

DJIBOUTI: Tier 2

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 increasing efforts during the reporting period; therefore Djibouti was upgraded to Tier 2. The government demonstrated increasing efforts by achieving its first ever trafficking conviction and investigating and prosecuting more trafficking cases over the previous reporting period. Government officials also independently identified and referred seven trafficking victims to protective services. The government appointed two ministerial advisors to streamline law enforcement efforts and improve intragovernmental anti-trafficking coordination. However, the government did not meet the minimum standards in several key areas. The government remained without an overnight shelter to host trafficking victims among vulnerable street children and young migrants. Limited coordination and understanding of trafficking among officials continued to impede anti-trafficking investigations and prosecutions. The government did not fully operationalize its national action plan to combat trafficking for the third consecutive year, and victim identification efforts were mostly conducted on an ad hoc basis despite having a formal mechanism in place.

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; continue to expand protective services for victims through partnerships with NGOs or international organizations, and provide protection services as mandated by the anti-trafficking law; open or permit NGOs to operate a 24-hour shelter for all trafficking victims, specifically targeting vulnerable street children; continue to train judges, prosecutors, and police on the distinctions between trafficking and migrant smuggling; implement the extended national action plan; continue the mandatory training program for new police and border guards; and develop and launch a nationwide anti-trafficking awareness campaign.

PROSECUTION

The government increased its law enforcement efforts to combat trafficking. The 2016 Law No. 133, On the Fight Against Trafficking in Persons and Illicit Smuggling of Migrants, criminalized labor and sex 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 if a victim was forced into prostitution as aggravating circumstances for which the penalties increased to 20 years imprisonment. Law No.111, Regarding the Fight Against Terrorism and Other Serious Crimes of 2011, remained in effect and also prohibited labor and sex 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. These two similar laws have some divergent definitions and penalties, which at times caused confusion that sometimes hampered law enforcement, prosecutorial, and judicial officials' ability to effectively prosecute suspected traffickers.

During the reporting year, the government investigated 250 potential trafficking cases; while an increase from nine trafficking cases the previous year, this number also included many trafficking-related crimes like smuggling or domestic abuse. While the government reported prosecuting nine suspected traffickers in six cases, all under the 2016 anti-trafficking law, judges convicted all defendants for smuggling due to insufficient evidence to prove trafficking indicators; it prosecuted and convicted on smuggling charges 10 suspected traffickers in seven cases in the previous reporting period. However, for the first time, the government convicted one individual for forced labor under the 2016 anti-trafficking law, from a case that commenced in July 2013; officials handed down a 20-year prison term during the reporting period. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses in 2017.

During the reporting period, the government appointed a deputy prosecutor to streamline and ensure effectiveness of all anti-trafficking law enforcement efforts, and the justice ministry added a senior advisor position focused solely on trafficking, in an attempt to increase the number of trafficking cases investigated and prosecuted and strengthen coordination of trafficking efforts, respectively. In addition, Djibouti's police chief created a new unit to investigate child begging, including children forced to do so; the unit investigated an unspecified number of cases during the reporting period. The government continued to provide in-kind contributions to support anti-trafficking trainings facilitated and funded by international organizations. In 2017, an unknown number of law enforcement academy instructors and justice officials participated in two separate training

programs, conducted by an international organization, which focused on effective trafficking investigations and intragovernmental coordination, and proper victim interviewing techniques. Additionally, each law enforcement academy in Djibouti maintained training on recognizing trafficking cases, which were incorporated into basic orientation courses. Prosecutorial and justice officials with trafficking expertise provided training to their interagency colleagues on how to differentiate trafficking and smuggling cases, and how to appropriately handle such cases. In a specific example, these trained stakeholders briefed health professionals and other front-line responders on specific trafficking indicators they might encounter and to what entity they should report.

PROTECTION

The government increased efforts to protect trafficking victims. For the first time, authorities identified and referred to care seven trafficking victims without assistance from any international organizations by employing its formal identification and referral procedures. In addition, the government reported repatriating and assisting a small number of families with children subjected to trafficking in Yemen or Libya. The government continued to grant authority to one international organization to conduct trafficking screenings of all transiting migrants and partnered with this entity to provide water, food, and temporary shelter for roughly 1,300 during the reporting period. The government also broadly provided support, in conjunction with international organizations, to more than 40,000 vulnerable migrants, many of whom were potential trafficking victims. Justice officials widely disseminated several documents to relevant government and civil society stakeholders across the country on the national referral mechanism and how to identify trafficking cases. However, officials outside of the justice ministry and some law enforcement personnel were unaware of the standardized mechanism for identifying and referring victims to care, but rather opted to use trusted points of contact to guide them in managing potential trafficking cases.

