

# SOMALIA COUNTRY STATEMENT

ADDRESSING MIGRANT SMUGGLING AND HUMAN TRAFFICKING IN EAST AFRICA

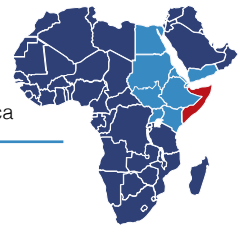
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This report is one of 10 country statement reports covering:  
Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan, Uganda and Yemen



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**Somalia Country Statement:**  
Addressing Migrant Smuggling and  
Human Trafficking in East Africa



This report is one of a series of ten country statements, produced as part of the project '*Addressing Mixed Migration Flows in Eastern Africa*', funded by the European Commission (EC) and implemented by Expertise France.

The overall project consists of three components:

- Assisting national authorities in setting up or strengthening safe and rights-respectful reception offices for migrants/asylum seekers/refugees.
- Supporting and facilitating the fight against criminal networks through capacity building and assistance to partner countries in developing evidence-based policies and conducting criminal investigations, most notably by collecting and analysing information about criminal networks along migration routes.
- Supporting local authorities and NGOs in the provision of livelihoods and self-reliance opportunities for displaced persons and host communities in the neighbouring host countries.

As part of the second component, Expertise France contracted the Regional Mixed Migration Secretariat (RMMS) in Nairobi to implement the project '*Contributing to enhanced data collection systems and information sharing on criminal networks involved in facilitating irregular migration in the Eastern Africa region*'. This project aims to provide updated knowledge on migration trends and related issues, as well as technical assistance to partner countries on data collection, analysis and information sharing. In all the country statements, the focus is on human trafficking and migrant smuggling.

These country statements are the output of this project. They provide a technical realistic appraisal of existing data related to mixed migration, including data on trafficking; insight on routes and *modi operandi* of criminal networks involved in facilitating irregular migration; and an assessment of existing national data collection systems and government capacity to address migrant smuggling and human trafficking. The analysis highlights technical capacity gaps and challenges faced by officials in responding to such phenomena, aiding the identification of capacity building needs in the areas of data collection, analysis and information sharing.



## Acknowledgements and disclaimer

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The research was commissioned by Expertise France, in the wider context of the EU-Horn of Africa Migration Route Initiative (the “Khartoum Process”). The research was conducted in 2016 by an international consultant, in cooperation with national researchers under the operational management and technical oversight of RMMS in Nairobi.

The lead researcher and author of this report was Mr. Peter Tinti (an international consultant). The final English editor was Mr. Anthony Morland.



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## EXECUTIVE SUMMARY

In recent years, irregular migration from Africa towards Europe has expanded considerably, with hundreds of thousands of Africans seeking passage to Europe by crossing the Mediterranean Sea. Somalia has emerged as a source country for irregular migrants to Europe, but also as a source and transit country for Africans seeking access to labour markets in Saudi Arabia and other Gulf states.

Although local officials in Somalia speak of a “mass exodus”, there are no reliable statistics on the number of Somalis leaving Somalia to Kenya and Ethiopia for onward travel to Europe via North Africa. Between January 1 and August 31, 2016, an estimated 6,025 Somalis arrived in Europe via the central Mediterranean route, accounting for five percent of total migrant arrivals along this route.<sup>1</sup> There is no data available on the percentage of these Somali nationals who left Somalia recently, as distinct from those who had been living outside of Somalia before migrating to Europe.

Due to decades of conflict, extreme weather conditions, political instability, and economic uncertainty, a culture of migration - regular, irregular, and forced - is now part of the fabric of Somali society, as evidenced by the existence of an extensive and highly inter-connected Somali diaspora. In Somalia, migration is usually expressed as “*tahriib*”, the Arabic word for “immigration” or “immigrants,” which in its adopted Somali-language form connotes an “uprooting” or “mass exodus”, particularly of young Somalis. The Somali word “*xambaar*”, which literally means “to carry”, is used to refer to the act of migrant smuggling.

With a growing number of Somalis, both inside Somalia and living abroad (often in refugee camps) in states throughout East Africa and the Horn of Africa deciding that migration to Europe is their best option to achieve a prosperous future, and with few legal avenues available to do so, numerous networks specialising in *xambaar* have emerged to facilitate *tahriib*. They operate in a low-profile manner but are easily accessible to those who seek their services, preparing trips through various brokers and middlemen who link prospective migrants with networks which in some cases are overseen by powerful and well-connected smugglers. Several different routes have emerged, facilitated by smugglers who charge varying amounts for a wide range of services and who use several different business models.

Somali migrants travelling to Europe through Sudan and North Africa often find themselves in situations of extreme vulnerability, in which they are abused or coerced by their smugglers. Some migrants fall victim to human traffickers who specialise in kidnap for ransom and other forms of extortion, or who force migrants into debt bondage, unpaid labour, and prostitution.

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1 RMMS (2016). Regional mixed migration summary for August 2016. Available at: <http://regionalmms.org/monthlysummary/RMMS%20Mixed%20Migration%20Monthly%20Summary%20August%202016.pdf>

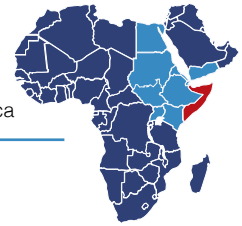


Somalia is also a transit country for migrants from throughout the Horn, most notably Ethiopians, who pay smugglers to take them by boat to Yemen. Networks that span from Ethiopia to Saudi Arabia facilitate a mass movement of thousands of people every month through Somali territory, profiting from those who seek to work in labour markets in the Arabian Peninsula and the Persian Gulf region. Within these flows, abuse and extortion are perpetrated both by those who facilitate migrant journeys and by other actors who specialise exclusively in trafficking.

Government structures in Somalia - the internationally recognised Federal Government of Somalia and the administrations that oversee the institutions in Somaliland and Puntland - have limited capacity to counter migrant smuggling and human trafficking networks in their territory. The weakness of state institutions, particularly law enforcement agencies, the judiciary, and border control services, combined with a lack of resources and a limited understanding of the difference between migrant smuggling and human trafficking, impede the ability of the federal government and the *de facto* authorities in Somaliland and Puntland to collect, analyse or share information on migrant smuggling or human trafficking. Capacity is further undermined by migrant smuggling networks' ability to devote resources to ensuring the collusion of certain state officials to allow their activities to continue unabated.

For the international community, there are several potential avenues for improving the capacity of state institutions. Efforts to support fledgling legal and institutional frameworks within Somalia, building upon the limited progress made in recent years, coupled with efforts to reinforce the capacity of law enforcement officials operating at the technical level, could lead to incremental progress in the short term and set the foundations for more sustainable progress.





# 1.0

## METHODOLOGY

This report is based on a qualitative study combining field work in Somalia, including Mogadishu, Hargeisa, and Bossaso, with a comprehensive desk review of existing secondary literature on the issues of migrants smuggling and human trafficking in Somalia.

In addition to interviews with relevant authorities interviews were conducted with organisations specialising in migration, members of the business community and local brokers either directly or indirectly involved in migrant smuggling, knowledgeable key informants, and migrants themselves. Local consultants with established contacts in the Somali diaspora were able to identify and interview migrants who had successfully completed an irregular journey to Europe or the Gulf, as well as others who had tried and failed.

Due to the sensitive nature of the subject, interviewees were granted anonymity on request, and the consultants carrying out interviews and research removed any information that could identify interviewees and informants.

Although there is considerable literature on mixed migration flows from and through Somalia, there is relatively little regarding the networks that facilitate this migration, or the capacities of local governments to counter these networks. Most of the available reports predate the Libya's 2011 revolution and subsequent increase of migrant smuggling and trafficking industry. The assumptions of this report are thus mostly based on primary sources, interviews and fieldwork. A select bibliography of pertinent literature is included at the end of this report.

This report uses the terms “migrant smuggling” and “human trafficking” according to the definitions outlined in the United Nations Convention against Transnational Organized Crime (UNTOC). Article 3 of the convention's Protocol against the Smuggling of Migrants by Land, Sea and Air (the Migrant Smuggling Protocol) defines migrant smuggling as “the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a state party of which the person is not a national.”<sup>2</sup>

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2 United Nations Office on Drugs and Crime (2004). United Nations Convention against Transnational Organized Crime and the Protocols Thereto. Available at: <https://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>



The convention’s Protocol to Prevent, Suppress and Punish Trafficking in Persons defines human trafficking as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.”<sup>3</sup>

This report focuses on the territory administered by the Federal Government of Somalia as well as regions governed by authorities in Somaliland and Puntland. The federal government has more limited influence outside the Somali capital, Mogadishu in which urban areas are mostly controlled by various federal state governments and other entities. This report uses the term “South Central Somalia” to apply to those areas not within Somaliland or Puntland.



# 2.0 INTRODUCTION

## Somalis as a source community

In trying to understand why Somalis choose to migrate, several push and pull factors were identified during the course of this study. The predominant push factors cited by interviewees were general insecurity and lack of employment opportunities in both the private and public sectors.<sup>4</sup>

According to figures published by RMMS, the majority of Somali nationals interviewed upon arrival in Yemen in August 2016 cited economic opportunities, fighting between Al Shabaab and government forces, as well as a desire to return to their lives in Saudi Arabia after being deported, as reasons behind their decision to migrate.<sup>5</sup> (Between December 2013 and August 2014, Saudi Arabia deported approximately 40,000 Somalis back to Somalia). Based on interviews with 743 Somalis along several migration routes out of the Horn of Africa, the RMMS 4Mi project found that economic factors such as unemployment and poverty, political factors such as ethnic/clan discrimination and oppression, and conflict were the main push factors, while economic opportunities abroad were cited as the leading pull factor.<sup>6</sup>

The irregular migration of Somali nationals to Europe and the Middle East is also fueled by the challenges faced in returning home by hundreds of thousands of Somali refugees displaced by decades of conflict. Many of those who do return end up in camps for the internally displaced or in areas where living and security conditions are worse than those they experienced before returning to Somalia. Most internally displaced persons in Somalia receive limited assistance and aid, and encounter an array of social, economic, and political barriers to integration at their new location within Somalia. Consequently, Somali refugees in camps in Kenya, most notably in the complex at Dadaab, may conclude that

4 Key informant interviews, June-July 2016.

5 RMMS (2016). Regional mixed migration summary for August 2016. Available at: <http://regionalmms.org/monthlysummary/RMMS%20Mixed%20Migration%20Monthly%20Summary%20August%202016.pdf>; RMMS (2016). Somalia/Somaliland Mixed Migration Country Profile. Available at: <http://www.regionalmms.org/index.php/country-profiles/somalia-somaliland>.

6 The RMMS 4Mi (mixed migration monitoring mechanism initiative) project is an innovative approach to collect and analyse data on mixed migration flows, out of the Horn of Africa (as well as in West Africa and South Asia). Through a network of 42 locally-recruited monitors in strategic migration hubs in Northern, Eastern, and Southern Africa the 4Mi project tracks Eritrean, Ethiopian, Djiboutian and Somali people on the move, and has interviewed approximately 2,700 migrants between November 2014 and November 2016.



irregular migration to Europe or the Middle East is a more appealing option than returning to Somalia.

The precarious status of Somali refugees in Kenya and frustrations associated with restrictions placed on them by the Kenyan government are also push factors. Some Somali refugees in Kenya, particularly youths who have received formal education, in some cases up to college level, cited the inability to find jobs and obtain identity cards, combined with knowledge of the difficulties faced by those who had returned to Somalia, as reasons to seek opportunities outside both Kenya and Somalia. Recent far-reaching security measures in Kenya in response to domestic terror attacks, such as the passing of the Security Laws (Amendment) Bill in 2014, were cited as a push factor for Somali youths leaving Kenya for fear of being subjected to harassment, as was the repeated declaration by the Kenyan government that it would close Dadaab and oblige refugees to return to Somalia.<sup>7</sup> Taken together, these push factors result in some Somali refugees determining that neither Kenya nor Somalia can provide them with opportunities, and that irregular migration to Europe, the Middle East, and to a lesser extent, North America are seen as the only viable path to prosperity.

