



The phenomenon of human trafficking in light of the spread of conflicts and the absence of law

Case studies :Libya, Somalia, Djibouti

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Human Trafficking Amidst Widespread Conflicts and Absence of Law

Case Study: Libya, Somalia, Djibouti

Preamble:

Unfortunately, Africa is the largest and widest environment for the most dangerous forms of human trafficking due to the numerous acts of violence practiced there, topped by the tribal and clan conflicts on the one hand, and the proliferation of terrorist and extremist groups on the other hand. This, in addition to the concomitant massive violations of civilians' rights in the first place and the widespread phenomena that are contrary to the fundamental human rights, topped by human trafficking.

In light of the ongoing escalation of the conflict in most of the African states, these states suffer from widespread human trafficking operations, causing entire communities to become refugees and thereby they become easy targets for exploiters inside the refugee camps. Accordingly, Maat for Peace, Development and Human Rights presents the following study entitled **"Human Trafficking in Light of Widespread Conflicts and Absence of Law"** with three African states as case studies; namely: **Libya, Somalia and Djibouti as they are the most vital crossing points out of Africa.**

Humanitarian Violations and Human Trafficking Escalation

First: Libya... Human Trafficking is an Endless Human Disaster

A. Causes of widespread human trafficking in Libya

Poor institutional capacity, as well as the lack of law enforcement, customs and the Libyan military, especially along its borders, have hampered the authorities' efforts to combat human trafficking crimes. Although Libyan law criminalizes some forms of sex trafficking, it does not criminalize labor trafficking.

In the case of Libya, which is often used as a transit country, the issue of irregular migration is not new, but it has aggravated and reached a point of exploitation that shook the global conscience. At the same time, Libya's political and security vacuum has made it itself a prey to this phenomenon, which may lead to undesirable consequences. The country's preoccupation with war over the past years has caused the majority of West Coast cities to become escape points for hundreds of migrants to Europe, and we are

extracting the bodies of the victims from time to time, after the waves of the Mediterranean spawned them.¹

In addition to what is mentioned above, the Libyan political crisis and the challenges facing the roadmap and the intervention of foreign forces in the country, along with the absence of law with the proliferation of insecurity have made Libya a fertile environment for the spread of acts against to human rights, primarily human trafficking.

B. Second: Situations of human trafficking in Libya

There are 700,000 migrants in Libya, including 12,000 who intended to cross to Europe, but were stuck in Libya. According to the latest statistics on August 4, 2020, 171,000 migrants and refugees arrived in Europe from January to November 19, 2020, compared to about 300,000 migrants who entered the continent during the same period last year, 75% of those who arrived in Europe entered Italy, while the rest were distributed to Greece, Cyprus and Spain.²

Also, some human trafficking militias in western Libya have taken up smuggling operations, whether in state-backed oil or migrants across the Mediterranean to the nearest European shore. It is reported that the desire to flee to Europe is no longer limited to migrants, Libyans have entered the "adventure line", fleeing the economic conditions in the country, through frequent operations and in close times, which exposes them to the risk of human trafficking. Human trafficking takes place in Libya or near its coast. When migrants arrive in the coastal areas, which are gathered by the hundreds in "combos", rooms roofed with wood and metal for long periods. Many of them are also victims of the fighting between the armed gangs that control the smuggling networks.³

1. Suspicious Transactions

In Zuwara and some Western Coast cities in Libya, illegal transactions are being made between immigration brokers, illegal immigrants and migrant workers to flee to Europe in exchange for sums of up to 40,000 Libyan dinars. Until recently, more than 100,000 people crossed the sea to reach Europe from Libya. It is estimated that more than 2300 people have died in these

¹ موقع فرانس 24، تقرير أممي: الاتجار بالبشر في ليبيا أخذ بالازدياد وتواطؤ محتمل لقوات الأمن، 2018، متاح علي: <https://2u.pw/oscvg>

² أحمد بوخريص، الاتجار بالبشر في ليبيا... نخاسة في القرن 21، المركز العربي الديمقراطي، 2017، متاح علي: <https://2u.pw/ea8PZ>

³ موقع أطباء بلا حدود، الاتجار بمعاناة الناس: الحجز والاستغلال والإساءة في ليبيا، 2020، متاح علي: <https://2u.pw/XS91t>

crossings. Most of them, particularly Africans, come after they are gathered in designated places, and then smuggling gangs transport them on boats on a dangerous cruise. The dangers and the transformation of human smuggling into a popular trade and a source of enormous wealth for many people in Libya on the one hand, and a constant concern for European countries on the other.