Djibouti remains without a shelter specifically for trafficking victims. Nonetheless, during the reporting period, the government provided land for a new Migrant Response Center (MRC) in Khor Angar—an office and short-term living quarters staffed and operated by an international organization along a route near Yemen heavily traversed by migrants; it also maintained two other MRCs in Obock and Loyada. In 2017, the Ministry of Health signed an agreement with an international organization to fund three full-time doctors and three nurses—trained on spotting

trafficking indicators—stationed across the country to support migrants and vulnerable Djiboutians. Also during the year, health officials, in partnership with an international organization, launched five mobile clinics in Djibouti's critical regions to provide care for the more than 300 Ethiopians who transited Djibouti daily to reach Gulf States. The government allocated more than 90 million Djiboutian francs (\$508,475) to relevant ministries, MRCs, transit centers, and local NGOs, which operated counseling centers and other programs that assisted potential trafficking victims during the year; it did not report its funding amount during the previous reporting period. The 2016 anti-trafficking law's provisions for establishment of victim assistance programs for trafficking victims, funded through asset seizure, remained unimplemented for the third consecutive year. The 2016 anti-trafficking law established provisions allowing trafficking victims temporary residency during judicial proceedings and permanent residency as necessary as a legal alternative to removal to countries where victims may face hardship or retribution; it was unclear if these provisions were employed during the reporting year. Additionally, the 2016 law directs that necessary legal assistance and an interpreter, in addition to psychological, medical, and social assistance be provided to victims; the government did not report providing such assistance during the reporting period. The government did not report it detained, fined, or jailed any victims for unlawful acts committed as direct result of their being subjected to trafficking; however, given a lack of a broadly employed proactive screening mechanism, it was likely many trafficking victims, among the vulnerable migrant population, remained unprotected and subjected to punishment during the reporting period.

PREVENTION

The government maintained its efforts to prevent trafficking. During the reporting period, the government commenced revisions to its 2015-2022 national action plan, but did not fully operationalize it for the third consecutive year. The anti-trafficking working group continued its operations and, during the reporting period, met monthly under the newly appointed national coordinator for anti-trafficking and anti-smuggling efforts from the interior ministry; as a result, coordination among relevant government agencies improved substantially during the reporting period, which resulted in more holistic protective services for victims and an increased number of investigations and prosecutions of potential trafficking cases. The justice ministry's website featured the government's anti-trafficking efforts throughout the year and publicized articles on human trafficking in addition

to a copy of Djibouti's anti-trafficking law. The state-sponsored press also publicized articles on every outreach event in Djibouti, and disseminated informational materials for vulnerable groups including street children and domestic violence victims. In 2017, the government collaborated with an international organization to conduct two awareness-raising events with religious leaders in Tadjourah and Obock; these prefectures provided conference rooms and disseminated invites for both roundtable events. As part of the World Day against Trafficking, the justice minister organized a roundtable discussion on protection of trafficking victims with various ministries, international organizations, and representatives from the diplomatic core; officials provided the venue and refreshments, circulated invitations, and coordinated with the state-sponsored press to report on the event. The government also screened an international organization-sponsored play about human trafficking in Niger, which reached an unknown number of attendees. The Women's Ministry promulgated its hotline for domestic abuse cases, which also included instances of sex 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 notorious for commercial sex transactions. In March 2018, the inspector general began publicly conducting unexpected inspections at the sites of foreign companies throughout the country. Through a train-the-trainer program, international experts provided Djiboutian troops with anti-trafficking training prior to their deployment abroad 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, 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 economic migrants from Ethiopia and Somalia, transit Djibouti voluntarily—albeit illegally—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. In 2017, more than 117,000 people embarked on the sea crossing from the Horn of Africa to Yemen,

contributing to the highest annual total of the past decade. In addition to this unprecedented influx of migrants, the 2015 crisis in Yemen continued to generate a reverse flow of persons from Yemen to Djibouti. The government allowed over 37,500 people of diverse nationalities to enter freely and take refuge since the start of the Yemeni war; some of them had endured various types of exploitation, possibly including trafficking, before their arrival in Djibouti. Given the protracted instability in Ethiopia's Oromia region that commenced in November 2015, Ethiopians still 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 a substantial uptick in refugee camp population; austere and overcrowded conditions in refugee camps made this group vulnerable to trafficking.

During the reporting period, officials identified an increasing number of vulnerable minors in Djibouti City, particularly along the road of Siesta Beach. Djiboutian and migrant women and street children are vulnerable to sex trafficking and forced prostitution 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. 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.