Several pull factors for Somali migration were identified over the course of this study. The widely held perception that better opportunities for Somalis exist outside Somalia and refugee camps was heavily reinforced by the Somalia diaspora, both passively and actively. The mere existence of friends and family members living abroad, posting photos from safe and economically prosperous locations around the world, was cited as a significant pull factor for Somali youths.<sup>8</sup>

Similarly, many Somali nationals who fled Somalia in the 1990s are now returning home, exposing Somalis who have not migrated to the benefits of living abroad. While some who return do so only for short visits, others, who may have lived abroad, sometimes for decades, obtaining high levels of education and work experience, are seen to have better access to jobs within international organizations operating in Somalia and within the public sector there. Many hold foreign passports that afford them the freedom to go back and forth between Somalia and other countries, a luxury that is highly coveted by young Somalis who feel trapped in Somalia or restricted by life as a refugee. To paraphrase one interviewee from Somaliland authorities, the message this sends to Somali youth is, “the best way to be successful in Somalia is to leave Somalia.”<sup>9</sup>

Taken together, these push and pull factors foster a culture of migration within Somali society that is reinforced by a vibrant, global diaspora that often encourages migration both directly and indirectly. Migration to Europe in particular has become a widely held aspiration among Somali youths, but many of these youths have decided that legal avenues for migrating to Europe are either out of reach or unfeasible.

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7 On February 9, 2017 a Kenyan High Court judge ruled the planned closure “illegal, discriminatory and unconstitutional”. The government said it would appeal the ruling.

8 Key informant interviews, June-July 2016.

9 Key informant interview, June 2016.



Interviews in Somalia highlighted that even Somalis who do have a university degree, money in their bank accounts, and legal travel documents are unlikely to be granted a visa by destination countries and that the chance for those lacking any of these attributes is widely thought to be zero.<sup>10</sup> In like manner, Somalis living in refugee camps and registered with UNHCR are acutely aware of how long the process of resettlement to third countries can take, how little choice of destination country there is, and how relatively few refugees are ever resettled. All these perceptions fuel the sentiment that irregular migration is the only viable option for reaching a preferred destination.<sup>11</sup>

## Somali flows to Europe

Somalia is a source country for irregular migration flows to Europe, the Middle East, and southern Africa as well as a transit country for irregular migration flows to the Middle East. Somalis migrating westward, most notably towards Europe, cross into Kenya for onward travel to Ethiopia, or directly into Ethiopia, from where they continue into Sudan. Once in Sudan, most Somalis cross into Libya, but an increasing number are choosing to travel to Egypt. From the North African coast, Somalis cross the Mediterranean Sea to Italy in what has come to be known as the central Mediterranean route.

Irregular migration along this route, which has grown in popularity in recent years, is facilitated by a number of migrant smuggling networks which have simultaneously proliferated, professionalised, and expanded to meet the unprecedented demand for their services. The total cost of migrant journeys from Somalia to Italy varies according to several factors, including the type of arrangement made with smugglers, the modes of transportation, the starting point, the time of year, the launching points to Europe, ransom fees paid during the journey, and external factors such as changes in policies and the emergence and closure of alternative routes.

Interviews with migrants and key interlocutors in Somalia indicated that as of the summer of 2016, Somalis using the most common overland routes through Sudan, and onward to either Libya or Egypt before departing for Italy, could expect to pay between USD 4,000 and USD 6,000. It is not uncommon for migrants to be held for ransom at some point in their journey, which can drive total costs up by several thousand dollars.<sup>12</sup> There are also bespoke packages on offer, which may include airfares and fake documentation, for which migrants can pay upwards of USD 15,000 depending on the destination country.<sup>13</sup>

Somalis migrating to Europe tend to be educated and come from middle-income families. In addition to being young (usually 25 and under), the perception in Somalia is that Somalis who seek to migrate are disproportionately unmarried. Interviews in Somalia suggested that the desire to migrate was highest among students and recent graduates, followed by unemployed youths with skills they perceive to be useful and coveted in more developed

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10 Interviews in Somalia and with members of the Somali diaspora, June-August 2016.

11 Key informant interviews, Somalia, June-July 2016.

12 Key Informant Interviews, June-July 2016.

13 Ibid.



economies abroad. Youths in urban areas who obtained high-level positions in government or the private sector expressed a desire to stay in Somalia. These profiles suggest that in the short term, as education levels, income, and development indicators increase in Somalia, more youths will seek opportunities abroad until they perceive that the same opportunities are available in Somalia.<sup>14</sup>

## Ethiopian and Somali flows to Yemen through Somalia

The majority of irregular migrants transiting through Somalia to Yemen are Ethiopians who cross from Ethiopia into Somaliland. Ethiopian migrants enter near the official border crossing at the town of Tog Wajaale and continue to coastal launching points near Berbera (in Somaliland), but more frequently near the port city of Bossaso in Puntland. Beginning in mid-2014, irregular migration from Ethiopia for onward travel to Yemen via Bossaso began to increase in popularity, surpassing neighbouring Djibouti as the most favoured departure point for Yemen.<sup>15</sup>

Although areas of departure from Africa do not correlate consistently with landing regions in Yemen, there is a broad trend in which migrants arriving on the Red Sea coast are very likely to have departed from Djibouti, whereas most of those arriving on the Arabian Sea coast will have departed from Puntland, and to a lesser extent Somaliland. Despite the ongoing conflict in Yemen, irregular migrant flows, particularly those consisting of Ethiopians transiting through Somalia to Yemen, have continued. According to figures published by RMMS and the United Nations Refugee Agency (UNHCR), 17,217 migrants arrived on Yemen's Arabian Sea coast in 2013. Over the subsequent two years, these numbers rose to 49,000 and 78,356 respectively, and to 82,629 in the first nine months of 2016.<sup>16</sup>

These numbers correlate with claims by officials in Somaliland and Puntland that several hundred irregular migrants were departing from Somali shores for Yemen every day.<sup>17</sup> Due to insecurity in Yemen, which limits the ability of governments and international organisations to monitor departures and arrivals, the aforementioned numbers are likely to underrepresent actual arrivals, as some migrants arrive in Yemen completely undetected.

Historically, movements to Yemen have occurred along two main routes: out of Obock, a Red Sea Port in Djibouti, and from Bossaso in Puntland (on the Gulf of Aden, part of the Arabian Sea). Between 2009 and 2013 the Red Sea route had consistent popularity, accounting for an average of 69 per cent of recorded movements. In 2014 however there began a gradual shift towards the Arabian Sea route, departing from Puntland. By the end of that year Arabian Sea arrivals overtook those using the Red Sea, reaching 54 per cent of all crossings, a proportion that soared to 85 percent the following year. Statistics in 2016

14 Interviews in Somalia, 2016. See also: Djibouti Country Statement: addressing migrant smuggling and human trafficking in East Africa

15 RMMS (2016). Pushed and Pulled in Two Directions. Available at: [http://regionalmms.org/iages/briefing/Pushed\\_and\\_Pulled.pdf](http://regionalmms.org/iages/briefing/Pushed_and_Pulled.pdf)

16 Numbers derived from monthly and quarterly reports published by RMMS as well as figures provided by UNHCR to RMMS.

17 Key informant interviews, June-July 2016.



confirm this new trend.<sup>18</sup> The proportion of Ethiopians among migrants using the Arabian Sea route to Yemen has increased as well, from 46 per cent in 2013, to 69 per cent in 2014, and 88 per cent in 2015. In the first nine months of 2016, Ethiopians comprised 82 per cent of such arrivals, with the slight drop attributable to a greater number of Somali nationals departing from Puntland to Yemen.<sup>19</sup> The socio-economic profile of Ethiopian irregular migrants transiting through Somalia to Yemen, as well as of Somalis using the same routes, is perceived to be different to those who seek passage to Europe via North Africa. Interviews in Somalia and Ethiopia indicate that migrants crossing to Yemen are less educated and skilled than those trying to reach Europe.<sup>20</sup> The vast majority of Ethiopians crossing into Somalia for transit to Yemen identify themselves as Oromo, the most populous ethnic group in Ethiopia.<sup>21</sup> Authorities in Somalia anticipate that the current political situation in Ethiopia, in which Oromo and Amhara protesters are challenging the policies of the Ethiopian government, is likely to increase flows into Somalia.<sup>22</sup>

Over the course of research for this report, authorities in Somaliland frequently spoke of a trend of Ethiopians being recruited or forced into the war in Yemen, explaining that Ethiopians were coveted by pro-government and anti-government militias, as well as by Islamist rebels. It was unclear whether the majority of Ethiopians allegedly joining these groups are forced to do so, are drawn into the conflict for religious or ideological reasons, or are simply paid mercenaries.<sup>23</sup> A source within the Ministry of Interior in Yemen confirmed this phenomenon, saying that while previously there was a concern that Somali fighters were being smuggled into Yemen, they were increasingly seeing other African nationals arrive, the majority of whom were Ethiopian, specifically ethnic Oromos. According to this official, Oromos are highly sought after because they are perceived to be tough fighters and their wages are “half that of a Yemeni.” In addition, Ethiopians are often detained, in some case deported<sup>24</sup>, or mistreated by criminal gangs who torture them and hold them for ransom upon arrival in Yemen, so local groups willing to provide accommodation and salary can capitalise on their vulnerability in order to recruit them.<sup>25</sup>

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18 RMMS (2016). Pushed and Pulled in Two Directions. Available at: [http://regionalmms.org/iages/briefing/Pushed\\_and\\_Pulled.pdf](http://regionalmms.org/iages/briefing/Pushed_and_Pulled.pdf)

19 Numbers derived from figures provided by UNHCR to RMMS.

20 Key informant interviews, June-July 2016.

21 Based on continuous data collection since 2006 through interviews with new arrivals in Yemen. Thousands of migrants are interviewed every year, by coastal monitoring patrol teams of the Danish Refugee Council and local Yemeni NGOs. The percentage of Oromo among new Ethiopian arrivals strongly increased in recent years, from an estimated 64% in 2014, to 95% as of October 2016. Monthly statistics are published in the RMMS monthly summaries, available at: <http://www.regionalmms.org/index.php/data-trends/monthly-summaries>

22 Key informant interviews, June-July 2016.

23 Key informant interview, June 2016.

24 By the time of writing this country statement, there are increasing reports on the deportation of Ethiopians from Yemen back to Djibouti.