On 25 January 2021, criminal gangs in human trafficking abducted 38 Egyptians in western Libya and detained them near the capital Tripoli in exchange for ransom of 15,000 Libyan dinars for each of the kidnappers.⁴

If migrants are arrested in Libya, smugglers demand ransom, yet the migrants lack resources, so they end up either detained until their families pay the fees, or killed. Sometimes, they are left to die out of starvation and in worst scenarios, they got sold into slavery and organ harvesting.

2. Conditions of Detention Centers in Libya

In the detention centers for human traffickers, men are forced to run in the yard naked until they collapse from exhaustion while women are raped. It is reported that M.S., a 22-year-old man from Ivory Coast, spent more than four months in Libya trying to reach Italy by boat but was offered in the way of human trafficking groups⁵. Many African migrants in Libya also suffer from the crime of cutting one or more of their organs. Victims are often first sold into slavery and organ harvesting occurs afterwards. This is a well-organized process including brokers, traffickers, doctors, hospitals, shippers and end users.⁶

As to **child recruitment** in Libya, as a form of human trafficking, children as young as seven years old have been used by both Gaddafi forces and anti-Gaddafi militias in the conflict, however the state of hostilities in Libya makes it almost impossible to obtain accurate statistics on the figures.⁷

3. Sexual violence as a form of human trafficking

Human trafficking phenomenon has aggravated to the point of sexual exploitation, with a high prevalence of sexual abuse and other forms of sexual violence and exploitation of migrant women either along migration routes to

⁴ Egypt Today, 38 Egyptians kidnapped, held in Libya's Tripoli, source tells Egypt Today, Jan 2021, at: <https://2u.pw/Qjiu5>

⁵ grey dynamic, Slavery And Organ Harvesting Of African Migrants In Libya, April 2021, at: <https://2u.pw/YLEFG>

⁶ Idem

⁷ Humanium, Children of Libya, 2021, at: <https://2u.pw/o3KuX>

Libya or in detention facilities operated by human traffickers. Perpetrators of sexual violence against migrant women include various armed groups and smugglers. Migrant men and boys are increasingly vulnerable to rape and other forms of sexual abuse. Several prostitution networks in Libya subject sub-Saharan women and girls to sex trafficking in brothels, particularly in the towns of Ubari, Sabha and Marzouk in southern Libya.⁸ In addition, Nigerian women and girls in particular are at increased risk of sex trafficking in Libya, as Nigerian gangs recruit Nigerian girls from rural areas of the country and facilitate the transport of girls through Libya for sex trafficking in Italy and other European countries.⁹

Migrants and asylum seekers reported sexual violence at the hands of traffickers, smugglers, and armed men, some migrants were sexually assaulted by corrections officers in detention centers run by the Department of Combating Illegal Immigration, and in May 2021 two cases of kidnapping and rape, including gang rape, by Armed men from human trafficking groups to asylum seekers from Sudan and Eritrea, one of whom was three months pregnant.

Hundreds of women were raped while they were either in illegal immigration service detention or traffickers' prisons, and in the beginning of 2021 at least 90 refugees and migrants in reception centers in Puglia and Sicily who made the journey across the Mediterranean from Libya to southern Italy in the few months past people who have been abused by human smugglers, traffickers and organized crime gangs.¹⁰

A 22-year-old Eritrean woman explained that she had witnessed other women being sexually abused, including a woman who was gang-raped because the smuggler wrongly accused her of failing to pay his fees and her family was unable to pay the money again. She was taken away and raped by five Libyans, including those who were raped more than once and those who object to the matter are given weapons and therefore they have no other choice.¹¹

⁸ Al Jazeera, Rape, abuse and violence: Female migrants' journey to Libya, Jan 2020, at: <https://2u.pw/nE3Dc>

⁹ Amnesty International, Refugees and migrants fleeing sexual violence, abuse and exploitation in Libya, July 2016, at: <https://www.amnesty.org/en/latest/press-release/2016/07/refugees-and-migrants-fleeing-sexual-violence-abuse-and-exploitation-in-libya/>

¹⁰ The Libya Observer, Militia groups kidnap seven women in Derna, Oct 2019, at: <https://2u.pw/rGbhu>

¹¹ Al Jazeera, Minors accuse guards at Libya detention centre of sexual assault, Jun 2021, at: <https://2u.pw/jAIFH>

Second: The Federal Republic of Somalia... Human Trafficking in Somalia... Modern Slavery

A. The causes of the spread of human trafficking in Somalia

Amid raging conflicts and the outbreak of the Coronavirus pandemic in the country, the economic conditions have deteriorated considerably, the crises have compounded and operations of government and non-governmental organizations have been hampered. Thus, Al-Shabaab terrorist group continued to occupy and control several rural areas, in addition to restricting the freedom of movement in many other areas, including south-central Somalia. This terrorist group has exploited the local populations through illegal tax collection and the launch of indiscriminate attacks against civilians and infrastructure throughout the country as well as human trafficking.

