and refugees. In coordination with the government, an international organization sponsored a documentary and panel discussion on trafficking; various civil society organizations and officials from several ministries attended. In addition, the government and a local charity co-conducted anti-trafficking awareness raising activities in refugee camps across Djibouti. As part of the World Day against Trafficking, the government produced a three-part newspaper series on street children to raise awareness among the public about the plight of this vulnerable group. The government did not undertake significant efforts to reduce the demand for commercial sex acts. Through a train-the-trainer program, international experts provided Djiboutian troops with anti-trafficking training prior to their deployment abroad on international peacekeeping missions. 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, Djibouti is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking, although limited data on trafficking cases has complicated efforts to determine the full scope of the phenomenon. Men, women, and children, primarily from Ethiopia and Somalia, and to a lesser extent from Eritrea, transit Djibouti voluntarily en route to Yemen and other locations in the Middle East, particularly Saudi Arabia, to seek work. An unknown number of these migrants are subjected to forced labor and sex trafficking in their intended destinations. In 2016, more than 117,000 people embarked on the sea crossing from the Horn of Africa to Yemen, marking the highest annual total of the past decade. In addition to this unprecedented influx of migrants, the 2015 crisis in Yemen created a reverse flow of persons from Yemen to Djibouti. The government allowed over 30,000 people of diverse nationalities to enter freely and take refuge; some of them had endured various types of exploitation, possibly including trafficking, before their arrival in Djibouti. Given instability in Ethiopia's Oromia region that commenced in November 2015, more Ethiopians journeyed on foot from Ethiopia to Djibouti to either claim asylum with their families or continue onward to destination countries in the Gulf, thereby causing an uptick in refugee camp population; austere conditions in refugee camps made this group highly vulnerable to trafficking.

Djiboutian and migrant women and street children are vulnerable to domestic servitude or sex trafficking in Djibouti City, the Ethiopia-Djibouti trucking corridor, and Obock, the main departure point for Yemen. Some migrants intending to be smuggled may be transported or detained against their will and subsequently subjected 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, including children,

for ransom in countries neighboring Djibouti. In addition, some migrant women reportedly were subjected to domestic servitude and forced prostitution in Djibouti. Traffickers based in Yemen or Saudi Arabia, who reportedly intend to exploit migrants or sell women into prostitution or domestic servitude upon their arrival there, sometimes pay these ransoms. 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—for begging in Djibouti. Children are also vulnerable to forced labor as domestic servants and, at times, coerced to commit petty crimes, such as theft.