25 See: Yemen Country Statement: addressing migrant smuggling and human trafficking in East Africa



While the vast majority of Ethiopians who travel through Somalia to Yemen do so in the hope of finding work in Yemen itself, in Saudi Arabia, or in other Gulf states, recent interviews in Yemen suggest a new route in which Yemen is a *transit* country for irregular migrants seeking passage to North Africa and Europe via Sudan. Three Somali migrants in Yemen told researchers for this report that they witnessed negotiations and arrangements made with brokers in Bossaso for a second trip from Yemen to Sudan and on to Libya. They said the cost of such a trip from Bossaso to Yemen, and on to Sudan, would be USD 1,000, with an additional USD 1,000 for the trip from Sudan to Libya.<sup>26</sup>

Some Ethiopian migrants cross into Somaliland and then travel to Djibouti along the same route used by Somali migrants who cross into Djibouti for onward travel to Yemen. The trip starts by crossing the border at the town of Looya Adde, from where migrants link up with Djiboutian smugglers who can guide them either around or through checkpoints until the port city of Obock. Much of this journey is undertaken on foot, as migrants can join the flows of hundreds of Ethiopians who enter Djibouti directly from Ethiopia daily, walking to Obock on Djibouti's main national road. Once in Obock, migrants seek the services of smugglers who facilitate irregular migrants crossing the Red Sea to Yemen from launching points in northern Djibouti.<sup>27</sup>

## Somali flows to southern Africa

A less popular destination for Somalis, and one for which there is no reliable data, is southern Africa, most notably South Africa. In the few two decades, tens of thousands of Somalis are estimated to have travelled south either to settle there permanently or in some cases temporarily before travelling on to their ultimate destination country.<sup>28</sup> More recently, Somalis in business (such as owners of small shops and kiosks) have been targeted in violent xenophobic attacks, which has led to a reduction of Somalis trying to go to South Africa and to some retracing their steps back to Somalia or Kenya.

The southern route has garnered significantly less international attention compared to flows from Somalia to Europe and, to a lesser extent, from Somalia to the Middle East. According to RMMS, the majority of Somali migrants travelling southwards pay smugglers between USD 2,500 and USD 5,000 to reach South Africa, with prices varying depending on which countries they travel through. Smugglers facilitate these irregular journeys using several modes of transport, including by foot, in containerized trucks, in buses and cars, and in some cases, by sea.<sup>29</sup>

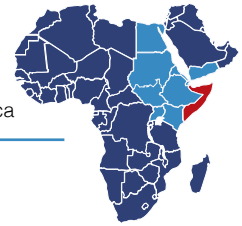
26 Interviews with migrants in Yemen, June-July 2016. See also: Yemen Country Statement: addressing migrant smuggling and human trafficking in East Africa.

27 Key informant interviews, June-July 2016.

28 RMMS (forthcoming). An updated overview of mixed migration from the Horn of Africa to South Africa.

29 RMMS (2016). Country Profiles: Somalia/Somaliland. Available at: [http://www.regionalmms.org/index.php/country-profiles/somalia-somaliland#\\_edn1](http://www.regionalmms.org/index.php/country-profiles/somalia-somaliland#_edn1).





# 3.0

## MIGRANT SMUGGLING AND HUMAN TRAFFICKING IN SOMALIA

### Smuggling and trafficking towards Europe

Although smugglers operate in a clandestine manner, using layers of brokers and interlocutors, assuming nicknames, communicating in code, and masking their business within legitimate enterprises, almost every Somali interviewed for this report was very familiar with how to start the process of irregular migration. All were confident that they were only a few phone calls or text messages away from a smuggler.<sup>30</sup> Migrants try to mitigate risk and ensure that they are making a sound investment by seeking out smugglers who have a good reputation, and by trying to connect with those who have already reached their destination country. The higher the levels of education and economic status of the prospective migrants, the more likely they are to carry out “due diligence” before hiring a smuggler.<sup>31</sup>

The nature of migrant smuggling, with its diversity of routes, clients, and payment schemes, is such that the structure of the networks involved varies considerably. Based on existing literature and information obtained during the research for this report, it is clear that some networks appear to operate as organised criminal syndicates, where those involved have defined roles and responsibilities (see below). In other cases, smugglers operating in certain key transit hubs specialise only in moving migrants from one hub to the next. Some such smugglers do little more than drop migrants off when they have reached an agreed destination, while others put migrants in touch with another smuggler who can facilitate the next leg. Smuggling networks that take the form of a loose alliance of freelancers, specialists, and criminal entrepreneurs working together on an *ad hoc* basis as opportunities for collaboration arise, however, do often *resemble* a coherent, streamlined network. According to one interlocutor familiar with the fluid models described above, there are no formal “business structures” to these networks. Rather, they consist of people who are well connected to each other and form networks predicated on opportunity. They may work together frequently but not exclusively, and their close relationships may be the product of frequent business rather an affiliation or loyalty to a particular criminal organisation.

30 Key informant interviews, June-July 2016.

31 Ibid.



For these looser networks, linkages between smugglers tend to be on a “hub to hub” basis, meaning that a smuggler or group of smugglers operating in one hub will likely only have connections with people in adjacent hubs along the route. They likely have little knowledge of, or connections with, smugglers along the rest of the route. As one key informant interviewed for this project highlighted, “in each hub, several smuggling groups exist and each of these groups is connected to a sister network of groups in the other immediate hub. The groups are networked by bond of trust to ensure each plays its role successfully for the process to succeed.”<sup>32</sup>

Communication between smugglers is mostly conducted through phone calls and text messages, and payments are usually made in cash. Migrants using smugglers who operate from one hub to the next will pay the smuggler directly, up front or in instalments, depending on levels of trust. In other cases, money will be deposited with a third party, who acts as a guarantor. Formal bank accounts are rarely used in these types of arrangement. In many of these cases, the smugglers might be individuals who work in the transportation businesses, such as long-haul trucking and bus companies that operate routes from one hub to the next. In other cases, an individual smuggler who operates out of one hub might have several agents who bring him clients whom he connects with drivers who can facilitate irregular movement.<sup>33</sup>

In some hubs, migrants are placed in a safe house to wait for security conditions to be met, to coordinate with the smugglers responsible for the next part of the journey, and to wait to gather enough migrants to warrant a departure. These smugglers might not take orders from someone above them, but they do work directly with people who are next in the chain, and these people are the same every time.<sup>34</sup>

Some smugglers operating along the route to Libya and Egypt via Sudan, are now believed to protect their business models by limiting the choices available to migrants. If, for example, a migrant is choosing a “pay as you go” model going from one hub to another, his choices will be limited if his smugglers keep their safe-houses and consolidation points outside major transit hubs. Key informant interviews mentioned Somali migrants who had made the journey through Sudan, but were kept in safe houses far outside of Khartoum to prevent migrants from being able to seek the services of another smuggler for the next leg of the journey.<sup>35</sup>

Other interviews pointed to the existence of more elaborate and streamlined smuggling networks with connections stretching from Somalia to Libya, and even into Italy. One interlocutor described such a network operating like a “company” with a hierarchy and defined roles and responsibilities. Smugglers at the top level are akin to corporate managers, making strategic decisions and cutting deals, troubleshooting, and maintaining the necessary relationships with other networks and government officials. Below them are middle

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32 Ibid.

33 Key informant interviews, June-July 2016.

34 Ibid.

35 Ibid.



managers, collectors, transporters, and security guards.<sup>36</sup> Western diplomats and law enforcement officials posted to several different countries in East Africa and the Horn also spoke of the presence of several such networks that are highly organised and replete with “command and control” centres overseeing activities throughout the irregular migration chain.

A February 2016 report by the Sahar Foundation and the Inter-Governmental Authority on Development’s Security Sector Program also concluded that “irregular migration from the Horn of Africa is dominated by highly integrated networks of transnational organized criminal groups;” and that these groups were “coordinated by kingpins based chiefly in Libya and the Horn of Africa.”<sup>37</sup>

Other interlocutors cautioned that the prevalence of such elaborate networks might be overstated, and that the majority of networks facilitating flows to Europe were less “top-down” in structure and association.<sup>38</sup>

There are indications that the market for smuggler services is expanding beyond a traditional base of educated-but-unemployed youths from middle-income brackets to include Somalis with lower levels of income and education who previously would not have been able to afford even the least expensive smuggling options and who are less likely to be exposed to the social networks which foster aspirations to migrate and which connect people with smugglers.<sup>39</sup> Whereas smugglers (and traffickers posing as smugglers) previously targeted those who they knew could afford their services, most often by advertising to youths more likely to be active on social media, they are increasingly using recruiters to personally “invite” poorer youths to start a trip.<sup>40</sup> A recent report by the Rift Valley Institute, published after fieldwork for this study was concluded, referred to these arrangements as “leave now-pay later” schemes.<sup>41</sup>

According to interviews with government officials, these smugglers tell low-income potential clients, who are less likely to have access to credible information or to be aware of the added layers of vulnerability of such schemes, that they can pay for their journey upon arrival with money earned via pre-arranged employment at the destination country. During the journey, usually in Sudan or Libya, the smugglers might then hold the migrants for ransom, demanding they call home and arrange payment to a third party. Once payment has been made, the journey continues. Those who are not able to pay, however, are often passed on to human traffickers.

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36 Key informant interviews, June-July 2016.

37 Sahar Foundation and IGAD Security Sector Program (2016). Human Trafficking and Smuggling on the Horn of Africa-Central Mediterranean Route. [http://igad.int/attachments/1284\\_ISSP%20Sahan%20HST%20Report%20%2018ii2016%20FINAL%20FINAL.pdf](http://igad.int/attachments/1284_ISSP%20Sahan%20HST%20Report%20%2018ii2016%20FINAL%20FINAL.pdf)

38 Key informant interviews, June-August 2016.

39 Key informant interviews, Somalia June-July 2016.

40 Key information interviews, June-July 2016.

41 Rift Valley Institute (2016). Going on *Tahriib*: The causes and consequences of Somali youth migration to Europe. Research Paper No. 5.



One government official told the authors of this report that a recent surge in property sales in the towns of Beledweyne and Burao was found to have been driven by owners seeking to finance migration or to “save” migrants who had encountered “trouble” on their journey. Other interviewees suggested that as more youths chose to migrate without sufficient funds to pay for their journey, the costs charged by smuggling and trafficking networks keen to sustain their income flows were being passed on to unsuspecting families forced to tap into social support networks to collect money, or to sell off assets such as real estate and livestock to pay ransoms that often amount to several thousand dollars.<sup>42</sup>

According to one official in Somaliland who spoke with families who had paid them, ransoms typically range between USD 4,000 and USD 6,000, but can be as high as USD 10,000.<sup>43</sup> In these cases, the line between migrant smuggling and human trafficking blurs. It is often unclear to what extent these schemes are operated by smugglers who are willing to “sell” clients to (other) traffickers when ransoms are not paid, or whether these smugglers are actually traffickers offering smuggler services under false pretences. In other circumstances, smugglers may abuse and extort migrants during a journey, thus taking on the role of both facilitator and exploiter, in which case their activities and their business models straddle the traditional concepts of migrant smuggling and human trafficking.<sup>44</sup>

Authorities in Somalia also highlighted the prevalence of migrants being kidnapped in the desert by human traffickers, often referred to as “*magafe*,” which approximately translates to “the one who never misses.”<sup>45</sup> Somalis interviewed for this report used the term *magafe* to describe individual traffickers as well as militias operating in the desert on both sides of the Sudan-Libya border. One key informant spoke of a case in which vehicles carrying Somalis were intercepted by *magafe* posing as a “border militia.” The *magafe* demanded USD 1,000 from every passenger. Those who could not pay the “fine” were detained and transported to a commercial bee keeping farm, where they were forced to work for three months.<sup>46</sup>

During research carried out for a report published by the Rift Valley Institute,<sup>47</sup> interviewees also used the word *magafe* to describe debt-collectors at the back end of “leave now-pay later” schemes. The report noted that migrants who paid one ransom might be kidnapped by other *magafe* during a later phase of their journey through Sudan and Libya. The Rift Valley Institute research found that *magafe* come from a range of nationalities, with different *magafe* operating at different parts of the route, a finding that is very much in line with key informant interviews conducted by the authors of this report.

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42 Key informant interviews, June-July 2016.