Somalia is witnessing an increasing volume of human trafficking, particularly in Somaliland located in the south central region of Somalia. The absence of a government in Somaliland makes children easy targets for human traffickers. In 2020, despite the laws issued by the Somali government, the authorities recorded two cases of human trafficking that included six persons, which was reported by the US government¹².

B. The status of human trafficking in Somalia

The ongoing insurgency by Al-Shabaab remains a major obstacle to the government's ability to address human trafficking. The Somali government continued to make further improvements to civilian judicial systems and criminal investigation programs in order to address most of the crimes. However, the government has combined human trafficking with migrant smuggling, which hampered the effectiveness of anti-human trafficking efforts. Generally, the government continued to show minimal efforts in all areas with regard to the prosecution, protection from and prevention of human trafficking.

Similar to the previous years, the Somali government has not systematically compiled or reported statistics on the victims of human trafficking and the reporting remained largely anecdotal. Furthermore, the

¹² US Department of State, 2021 Trafficking in Persons Report: Somalia, 2021, at: <https://2u.pw/8YIqq>

government has not taken any specific measures to identify those victims or refer them to protection services at any level. All levels of the Somali government completely relied on international and non-governmental organizations to provide assistance services to victims and to reintegrate them into society.

Moreover, Al-Shabaab movement was involved in the majority of the human trafficking operations in Somalia and continued to commit the majority of violations through deception, the use of coercion and force, the abuse of vulnerability of women and children, infiltration of religious school and mosques, harassment of clan elders or family members and school raids. This is in addition to the abductions in order to recruit the victims, including children mostly from south and central Somalia and Kenya, and force them to engage in sexual slavery, military support roles, direct fighting and marriage from Al-Shabaab combatants.

With regard to sexual slavery by human traffickers in Somalia, victims are mainly from the southern and central regions of Somalia and are subjected to human trafficking inside the country, particularly Puntland and Somaliland in the north. In Somaliland, women work as employees and mediators who transfer victims to Puntland, Djibouti and Ethiopia for the purposes of domestic servitude or sex trafficking, owing to poverty and victims' inability to support their family members.

The long-standing conflict, structural inequality between men and women and the successive humanitarian crises have subjected Somali women and girls to high levels of conflict-related sexual violence. Al-Shabaab continued to subdue all the areas under its de facto control using sexual violence, with the rise of political tensions.

There are verified cases of conflict-related sexual violence committed against 400 girls, 12 women and 7 boys by different militias of armed groups and Al-Shabaab in the context of human trafficking and sexual slavery. The Somali Police Force was involved in 16 of those cases, while the Somali National Army was involved in other 25 incidents¹³.

¹³ United Nations Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, Somalia, March 2021, at: <https://cutt.us/F3d4v>

On the other hand, **child recruitment** is one method of human trafficking that has been severely aggravating in Somalia due to the fact that some Somali people willingly give up custody of their children to people who share family and clan ties with them. Thus, these children become victims of forced labor or sex trafficking.

In 2018, Somalia recorded 1609 cases of abduction, nearly five times more than the country with the second highest number (the Democratic Republic of the Congo with 367 cases). Moreover, Somalia also represented one-third (331 cases) of the total 900 cases of verified rape and other forms of sexual violence against girls and boys¹⁴.

The recent child recruitment rates have reached 213 children (including 13 girls) by all actors, whether Al-Shabaab movement or other armed groups, between April and June 2020. This is in addition to 532 children (including 12 girls) in the period from June to September 2020 and 426 children (including 15 girls) between October and December 2020¹⁵.

Although there are no credible statistics about the number of children recruited in Somalia, there is an estimated number of between 2000 to 3000 children associated with various armed groups. Furthermore, Al-Shabaab forced Quran teachers and other teachers to bring their students in order to be trained. According to UNICEF Representative, "Putting children in the line of fire, killing and maiming them in the context of an armed conflict are among the most serious violations of international law which all parties to the conflict are expected to uphold. The use and recruitment of children under the age of 15 years is a war crime."¹⁶

In late 2020, conflict-related sexual violence affected 66 children (2 boys and 64 girls). A total of 543 were abducted, 288 were victims of killing and mutilation, 601 were victims of recruitment and use and 146 were victims of conflict-related sexual violence. These violations were attributed to Al-Shabaab (74.3%), unknown armed factions (12.5%), clan militias (4.35%) and federal and state armed forces (8.9%)¹⁷.