43 Ibid.

44 For more on these blurred distinctions, see: RMMS (2015). Beyond Definitions: Global migration and the smuggling-trafficking nexus. Available at: [http://www.regionalmms.org/images/DiscussionPapers/Beyond\\_Definitions.pdf](http://www.regionalmms.org/images/DiscussionPapers/Beyond_Definitions.pdf)

45 Key informant interviews, June-July 2016.

46 Ibid.

47 Rift Valley Institute (2016). Going on *Tahriib*: The causes and consequences of Somali youth migration to Europe. Research Paper No. 5.



According to a Rift Valley Institute survey in Somalia, of 153 households with relatives who had been held hostage, the overwhelming majority (87 per cent) reported that they used money transfer companies in Hargeisa (the capital of Somaliland) or Garowe (in Puntland) to send money to the *magafe* abroad. Only three per cent were instructed by the *magafe* to give the money to someone locally. Some 86 per cent of respondents said they had sent ransom money to accounts or individuals in Libya or Sudan.<sup>48</sup>

## Smuggling and trafficking to Yemen

According to sources in Somaliland and Puntland, migrant flows to Yemen, most of which consist of Ethiopians transiting through Somaliland and Puntland, follow a less diverse set of routes than those towards Europe.<sup>49</sup> Law enforcement and government officials in Hargeisa indicated that trips into Somaliland from Ethiopia are facilitated by agents who collect groups of people via networks of recruiters and brokers. When they have assembled a group of twenty people, they arrange for transport to smuggle them across the Ethiopia-Somaliland border.<sup>50</sup>

These trips are coordinated on the Ethiopian side of the border, and smugglers have representatives and interlocutors in major towns and hubs along the route to Bossaso to facilitate transport, lodging and food. Ethiopians who pay in advance for a complete journey from Ethiopia to Yemen, and in some cases onward to Saudi Arabia, are usually instructed to send money to bank accounts in the Gulf.<sup>51</sup>

Most payments are made in cash to smugglers in Ethiopia and then distributed to associates along the route. According to government and law enforcement officials in Somaliland, initial payments are made in Ethiopian currency (birr) which are then changed in Somaliland into US dollars which in turn are loaded into mobile money transfer platforms in Somaliland (by which point the funds have been sufficiently laundered) where the widespread usage of mobile money facilitates onward dispersal.<sup>52</sup>

According to interlocutors in Somaliland, the cost of travelling from Ethiopia to Bossaso ranges depending on the mode of transport used, between USD 100 and USD 200. In the event that a migrant is stopped, arrested, or repatriated, smugglers are reported to honour their guarantee of a successful journey, and migrants are funnelled back into the pipeline at no extra charge. Authorities in Somaliland say that in response to their enhanced efforts to stem the flows of migrants passing through their territory, transiting Ethiopians no longer use public transport. As a result, there is now a greater demand for smuggler services in Somaliland, and smugglers may guide migrants on foot and provide transport between hubs.<sup>53</sup>

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48 Ibid.

49 Key informant interviews, June-July 2016.

50 Key informant interviews, June 2016.

51 Key informant interviews, June-July 2016.

52 Key informant interviews, June 2016.

53 Ibid.



While some Somalis migrating to Yemen hire a smuggler to facilitate their journey from key hubs in Somalia all the way to a coastal launching point, most are believed to travel to Bossaso or Berbera under their own steam, only seeking smuggler services once they have arrived.<sup>54</sup> Migrants consider an array of factors when choosing whether and when to use smuggler services. The most widely cited in interviews with migrants and interlocutors in Somalia were the extent of available funds and the degree of fear associated with independent travel.<sup>55</sup>

As with the flows to Europe, the prices paid to smugglers facilitating passage to Yemen vary widely according to a range of factors, including: the mode of transportation, the starting point, the final destination, the time of year, the security situation in Yemen, and whether a payment covers an entire, escorted trip complete with meals and lodging, or just one of several legs of a journey each facilitated by separate smugglers. Interviews conducted for this report with migrants arriving in Yemen indicated prices ranged from USD 100 for wooden boats to USD 1,500 for higher quality, chartered vessels. Most migrants interviewed cited price ranges of USD 100-250, although it was not always clear if migrants were quoting the entire cost of their journey or just the maritime crossing, and not all respondents were able to offer a breakdown for each leg.<sup>56</sup>

More than 117,000 migrants arrived in Yemen from the Horn of Africa in 2016, the highest number since records began in 2006.<sup>57</sup> If each paid a minimum of USD 100 for the sea crossing, the maritime segment alone of this smuggling economy amounts to almost USD 12 million.

According to migrants arriving in Yemen, boats arriving from Somaliland and Puntland, and less frequently from Mogadishu and Kismayo, are individually owned and operated by fishermen, pirates, and transport companies contracted by smugglers operating along the coast.<sup>58</sup> Local authorities in Puntland reported there are several camps under armed guard where smugglers hold migrants until brokers have sufficient numbers to warrant a boat trip.<sup>59</sup> One Somali migrant who travelled from Puntland to Yemen in 2016 reported staying at a safe house owned by a local smuggler for two days as brokers assembled other migrants from various regions and countries. When the time came to depart, he was put on a crowded fishing boat with 72 other passengers, including four armed seamen led by a smuggler.<sup>60</sup>

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54 Key information interviews, June-July 2016.

55 Ibid.

56 Interviews with migrants in Yemen, June-July 2016. See also: Yemen Country Statement: addressing migrant smuggling and human trafficking in East Africa.

57 RMMS Monthly Summary December 2016: <http://regionalmms.org/monthlysummary/RMMS%20Mixed%20Migration%20Monthly%20Summary%20December%202016.pdf>

58 Key informant interviews, June-July 2016. Interviews with Ethiopian and Somali migrants in Yemen, June-July 2016. See also: Yemen Country Statement: addressing migrant smuggling and human trafficking in East Africa.

59 Key informant interviews, June-July 2016.

60 Interview with Somali migrant in Yemen, July 2016. See also: Yemen Country Statement: addressing migrant smuggling and human trafficking in East Africa.



Smugglers operating in Somaliland are reportedly becoming increasingly sophisticated in their operations. They now use fleets of vehicles which start their trip in Ethiopia and bypass official checkpoints in Somaliland. To pass through Somaliland they use small vans designed to hold nine passengers but which usually carry as many as twenty.<sup>61</sup> According to sources in Somaliland, as many as 30 to 40 vans might travel in convoy through Somaliland, and officials admit it is easy to pay off a number of the few poorly paid police officers manning remote checkpoints. “They wouldn’t be able to stop the caravans even if they wanted to,” said one local official in Somaliland.<sup>62</sup>

Officials in Somaliland also raised concerns that rival networks and armed groups, organised along clan lines, were vying for control over parts of the smuggling economy. (Smugglers need to have an interlocutor within local clan structures in every territory they pass through, both to pay tribute, and to collect intelligence on government activities.) According to an advisor in Somaliland, these groups compete for control not so much of the networks themselves, but rather of the lucrative rent-seeking opportunities that come with charging smugglers the right to pass through or operate in their territory.<sup>63</sup>

Authorities in both Somaliland and Puntland rely heavily on local leaders to collect and share intelligence in order to govern their territory. There is a concern among officials that as smugglers establish deeper relationships with certain clans and their militias, some might work more closely with smuggling cartels than with the government. One official told the author of this report, “Authorities depend on clans for cooperation. To lose this cooperation would be to lose peace in Somaliland.”<sup>64</sup> Furthermore, officials in Somaliland fear that certain clans will reinvest the profits made through deals with migrant smugglers into expanding informal economic, political, and military influence, thereby upsetting delicate balances of power within Somaliland and Puntland.<sup>65</sup>

## Trafficking in Yemen

Upon arriving in Yemen, Somali and Ethiopian migrants who have paid for smuggler services are extremely vulnerable to a range of actors who may seek to detain, kidnap, or hold them for ransom.

According to a 2014 report by Human Rights Watch (HRW), “A multi-million-dollar trafficking and extortion racket has developed in Yemen based on the migrants’ passage.”<sup>66</sup> The report provides details of armed gangs of smugglers and traffickers with networks that extend to Djibouti, Somalia, Ethiopia and Saudi Arabia which sell migrants from one gang to another,

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61 Key informant interviews, June 2016.

62 Ibid.

63 Ibid.

64 Ibid.

65 Key informant interviews, June-July 2016.

66 Human Rights Watch (2014). Yemen’s Torture Camps: Abuse of Migrants by Human Traffickers in a Climate of Impunity. Available at: <https://www.hrw.org/report/2014/05/25/yemens-torture-camps/abuse-migrants-human-traffickers-climate-impunity>



paying boat crews for each migrant and then demanding payment from each migrant. Those who cannot or refuse to pay are taken to isolated camps - of which there may have been as many as 200 at the time of the HRW report - where migrants are beaten, tortured, and raped while they phone relatives to ask for ransom money. Migrants who are freed may find themselves kidnapped again, and according to the HRW report, elements within state security forces, police, military, and intelligence services in the area of Haradh work in collusion with traffickers.<sup>67</sup>

Researchers for this report interviewed one Somali who departed from Bossaso who said that his smugglers threw him off the boat as they approached the Yemeni coastline. Upon arriving ashore, he was detained along with other migrants and moved to a camp where they were tortured. The interviewee described his abductors, “a group of 18 men,” as well-armed and equipped with military grade weapons and telecommunications equipment. After 23 days of torture and abuse, the interviewee said his abductors let him go after realising he could not pay the approximately USD 500 they were demanding.<sup>68</sup>

Figures on how many migrants arriving in Yemen from Somalia via the Red Sea are kidnapped upon arrival are not available, in part due to the deteriorating security situation since the onset of the civil war in Yemen in 2015. Similarly, the extent to which armed gangs which pay boat owners for their human cargo upon arrival are part of a coordinated trafficking operation remains an open question, and sources in Somalia were unable to provide any concrete information regarding the extent to which smugglers operating out of Puntland had direct connections to traffickers in Yemen.

## Smuggling and trafficking by air

In addition to the routes, networks, and itineraries outlined above, researchers carrying out interviews heard several stories from government officials and other interlocutors of bespoke air travel packages for smuggling migrants into the Middle East, Turkey, and in some cases, Europe.

Interviewees in Mogadishu described one scheme in which for USD 7,000, smugglers could arrange to have Somalis flown to Turkey using fake student visas. The first step in the process entails obtaining a fake diploma from Mogadishu University, which can easily be bought in the capital city’s Bakara market. Smugglers then arrange to have the degree validated by contacts at the Ministry of Education, and associates in Turkey then provide an invitation letter from a university in Turkey. Having assembled the requisite documentation, the smuggler applies for a student visa at the Turkish embassy and purchases a plane ticket.<sup>69</sup>

Variants of these schemes involve smugglers co-opting Somalis travelling to Turkey on business to request visas for family members which are used by irregular migrants who resemble those relatives and who travel using their passports. In some cases new passports bearing the photo of the migrant are acquired, together with visas. Sources in Somalia

67 Ibid.

68 Key informant interview in Yemen, July 2016.

69 Key informant interviews, June-July 2016.





suggested that smugglers providing such services typically charge USD 5,000.<sup>70</sup> Sources in Somalia also said that some smugglers pay managers of international companies who travel to Turkey from Somalia to apply for visas on behalf of someone posing as an assistant or secretary, at a cost of USD 2,000.<sup>71</sup> The fact that Turkish Airlines is one of the few major commercial airlines flying to Mogadishu might explain why Turkey is such an appealing “first step” towards Europe.

Demand for these bespoke smuggling packages to Turkey reportedly reached their peak between June and September 2015, when migrants were crossing to Greece in boats from Turkey and continuing relatively unimpeded through the Balkans until they entered countries within Europe’s Schengen zone. Although these types of itineraries to Turkey are still believed to be available, their popularity has reportedly declined with the closure of the “Balkan route” in the final months of 2015.<sup>72</sup>

Government and law enforcement officials in Hargeisa also highlighted schemes in which Somali smugglers arrange to have someone from the Somali diaspora legally living abroad arrange for a courier to travel to Somalia with a legitimate passport belonging to an individual who resembles the irregular migrant. These packages were quoted as costing between USD 10,000 and USD 15,000.<sup>73</sup>

Similar packages are available for Somalis who want to migrate to Saudi Arabia, with smugglers often arranging such journeys around religious pilgrimages. In some such instances, men purporting to be escorting “sisters” or “nieces” will apply for several visas which will then be used by female migrants. Sources in Hargeisa indicated that smugglers make these arrangements for a fee of USD 3,000, and that young women who want to go to Saudi Arabia to work as domestic workers are a target market.<sup>74</sup>

Officials in Somaliland also highlighted illegitimate employment agencies which “sponsor” Somali youths as young as 15 to travel to Saudi Arabia ostensibly for employment opportunities. They described a “sophisticated” network that arranges transport using fraudulent documents to funnel Somali men and women into unpaid labour in Saudi Arabia. The same officials said they were increasingly hearing about networks that traffic Somali girls and women into sex work in Saudi Arabia and provided anecdotal accounts of Somali girls and women being killed if they tried to escape.<sup>75</sup> According to the 2016 US State Department Trafficking in Persons Report, some government officials sell falsified travel documents to brokers and traffickers, which is consistent with the schemes described to the authors of this report during interviews in Somalia.<sup>76</sup>

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70 Ibid.

71 Ibid.

72 Key informant interviews, June-July 2016.

73 Key informant interviews, June 2016.

74 Ibid.

75 Ibid.

76 US Department of State (2016). Trafficking in Persons Report. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2016/258859.htm>



## Trafficking within Somalia

According to the US State Department's 2016 Trafficking in Persons Report, "Somalia is a source, transit, and destination country for men, women, and children subjected to forced labour and sex trafficking. Information regarding trafficking in Somalia remains extremely difficult to obtain or verify."<sup>77</sup> Interviews with government officials and interlocutors in Somalia confirmed the difficulty in obtaining credible information regarding human trafficking both within Somalia and trafficking of Somalis abroad.

Information focusing specifically on trafficking networks operating within Somalia was particularly difficult to obtain and verify. The US State Department's 2016 Trafficking in Persons Report asserts that in Somaliland, women act as recruiters and intermediaries to recruit victims to Puntland, Djibouti and Ethiopia for domestic servitude and sex trafficking. The report added, "Somali ethnic Bantus and Midgaan remain marginalized and are sometimes kept in servitude by more powerful Somali clan members as domestic workers, farm labourers, and herders."<sup>78</sup>

Government and law enforcement officials in Hargeisa reported that recruiters and intermediaries who previously recruited women and girls for domestic and sexual servitude for criminal groups engaged in piracy are now recruiting women to carry out the same work for smugglers and other criminal groups, a finding supported by the 2016 State Department report.<sup>79</sup>

Actors accused of trafficking children within Somalia for forced labour and sexual exploitation include local militias, foreign troops in Somalia as part of the African Union Mission in Somalia (AMISOM), and Al Shabaab.<sup>80</sup>

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77 Ibid.

78 Ibid.

79 Key informant interviews, June 2016. See also: US Department of State (2016). Trafficking in Persons Report.

80 US Department of State (2016). Trafficking in Persons Report. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2016/258859.htm>.



# 4.0

## THE SOMALI GOVERNMENT'S FRAMEWORK TO RESPOND

Researchers for this report interviewed various actors, including government and law enforcement officials in Somalia, as well as representatives from local and international organisations, in order to obtain credible information on the capacity of Somali authorities to collect, analyse, and share information in order to combat migrant smuggling and human trafficking networks. To some degree, interviews in Somalia provided limited information, partly due to the sensitivity of the subject and the limited number of concrete actions in Somalia to address migrant smuggling or human trafficking.

Limited capacity at different levels of the government remains a challenge, further exacerbated by the fact that migrant smuggling in Somalia is a multi-million-dollar industry, and many of those profiting from it are believed to have strong connections within formal and informal political structures. This allegedly allows networks to continue to operate, avoid arrest or prosecution and to obtain protection.<sup>81</sup>

### 4.1 Federal Government of Somalia and Puntland

#### Legal and institutional frameworks

The Federal Government of Somalia is not a party to the United Nations Convention against Transnational Organized Crime, or its supplementing protocols against smuggling of migrants or trafficking in persons. Nor has it passed any laws addressing migrant smuggling or human trafficking. The pre-1991 penal code outlaws forced labour and other forms of trafficking in persons, prescribing penalties of imprisonment from six months to five years, and three to 12 years respectively. The penal code also prohibits compelled prostitution of a person through violence or threats, with a penalty of imprisonment from two to six years.<sup>82</sup> Somalia's provisional constitution, adopted in 2012 and subject to national referendum, also prohibits slavery, servitude, trafficking and forced labour, as well as the use of children in armed conflict.<sup>83</sup>

81 Key informant interviews, June-July 2016.

82 US Department of State (2016). Trafficking in Persons Report. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2016/258859.htm>.

83 The Federal Republic of Somalia (2012). Provisional Constitution. Adopted August 1, 2012. Mogadishu Somalia. Available at: <http://hrlibrary.umn.edu/research/Somalia-Constitution2012.pdf>



According to interviews with government officials in Mogadishu, a “Law on Human Trafficking” has been drafted, but has not moved forward for ratification.<sup>84</sup> In addition to gaps in existing legal frameworks, law enforcement and justice authorities across Somalia are crippled by a lack of capacity. Civil unrest, conflict, and an ongoing campaign against Al Shabaab have hindered the Federal Government of Somalia’s ability to establish an administrative presence throughout the entire country, and according to the aforementioned 2016 State Department report, the government “lacked sufficient training, resources, and capacity to effectively prosecute traffickers, protect victims, or prevent the crime.”<sup>85</sup>

In 2016, the prime minister announced the establishment of three separate task forces to better manage migration issues.<sup>86</sup> A High Level Task Force, established in May 2016, is responsible for establishing policies and relevant legislation concerning migration. The task force is to be led by the Ministry of Internal Security and co-chaired by the Ministry of Interior and Federal Affairs, as well as the Ministry of Foreign Affairs and Investment Promotion. According to its founding document, the High Level Task Force includes representatives from the Ministry of Justice, the Ministry of Interior and Federal Affairs, the Ministry of Information, Culture and Tourism, the Ministry of Planning and International Cooperation, regional focal points, and the Special Envoy for Children’s and Migrants Rights.<sup>87</sup>

In addition to the High Level Task Force, the Prime Minister also launched two “technical” task forces. The Technical Task Force on Human Trafficking and Smuggling is mandated to set up a strategy to implement policies and legislation on migration, set up programs to prevent illegal migration, carry out necessary tasks on border control, provide reports to the High Level Task Force, and take appropriate measures on investigating and prosecuting human traffickers and smugglers. It is comprised of representatives from the Ministry of Internal Security, the Ministry of Justice and Judicial Affairs, the Ministry of Interior and Federal Affairs, the Ministry of Information, Culture and Tourism, the Office of the Special Envoy for Children’s and Migrants’ Rights and regional focal points.<sup>88</sup>

The second technical task force, The Technical Task Force on Return and Readmission on Managing Migration, is led by the Ministry of Internal Security, and supported by the Ministry of Interior and Federal Affairs, the Ministry of Justice and Judicial Affairs, the Ministry of Foreign Affairs and Investment promotion, the Office of the Special Envoy for Children’s and Migrants Rights, and “any other Ministry that maybe [sic] needed.” The document that establishes the task force does not elaborate on its terms of reference.<sup>89</sup>

84 Key informant interviews, June 2016.

85 US Department of State (2016). Trafficking in Persons Report. Available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2016/258859.htm>

86 RMMS (2016). Regional Mixed Migration Summary for June 2016. Available at: [http://www.regionalmms.org/monthlysummary/RMMS\\_Mixed\\_Migration\\_Monthly\\_Summary\\_June\\_2016.pdf](http://www.regionalmms.org/monthlysummary/RMMS_Mixed_Migration_Monthly_Summary_June_2016.pdf)

87 Office of the Prime Minister, Government of the Federal Republic of Somalia (2016). Establishment of High Level & Technical Task Forces on Somalia Managing Migration.

88 Ibid.

89 Ibid.



Puntland is party to all international conventions and treaties signed by the pre-1991 government and to any new conventions signed by the Federal Government of Somalia.<sup>90</sup> Thus, Puntland would be party to the UN protocols against smuggling of migrants and trafficking in persons in the event that the Federal Government of Somalia were to ratify the convention.

Puntland has a functioning, if limited, legal system in place, but the lack of legal frameworks and law enforcement capacity remain a serious impediment to investigating and prosecuting migrant smuggling and human trafficking. The United Nations Office on Drugs and Crime (UNODC) has discussed proposed draft legislation on trafficking in persons with authorities from Puntland, and strategies have been presented on “the adoption of the drafts into national legislation.”<sup>91</sup>

### Capacity to collect, analyse and share data

The Federal Government of Somalia currently lacks the mechanisms to analyse data on migrant smuggling and human trafficking networks, nor does it have the capacity to do so. There is a lack of knowledge about both issues, and the role of protecting and reintegrating victims has been outsourced to international organisations. The Ministry of Justice, Ministry of Interior and Federal Affairs, the Ministry of Information, Culture and Tourism, the Ministry of Planning and International Cooperation, and the Special Envoy for Children’s and Migrants Rights, are all members of the newly established task forces, but none, at present, are collecting, analysing or sharing data on migrant smuggling or human trafficking in a systematic way. Key informant interviews indicated that efforts to develop capacity to investigate and prosecute migrant smuggling or human trafficking crimes would require doing so across the entire penal chain.<sup>92</sup>

Authorities in Puntland also lack the capacity to collect, analyse, or share data on migrant smuggling and human trafficking networks. In 2013, the International Organization for Migration (IOM) established the Puntland Counter Trafficking Board to “help bring together actors in curbing human trafficking in Puntland,” and to “provide a new arena for partners involved in the fight against Human Trafficking and promote multi-agency collaboration.”<sup>93</sup> IOM also established a Counter-Trafficking Unit within the police in Garowe, Bossaso, and Galkayo. In addition to training officers in human trafficking, IOM donated equipment and a vehicle and established a hotline for the general public to report actual or suspected cases of human trafficking.<sup>94</sup> Despite these developments, interviews conducted in Puntland

90 RMMS (2016). Country Profiles: Somalia/Somaliland. Available at: [http://www.regionalmms.org/index.php/country-profiles/somalia-somaliland#\\_edn1](http://www.regionalmms.org/index.php/country-profiles/somalia-somaliland#_edn1)

91 UNODC (2015). Legislative initiatives on trafficking in persons in Kenya and Somalia. <https://www.unodc.org/easternafrika/en/Stories/legislative-initiatives-on-trafficking-in-persons-in-kenya-and-somalia.html>

92 Key informant interviews, June-July 2016.

93 IOM (2014). Counter Trafficking Factsheet: <https://www.iom.int/files/live/sites/iom/files/Country/docs/IOM-Somalia-Counter-Trafficking-Factsheet.pdf>

94 Ibid.



did not provide sufficient information regarding the ongoing activities of either the Puntland Counter Trafficking Board or the Counter-Trafficking Units.

Another important institution is the Puntland Mixed Migration Taskforce (MMTF), which consists of representatives from UNHCR, IOM, the UN's Office for the Coordination of Humanitarian Affairs, the Migration Response Centre (MRC), the Danish Refugee Council and the Ministry of Interior. MMTF meetings are convened by IOM. Since the pace of arrivals into Puntland from Yemen slowed down (at which time there was a separate taskforce on arrivals from Yemen), the Puntland MMTF started to meet again on a regular basis. In its October 2016 meeting, the MMTF decided, among other things: to harmonize data on mixed migration from either the Ministry of Interior, the MRC or other members; to include other stakeholders such as the General Hospital Management, the Immigration Department, the Coast Guard, Legal Aid and the Bari Police Commander in a mixed migration network to share information more easily; and to direct all mixed migration issues to the Ministry of Interior, which is the mandated government institution. MMTF members also discussed, since there is no law on migrant smuggling in Puntland, the importance of advocating for the development of the legal framework to protect migrants from smuggling (and trafficking).

The MRC in Bossaso could play an important role in collecting information and data on mixed migration, and smuggling and trafficking in particular. A description of the operations of MRCs (which also applies to the MRC in Puntland) is provided in the section below on the capacity to collect, analyse and share information on smuggling and trafficking in Somaliland.

## Outside support

The police in Somalia have received some, but very little, outside training on human trafficking. In December 2014, for example, IOM, under a project titled "Prevention of Trafficking, Gender Based Violence and Protection and Care for Victims in Somalia," conducted a three-day workshop attended by 10 police officers from the Somali Anti Trafficking Police Unit. The training aimed to enhance "understanding of transnational organized crime and human trafficking, the investigation process and approaches, assistance and protection of victims and the link between gender and human trafficking."<sup>95</sup>

In October 2015, IOM held an EU-funded workshop with the Puntland Counter Trafficking Board "to review an action plan and response strategy to address human trafficking in the Puntland State of Somalia." Development of the action plan is underway in coordination with the Ministry of Security and Demobilization, Disarmament and Reintegration as well as the Ministry of Women Development and Family Affairs, with the support of UNODC.<sup>96</sup>

95 The African Capacity Building Centre (2014). ACBC Trains Somali Police Officers in Human Trafficking Investigation. Available at: <http://acbc.iom.int/menu-recent-activity/63-acbc-trains-somali-police-officers-in-human-trafficking-investigation>.

96 IOM (2015). EU, IOM Back Puntland Counter Trafficking Strategy Review. <https://www.iom.int/news/eu-iom-back-puntland-counter-trafficking-strategy-review>.



Also in October 2015, IOM with support from the European Union and the Japanese government, organised trainings on “counter trafficking and the development of a human trafficking legislative framework for 20 Puntland prosecutors” that were “designed to improve the effectiveness of the authorities in addressing and prosecuting trafficking cases.”<sup>97</sup> A subsequent October 2015 workshop led by IOM provided a “training and review of Puntland’s referral mechanism for victims of trafficking in Garowe,” that was facilitated by Puntland’s Ministry of Women and Development Affairs, the Attorney General’s Office, IOM, UNICEF and the United Nations Assistance Mission in Somalia (UNSOM), and attended by the Puntland Counter Trafficking Board and members of the Child Protection Working Group.<sup>98</sup>

IOM recently broke ground in Garowe on the construction of a Norway-funded project to build the immigration headquarters for Puntland’s Ministry for Security and Disarmament, Demobilization and Reintegration. According to IOM, the building will “house the central database server for passport registration and data collection systems installed by IOM, called MIDAS (Migration Information and Data Analysis System), an equipped immigration training room, and the administrative headquarters for the Department of Immigration staff. The goal is to effectively deliver and manage immigration and border management services – including passport processing, visa processing and issuance services.”<sup>99</sup>

IOM currently has a USD 1 million project which seeks to create sustainable structures, address human trafficking through awareness raising, provision of care and support to victims of trafficking, while also building the capacity of civil society, police, and prosecutors in Somalia. The key parts of the project as they relate to human trafficking include: strengthening referral processes of victims of trafficking in Puntland and South Central Somalia; improving the institutional response to human trafficking in Somalia through strengthening the capacity of police, immigration, security agents, coastguards, prosecutors, and members of Counter Trafficking Boards in Puntland and South Central Somalia to identify and respond to trafficking cases; and strengthening the capacity of Counter Trafficking Boards and civil society to advocate to the government for improved and continued engagement in counter-trafficking activities.<sup>100</sup>

In June 2016, IOM organised, with support from the European Union and the Japanese government, “the first ever consultative meeting aimed at improving collaboration and coordination to combat human trafficking in Somalia.” The meeting aimed to facilitate the “sharing of best practices to enable the Federal States of Somalia to identify strategic areas

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97 IOM (2015). IOM Trains Puntland Prosecutors in Counter Trafficking. <https://www.iom.int/news/iom-trains-puntland-prosecutors-counter-trafficking>.

98 IOM (2015). IOM Organizes Training, Review of Trafficking Referral Mechanism in Puntland, Somalia. <https://www.iom.int/news/iom-organizes-training-review-trafficking-referral-mechanism-puntland-somalia>.

99 IOM (2016). Construction of Puntland Immigration Headquarters in Garowe Begins with IOM Support. Available at: <http://www.iom.int/news/construction-puntland-immigration-headquarters-garowe-begins-iom-support>.

100 IOM (2016). IOM Humanitarian Compendium: Somalia. <http://humanitariancompendium.iom.int/somalia/2016>.



for collaboration and coordination between government and other actors tasked with preventing trafficking, providing assistance to victims and prosecuting traffickers.”<sup>101</sup>

On 30 September 2016, IOM signed an agreement with the European Union to implement a EUR 5 million project as part of the EU Emergency Trust Fund for Africa’s REINTEG programme, which “aims to contribute to sustainable and durable solutions of the returnees and vulnerable population in need by increasing the capacity of the government to provide immediate assistance and deliver reinsertion support, improving data collection, monitoring of, and planning for movements.” The project will also provide support to the Government of Somalia’s inter-ministerial working group on migration towards developing a Migration Governance Framework. According to IOM, the project is part of a broader goal to help the Government of Somalia move “away from ad-hoc responses to crisis, to creating the long term structures and processes for managing migration and to developing durable policies for dealing with migration that are data driven and consistent across the whole of government.”<sup>102</sup>

The counter-trafficking initiatives outlined above would, in theory, also go towards building the capacity of local authorities to counter smuggling networks, but the overlap only goes so far. While the training is aimed at raising awareness and building the capacity of Somali authorities to understand human trafficking, recognise cases, and refer victims to protective services, they do not cover what would be the basic police and judicial procedures for collecting and analysing information on how migrant smuggling networks function, and interviews in Puntland and South Central Somalia suggest that authorities lack a basic understanding of the difference between migrant smuggling and human trafficking.<sup>103</sup>

## 4.2 Somaliland

### Legal and institutional frameworks

Like Puntland, Somaliland does have some functioning legal systems in place, but there are serious gaps both in terms of legal frameworks and law enforcement capacity which limit the ability to investigate or prosecute migrant smuggling and human trafficking. Officials in Hargeisa reported that Somaliland’s laws call for anyone who enters Somaliland illegally to be arrested, but beyond that, do not have clear laws or procedures for dealing with migrant smuggling or human trafficking.<sup>104</sup> Somaliland also received support from UNODC to discuss proposed draft legislation on human trafficking.<sup>105</sup> According to

101 IOM (2016). IOM Calls for Coordinated Effort to Tackle Human Trafficking in Somalia. <https://www.iom.int/news/iom-calls-coordinated-effort-tackle-human-trafficking-somalia>.

102 IOM (2016). EU, IOM Facilitating Sustainable Return in Somalia. Horn of Africa. Available at <https://www.iom.int/news/eu-iom-facilitating-sustainable-return-somalia-horn-africa>.

103 Key informant interviews, June-July 2017.

104 Key informant interviews, June 2016.

105 UNODC (2015). Legislative initiatives on trafficking in persons in Kenya and Somalia. <https://www.unodc.org/easternafrika/en/Stories/legislative-initiatives-on-trafficking-in-persons-in-kenya-and-somalia.html>





participants at workshop held during the preparation of this report (see below), separate laws have been drafted on smuggling and trafficking, but have not yet been passed by parliament.<sup>106</sup>

In Somaliland, local authorities were frank about the fact that they are ill-equipped to deal with the flows of Ethiopians transiting through the territory and the number of people from Somaliland who are being kidnapped for ransom while transiting towards Europe.<sup>107</sup> In response, the Minister of Interior recently launched the Counter Human Trafficking Agency of Somaliland, known colloquially as HAKAD. Established by ministerial decree, the document authorising the creation of HAKAD references the United Nations Convention against Transnational Organized Crime and its supplementing protocols against trafficking in persons, notes that Somaliland does not have any laws criminalising trafficking, and cites “an urgent need to fill legislative gaps.” HAKAD, the document explains, is a response to the “negative effects of the ever going Criminal Human Trafficking operating by powerful business cartels who rampantly exploit men, women, youth and children, resulting in thousands of fellow citizens who die in the high seas or are languishing in prisons while thousands more are held up as slave labour in the Gulf Countries.”<sup>108</sup>

Another institution involved in addressing mixed migration flows more generally is the Somaliland Mixed Migration Taskforce (MMTF) established in 2007 and co-chaired, like other MMTFs in the region, by UNHCR and IOM. After the Regional Conference on Refugee Protection and International Migration in the Gulf of Aden, held in Sana’a in May 2008, authorities from Somaliland formed an inter-ministerial task force comprised of Somaliland’s ministries of Interior, Justice, Labour and that of Resettlement, Rehabilitation & Reconstruction (MRR&R), as well as the National Commission for Human Rights and the Department of Immigration, together with representation from the international organizations and NGOs making up the MMTF. In June 2013, this inter-ministerial task force was transformed into the unified, permanent Somaliland Mixed Migration Task force (Somaliland MMTF), chaired by the Ministry of Foreign Affairs and International Cooperation, co-chaired by IOM and with the Somaliland National Human Rights Commission (SLNHRC) acting as the secretariat.

In June 2016, the Ministry of Justice took over the chair of the MMTF,<sup>109</sup> with IOM and UNHCR as co-chairs. The aim of the MMTF is to develop a rights-based strategy to ensure a comprehensive and coordinated response to the protection and the humanitarian needs of migrants and asylum seekers transiting through Somaliland, and to minimize the dangers imposed by Somaliland youth migrating abroad (*tahriib*). The mandate of the MMTF includes:

106 Somaliland workshop, 17 November 2016, Addis Ababa.

107 Key informant interviews, June 2016.

108 Documents viewed by author during field visit to Hargeisa, June 2016.

109 Current members of the MMTF include: Ministry of Foreign Affairs & International Cooperation; Ministry of RR&R; Ministry of Justice; Ministry of Interior; Ministry of Labour & Social Affairs; Immigration Department; Somaliland National Human Rights Commission; IOM; UNHCR; UNDP; UNICEF; Danish Refugee Council (DRC); Norwegian Refugee Council (NRC).



- Developing a national strategic framework for guiding the Somaliland authorities and its international partners in their humanitarian interventions with respect to mixed migration in Somaliland;
- Initiating advocacy campaigns to create awareness of the dangers of irregular migration; and
- Building the capacity of government and non-government agencies to mitigate the consequences of irregular migration.

The MMTF also aims to strengthen multinational initiatives and promote a regional approach to mixed migration, with a focus on information-sharing and joint planning among all relevant stakeholders.

### Capacity to collect, analyse and share data

The intended key functions of HAKAD include developing adequate legislation on trafficking in persons, initiating a criminal justice response, collecting data on investigations, prosecutions and convictions, mapping trafficking networks operating locally, regionally and internationally, conducting financial investigations of traffickers and their related business (travel agencies, remittance companies), providing protection and support to victims, holding awareness events and workshops, and establishing a national service program to boost employment opportunities.<sup>110</sup> The nine-member advisory board is chaired by the Minister of Interior, and consists of the head of immigration, the police commissioner, the Ministry of Interior's security coordinator, the Minister of Commerce, the Minister of Justice, the Minister of Social Services and Labour, the Chairman of the Parliamentary Internal Affairs Committee, and an honorary member from development agencies.<sup>111</sup>

The Migration Response Centre (MRC) in Hargeisa plays an important role in collecting information and data on mixed migration, including smuggling and trafficking. On the basis of strong institutional ownership, IOM works closely with authorities in the region, including in Somaliland, to support a series of MRCs in different locations along migration corridors. The MRC in Hargeisa is being managed by the Ministry of Resettlement, Reconstruction and Rehabilitation (MRR&R), supported by IOM and set up around IOM's institutional priorities of i) protecting migrants' basic rights; ii) addressing irregular migration drivers; iii) promoting safe, orderly and dignified human mobility, countering migrant smuggling and people trafficking; iv) developing partnerships for growth and competitiveness; and v) supporting governments as they build their capacities to respond to mixed migration.

The MRCs aim to provide direct assistance to migrants and support the federal states in the management of mixed migration flows. These MRCs not only present a forum to assist migrants and build government capacity, but also provide an opportunity to capture key information from irregular migrants. The MRCs are the frontline on which the government and IOM interact directly with migrants, which generates a wealth of information and data.

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110 Documents viewed by author during field visit to Hargeisa, June 2016.

111 Ibid.



IOM has developed an “MRC Data Collection System,” a smart phone-based application that allows for migrant profiles and protection needs to be identified and organized in a comprehensive and region-wide manner. The set-up, training, and roll-out of this system was completed during an August 2016 meeting in Hargeisa, attended by MRC staff from Ethiopia, Djibouti, Somaliland, Puntland and Sudan.<sup>112</sup>

According to interviews with representatives from the Ministry of Interior (MOI), the relevant security agencies- which include the police, coastguard, immigration, criminal investigations division, and special branch within the Ministry of Interior - are not mandated and do not have the capacity to collect information on human trafficking and/or smuggling. HAKAD was formed to address these issues, but currently, there is no capacity to collect, analyse or share information regarding human trafficking or migrant smuggling, no specific mechanisms for doing so, and no database that is used for data collection or analysis.

A lack of legal frameworks as well as lack of resources often leaves local authorities to improvise when they intercept smugglers or traffickers. Officials in Hargeisa said that after a boat sank in the Mediterranean in April 2016, killing more than 400 people, including many Somalis, some of whom were from influential families, public pressure provided new impetus to crack down on smuggling networks. The officials assert that they targeted 34 smuggling rings in a four-month span. Some of the smugglers were jailed, some fined, some released, while others were repatriated. According to the same officials, the ringleaders of these networks are currently in jail and have been charged with aiding smuggling.<sup>113</sup> The crackdown was a success, in theory, but it also highlighted some institutional weaknesses that need to be addressed. In some cases, smugglers and traffickers are arrested, but local authorities are not sure what to charge them with. After holding them for a period of time without any formal charges, they eventually decide to let them go.<sup>114</sup>

Authorities in Somaliland said they are sometimes overwhelmed when they intercept a group of migrants. With limited means to transport them to a holding facility, or offer provisions, some local police are believed to often let them continue for a fee, or, if the migrants are not Somalilanders, try to arrange for their deportation. When the coastguard intercepts boats at the coast, they may be overwhelmed by the numbers, and may decide to let the boat continue, contact IOM, or encourage migrants to go back to Hargeisa. Allowing migrants continue their journey is often determined to be the best option for all parties involved.<sup>115</sup>

As in other areas of Somalia, Somaliland’s police and immigration authorities have limited resources and capacity to counter the migrant smuggling and human trafficking networks operating within its borders. In addition to the protection issues that arise from these types of situations, authorities confirmed that many police officers involved had not been sufficiently trained to obtain or record information on the migrant smuggling networks

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112 IOM (2016). Migration Response Center (MRC) Regional Meeting, Hargeisa, 9-10 August 2016.

113 Key informant interviews, June 2016.

114 Ibid.

115 Key informant interviews, June-July 2016.



facilitating the movement of migrants they encounter, nor do they take the time to identify trafficked victims.<sup>116</sup>

Within Somaliland, the coastguard, immigration authorities, police, and Ministry of Interior all have different insight into these networks, but there is no formal mechanism for collecting and sharing it.

Some authorities in Somaliland also cited a lack of mechanisms for sharing information about migrant smuggling networks with authorities in Puntland. Somaliland officials also said they have met with Ethiopian authorities and have asked them to help prevent illegal crossings into Somaliland and have asked for Ethiopia's help in tracing the networks and sharing information.<sup>117</sup> Immigration departments from Djibouti, Somaliland and Ethiopia are currently piloting a joint information sharing platform on migration, including on human trafficking and smuggling. There are memoranda of understanding between the countries and plans are underway to launch bilateral agreements on these initiatives.<sup>118</sup>

Lastly, there is the persistent challenge of trying to police long, porous borders with limited resources. Somaliland has regular police and immigration police at some border points, but they are there for the purpose of controlling regular movement of people and goods, not to detect and intercept hundreds of people crossing irregularly on a given day. "We normally depend on the public to give us info on large movements, but even when we get this info, it is hard to act on it because we do not have capacity," said a representative from the Ministry of Interior.<sup>119</sup> The border police in Somaliland, according to officials in Hargeisa, only has one vehicle dedicated to surveillance and patrols, which means they can only cover a 50 kilometre radius from their post at the Tog Wajaale crossing. "We cannot go to where the smugglers actually are," one official said.<sup>120</sup>

## Outside Support

Since 2007, IOM has been assisting Somaliland in migration and border management, and recently put out a call for proposals as part of a project to design, develop and deploy a web-based Human Resource Management Information System.<sup>121</sup>

UNODC has carried out several projects to help counter piracy in Somalia.<sup>122</sup> It currently has one ongoing project focusing on building the institutional capacity of states in the

116 Ibid.

117 Key informant interviews, June 2016.

118 Somaliland workshop, 17 November 2016, Addis Ababa.

119 Key informant interview, June 2016.

120 Ibid.

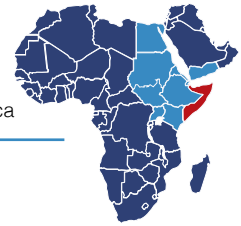
121 IOM (2016). Call for Proposal to Develop a Human Resource Management Database for Somaliland Immigration Department. <http://ronairobi.iom.int/our-work/programmes/workersprofessionals/item/756-call-for-proposal-to-develop-a-human-resource-management-database-for-somaliland-immigration-department>.

122 UNODC (nda). Supporting regional States in prosecuting piracy.

<https://www.unodc.org/easternafrika/en/ongoing-projects/maritime-crime-programme.html>.

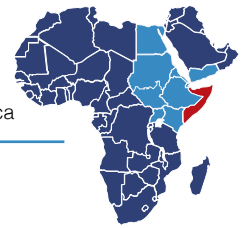


Horn of Africa to prosecute piracy. The project “seeks to enhance the institutional capacity of the criminal justice system” and provide support targeted towards “the police, public prosecutors, judiciary and the prisons within the region, thus ensuring that the arrest, detention, prosecution and subsequent imprisonment of pirates are consistent with universally accepted norms and standards pertaining to human rights and criminal justice.”<sup>123</sup> Although these initiatives are not targeted towards migrant smuggling and human trafficking directly, they do provide a template for building the types of institutional capacity necessary to counter migrant smuggling and human trafficking networks.



# 5.0 RECOMMENDATIONS

- Provide support to the Federal Government of Somalia to make acceding to the Palermo Protocols against Smuggling of Migrants and Trafficking in Persons a priority.
- Work with relevant authorities in the federal states to make sure national and regional laws are fully in line with UNTOC definitions of migrant smuggling and human trafficking. Complement updating these laws with a campaign to make sure every actor within the penal chain, from arrest to prosecution, is fully familiar with the laws.
- Expand existing projects, even those unrelated to migrant smuggling and human trafficking, which strengthen the penal chain to increase overall capacity to prosecute crimes. Start from the beginning with training law enforcement in the basics of carrying out investigations. Support judicial officials/local courts to enforce or develop clear guidelines for punishment for those implicated with trafficking and or smuggling.
- Expand existing training programs and workshops geared towards understanding human trafficking and recognising victims. Make sure these programs target stakeholders operating at the technical level. Incorporate understanding the difference between migrant smuggling and human trafficking as a key component of this training.
- Expand upon existing UNODC anti-piracy projects by incorporating anti-smuggling components into the programming. Expand upon existing IOM anti-trafficking projects by incorporating anti-smuggling components into the programming.
- Systematize how information about migrant smuggling and human trafficking networks is gathered. There is a tremendous amount of human intelligence and knowledge about these networks, but it is not reported and collected by authorities in any coherent way.
- Develop a uniform system for collecting data on migrant smuggling and human trafficking networks using common definitions, coding, and methods of collection across all agencies involved. Create formal procedures for collecting and recording this information, and a formal mechanism for sharing it across agencies. Make sure the system is the same in all federal states.



- Establish a formal mechanism for sharing information between Somaliland and Puntland, as well as Somaliland and Ethiopia.
- Develop information campaigns that focus specifically on the risk of the “leave now-pay later,” schemes. Somali migrants are quite aware of the dangers the journey through Sudan and Libya might entail, but the “leave now-pay later” scheme is newer, and particularly dangerous.
- For Somaliland and Puntland, increase the capacity of the state to “project power” into rural areas by establishing and equipping mobile police units capable of patrolling large swaths of territory. Provide training specific to these roles and responsibilities. Strengthen the linkages between police and humanitarian actors to enhance the protection response.



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## ANNEX

# CHALLENGES AND NEEDS OF NATIONAL AUTHORITIES IN SOMALILAND

## Introduction

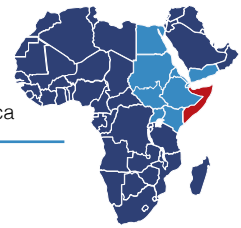
This analysis has been processed through the organisation of a consultative workshop held on the 17 November 2016 with representatives from the Mixed Migration Task Force and the Counter Human Trafficking Agency of Somaliland commonly named “HAKAD”. This exercise was facilitated by Expertise France and the Regional Mixed Migration Secretariat (RMMS) with the support from European Union police experts from the French Ministry of Interior, “*Direction de la Coopération Internationale*” and the Italian Ministry of Defence “*Carabinieri*”. The aim of the consultation was to review the country research and analyse the institutional needs for capacity building and training.

## Summary of the findings

### 1. Review of the country statement by national institutions

RMMS presented the major outcomes of the research, after which the floor was opened for discussion, comments and questions. Issues raised by participants included:

- The Somali diaspora can influence aspirations for outmigration in various ways including through remittances which provide resources to migrate, chain migration and social media. However, participants noted that aspirations to migrate may be more strongly influenced by economic migrants than political migrants/exiled nationals living abroad as the latter did not leave the country voluntarily (further research in this area is recommended).
- Participants urged the European Union and the international community to allocate more resources, both financial and technical, to address the root causes of irregular migration from and through Somaliland and to strengthen government capacity to tackle human smuggling and trafficking.
- Somaliland is a major source and transit country and the number of migrants transiting through the country has increased over the years, however the government has limited capacity (including resources) to stem the flow.



- There is no specific legislation to deal with human trafficking and smuggling in Somaliland and the existing criminal law/penal code is not sufficient to tackle the issue. However, with support from UNODC, Somaliland has prepared draft legislation on human trafficking and migrant smuggling (to be passed by parliament).
- There are positive aspects of migration which should be considered – for instance, remittances from Somalis residing abroad support the development of local socio-economic sectors.
- Immigration departments from Djibouti, Somaliland and Ethiopia are currently piloting a joint information sharing platform on migration including human trafficking and smuggling. There are memoranda of understanding between the countries and plans are underway to launch bilateral agreements on these initiatives.
- The political situation in Ethiopia has resulted in emergence of new migration routes such as the Somaliland/ Puntland-Yemen-Sudan and Libya route for migrants travelling to Europe. Related to this is the need to carry out periodic research on emerging trends in mixed migration in Somaliland and Puntland. (e.g. changing routes, drivers etc)

## Group sessions

### 2. Challenges and capacity needs

The participants were divided into three groups and held discussions, during which they reviewed a case study on migrant smuggling/human trafficking to assess the existing capacities, challenges and needs of key institutions and procedures in handling trafficking and smuggling. Participants were also tasked to identify potential training needs.

#### Information collection and sharing

- Participants highlighted the challenges facing law enforcement and other frontline agencies in Somaliland for the collection of information related to smuggling and trafficking. Beside the lack of dedicated legislative frameworks and general lack of logistic and technical resources, Somaliland has limited specialised or adequately trained police officers to collect information and identify important data related to smuggling of migrants and trafficking in persons. These include the capacity to identify victims of trafficking, first hand categorisation between economic migrants and asylum seekers as well as recognising suspected smugglers and traffickers.
- There is limited coordination between frontline agents from border control, immigration, criminal police and the coastguard, which results in scarce systems for collecting information and different protocols for investigation and identification of smuggling and trafficking cases. There are no standard operating procedures for collecting and sharing information.



- Technical needs also include the capacity to control identity, particularly the essential tools and methodology to verify and process documents and identify forged and counterfeit personal identification.
- There is no substantial capacity for the identification and referral of victims of trafficking and migrants with protection vulnerabilities in remote border areas. Currently the only capacity remains at the Migration Response Centre (MRC) located in Hargeisa, which has a limited ability to register, establish profile and refer individual cases. Key priorities for the authorities are to reinforce the MRC in Hargeisa in setting up mobile teams to reach migrants and victims of trafficking and to improve its registration and referral systems to handle migrants facing critical needs of assistance and protection. Moreover, there is a need to increase access to information about existing structures to receive victims of trafficking and vulnerable migrants by first responders, including law enforcement agents. There is a project to establish new MRC across the country in the principal migratory cross roads.
- Somaliland currently receives support from the government of the United Kingdom in reinforcing its forensic capacity that has resulted in well-trained criminal police officers, however this technical expertise is only available in Hargeisa and there is a limited chain of information for front line agents in requesting and receiving such technical support.

## Data management and records

- The first priority raised by participants was to establish a centralised information management system (IMS) for human trafficking and migrant smuggling at the central and field level to ensure appropriate record and transfer of data.
- Participants also identified the need to establish a special unit to manage human trafficking and smuggling records at law enforcement and judiciary levels. This unit should benefit from dedicated infrastructure (offices) in border areas to facilitate collaboration between the Immigration Department and the Office of the Attorney General.
- Existing information management system called BIIS should be strengthened and establish capacity to manage and record immigration data from different sources.

## Policy and strategic planning

- There are currently no legislative frameworks for addressing smuggling of migrants and trafficking in persons. Consequently, participants requested specific support in developing such frameworks.
- There are currently two coordination structures with mandates to address irregular migration and related issues (e.g. Mixed Migration Taskforce for coordinating overall migration issues and the Counter Human Trafficking Agency of Somaliland. Support was requested to strengthen their role and ensure adequate complementarity.



- There is currently no specific judiciary structure or process for prosecuting cases of smuggling and trafficking. Participants from the Ministry of Justice and the Office of the Attorney General recommended the establishment of immigration courts to handle offenses related to irregular migration, specifically those of smuggling of migrants and trafficking in persons. Those jurisdictions should be reinforced by the creation and/or expansion of correctional facilities integrating protection standards (e.g. separate facilities for different genders, vulnerable groups, etc.).
- The Human Rights Commission is currently the only body to ensure human rights accountability and standards of institutional response to trafficking in persons and smuggling of migrants, including for law enforcement agencies. Participants suggested providing support to reinforce the monitoring capacity of all government agencies with a specific focus on human rights and protection. This support should take the form of human rights training and awareness to all government agencies and the public as well as trainings and integration of human rights standards in information management system).

### 3. Training needs and priorities

- Key aspects of investigative procedures and standard operating procedures for collecting, sharing and managing information on trafficking and smuggling (including referral of victims and suspects).
- Training on capacity and resources to establish a harmonized information management system.
- Training on analysing and reporting situations and cases of trafficking and smuggling.
- Training to MRC staffs, criminal police, immigration and the judiciary on establishing victim protection response (profiling needs of victims and mapping protection services).
- Training and sensitization of legislators and policy makers on trafficking and smuggling.
- Joint training for investigators, prosecutors, judicial officers and first responders on issues of smuggling/trafficking.
- Training on monitoring and evaluation of interventions (methodology for accountability and impact).
- Training on coordinated strategic and operational planning.



## Conclusion

The participants acknowledged the challenges faced in Somaliland in relation to mixed migration and emphasized the need for cooperation and support to address priority issues in the territory. Some of the key challenges for the institutional response to smuggling of migrants were related to lack of dedicated legislative and policy frameworks. The establishment of dedicated coordination forums at policy and technical levels (e.g. the Mixed Migration Taskforce and the Counter Human Trafficking Agency of Somaliland) is a step towards an effective response in reducing the negative impact of irregular migrations.

# Institutional challenges and priority needs

Topics/ issues	Gaps & challenges	Existing framework/ response
Information collection and referral	<p>Lack of capacity to identify, investigate and refer cases of smuggling of migrants (SoM) and trafficking in persons (TiP)</p> <p>Limited coordination between frontline agents from border control, immigration, criminal police and coastguard</p> <p>Lack of capacity to verify identity, particularly the essential tools and methodology to verify and process documents and identify forged and counter-fact personal identification</p> <p>Limited capacity of identification and referral of victims of trafficking (VoT) and migrants with protection vulnerabilities in remote border areas</p> <p>Limited forensic collection and referral at front line level</p>	<p>No existing formal framework</p> <p>Migrant Response Center in Hargeisa supports identification and referral of vulnerable migrants and VoT</p> <p>Support from the government of the United Kingdom in reinforcing Somaliland forensic capacity</p>
Data management	<p>Existing centralised information management system to be strengthened and establish capacity to manage and record immigration data from different sources.</p>	<p>Information management system/ Mixed Migration Taskforce</p>
Strategic planning	<p>Lack of legislative frameworks addressing smuggling of migrants and trafficking in persons</p> <ul style="list-style-type: none"> <li>• <b>Strengthen the role</b> and ensure adequate complementarity of existing coordination structures/ forums</li> <li>• <b>No specific judiciary structure and process</b> for prosecuting cases of smuggling and trafficking</li> <li>• <b>Lack of dedicated correctional facilities</b> integrating protection standards (separation of victims of trafficking/children and women from smugglers &amp; traffickers)</li> <li>• <b>Human rights accountability</b> and effective use of law enforcement and other institutional response</li> </ul>	<p>Counter Human Trafficking Agency of Somaliland</p> <p>Mixed Migration Task Force/Counter Human Trafficking Agency of Somaliland</p> <p>Ministry of Justice/office of the Attorney General</p> <p>Ministry of Justice/Office of the Attorney General</p> <p>Human Rights Commission</p>



# Training priorities

Topics /issues	Priority needs	Training needs
<p style="writing-mode: vertical-rl; transform: rotate(180deg);"><b>Information collection and referral</b></p>	<p>Establish mechanisms and procedures for investigating SoM and TiP and sharing information across government departments, ministries, and agencies (SoPs):</p> <ul style="list-style-type: none"> <li>Enhance knowledge for the identification and referral of suspected smugglers and traffickers.</li> <li>Enhance knowledge for identification and referral of VoT and migrants with protection needs within law enforcement agencies and other governmental institutions and non-governmental organisations</li> </ul> <p>Improve capacity to control identity, particularly the essential tools and methodology to verify and process documents and identify forged and counter-fact personal identification</p>	<p>Key aspects of investigative procedures and standard operating procedures (SOPs) for collecting, sharing and managing information on trafficking and smuggling (including referral of victims and suspects):</p> <ul style="list-style-type: none"> <li>Collecting and documenting data on smugglers and traffickers (how to collect profiling data)</li> <li>Identification and referral VoT and witness (patterns of the needs/ mapping existing services)</li> </ul> <p>Methodology and tools to verify and control identity documentation (how to recognise forged and counterfeit IDs)</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);"><b>Data management and records</b></p>	<p>Improvement of Information management system:</p> <ul style="list-style-type: none"> <li>Record &amp; database for suspects and convicted smugglers and traffickers</li> <li>Record &amp; database for VoT</li> <li>Security protocol and SOPs for confidential data</li> </ul>	<p>Capacity and resource to establish a harmonised IMS (why, what and how).</p> <p>Record identity and &amp; establish profile of suspects and convicts of SoM and TiP</p> <p>Record identity and &amp; establish profile of VoT</p> <p>Protection and security of confidential data (e.g. witness and victim identity and testimony)</p>

Topics /issues	Priority needs	Training needs
<b>Strategic planning</b>	<p><b>Develop a comprehensive legal framework and response</b> that specifically addresses the issue of smuggling (as distinct from trafficking) in line with the supplemental UNTOC protocol on migrant smuggling</p> <p><b>Key aspects and definition of TiP and SoM:</b> Develop a fact sheet providing key aspects for the identification of situation of TiP as defined in the Counter Trafficking in Persons Act for front line police officers, civil society organisations and NGOs</p> <p><b>Improve planning and operational management:</b> Mapping of priority areas of intervention (where, when, why).</p> <p>Allocation of technical resources (special police units/ agents, protection services, etc.).</p> <p>Establishment of funding requirement. Improve strategic &amp; operational planning.</p> <p><b>Establish a Human rights monitoring and evaluation system</b> for public intervention on TiP and SoM.</p>	<p><b>Support legislative reform</b> through training and sensitization to legislators on trafficking and smuggling</p> <p><b>Joint training and sensitization on SoM and TiP:</b> Methodology and tools to identify trends and patterns of SoM and TiP (when, where, how and why)</p> <p><b>Training on coordinated strategic and operational planning, including:</b></p> <ul style="list-style-type: none"> <li>• Mapping of intervention</li> <li>• Identification and deployment of technical resources</li> <li>• Budget planning and management</li> <li>• Strategic and operational tools &amp; reports</li> <li>• M&amp;E of intervention (methodology for human rights accountability and impact)</li> </ul>

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This report is one of a series of ten country statements, produced as part of the project *Addressing Mixed Migration Flows in Eastern Africa*. These reports provide an updated overview of migrant smuggling and human trafficking trends and dynamics and the modus operandi of criminal networks involved in facilitating irregular migration. The reports also highlight capacity gaps and challenges faced by governments in the region in responding to these phenomena, informing the identification of capacity-building needs in the areas of data collection, analysis and information sharing. The project is managed by Expertise France and is funded by the European Commission in the context of the EU-Horn of Africa Migration Route Initiative (the Khartoum Process).

This report is one of 10 country statement reports covering:  
Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan, Uganda and Yemen



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