¹⁴ Save Children, CHILDREN IN SOMALIA FACE SOME OF THE HIGHEST RATES OF GRAVE VIOLATIONS, Aug 2019, at: <https://cutt.us/Vz98g>

¹⁵ US Department of State, 2021 Trafficking in Persons Report: Somalia, 2021, at: <https://2u.pw/8YIqq>

¹⁶ Relief Web, Somalia: Recruitment of child soldiers on the increase, 2011, at: <https://cutt.us/raOvN>

¹⁷ Defence For Children International, Child recruitment in Somalia, 2019, at: <https://cutt.us/ZYDtC>

Third: The State of Djibouti... Migrant women and street children who are primarily victims of human trafficking

A . Causes of widespread human trafficking in Djibouti

Human traffickers exploit local and foreign victims in Djibouti, men, women, and children, especially economic and unregistered migrants from Ethiopia and Somalia. They also exploit those who willingly cross Djibouti to Yemen and other locations in the Middle East, particularly Saudi Arabia. These migrants are exploited in forced labor and sex trafficking at their destinations. These illegal immigrants are likely to become victims of trafficking at various crossing points, especially Yemen, and economic migrants pass through Djibouti to return to their countries of origin¹⁸.

In addition to the continued exodus of migrants, the migration of people from Yemen to Djibouti continued as a result of the civil war in Yemen. Migrants willingly fled or were forcibly deported from Aden illegally. Many reported being physically abused and possibly victims of trafficking¹⁹.

B .Situations of human trafficking in Djibouti

According to recent statistics estimated in late 2020, approximately 160,000 people began crossing the sea from the Horn of Africa to Yemen. Over the past decade, nearly 91,500 Ethiopian migrants have crossed Djibouti and more than 300 migrants a day. That put pressure on the government's already limited resources.

In 2020, the government allowed about 37,500 people of different nationalities to freely enter and seek asylum, a practice that dates back to the beginning of the Yemeni war in 2015. Some of them suffered from various types of exploitation before they reached Djibouti. Due to the political instability in Ethiopia, including many Ethiopian nationals, unaccompanied minors continued to travel on foot from Ethiopia to Djibouti. They migrated to it either to seek asylum with their families or to continue on their way to destination countries in the Persian Gulf. That caused an increase in the number of refugees, human trafficking, and physical and sexual exploitation²⁰.

¹⁸- US Department Of state, 2021 Trafficking in Persons Report: Djibouti, 2020, at: <https://2u.pw/YIaI1>

¹⁹- US Department Of state, 2021 Trafficking in Persons Report: Djibouti, 2020, at: <https://2u.pw/YIaI1>

²⁰- Humanim, Realizing Children's Rights in Djibouti, at: <https://2u.pw/RG0xw>

The most vulnerable to human trafficking in Djibouti were Djibouti women, migrants, and street children. Sometimes smuggling networks and members imposed too many rents or abducted and detained migrants in transit to Djibouti, including children, for ransom. Parents sometimes force their children to beg on the streets as a source of income for the family²¹.

1. Migrant and Local Children

Migrant and local children in Djibouti, particularly along the Sista beach road, continue to be vulnerable to sex trafficking. Children in Djibouti are engaged in the worst forms of child labor, including commercial sexual exploitation and sometimes as a result of human trafficking. Children also perform dangerous tasks in street work.

Young girls are also regularly exploited because of their situation as domestic workers. In addition, many children live on the streets and work there and receive no assistance, which puts them at risk of human trafficking, exploitation of many children in begging, and many other jobs beyond their age.

Increasingly, traffickers exploit migrant women to traffic in sex at truck stops and in restaurants and guesthouses in Balbala, one of Djibouti's poorest neighborhoods. Traffickers, including family members, exploit local and migrant children in forced begging and selling. Traffickers may exploit foreign workers, including Ethiopians, Yemenis, Indians, Pakistanis, and Filipinos, to trade labor in the construction and food services. Cuban medical professionals working in Djibouti may be forced to work by the Cuban government.

2. Sexual Slavery

Djiboutian women, migrant women, and street children are exploited for sex trafficking in Djibouti City, the Ethiopia-Djibouti trucking corridor, and Obock, the main point of departure and arrival for Yemen. Migrant women and girls are trafficked into Djibouti through sexual exploitation while working as maids and forced into sex work to pay for their release. Some Djiboutian and immigrant women and girls fall victim to sexual slavery and to work in brothels²².

²¹. Idem.

²²- One World, FEAR AND LOATHING IN DJIBOUTI, Dec 2015, at: <https://cutt.us/uHki4>

There are no statistics on victims of human trafficking since the authorities in Djibouti do not have a system that can proactively identify victims of human trafficking. The last statistic estimated between 2011 and 2013 showed that more than 16,500 Somali and Ethiopian migrants in Djibouti are missing²³.

Recommendations

The phenomenon of human trafficking has spread in the African continent countries as a result of conflicts, the growth of armed groups and other groups that seek to kidnap refugees, migrants, and others for sex trafficking, and the resulting grave violations accompanying the phenomenon of human trafficking. As part of the solution, Maat for Peace, Development, and Human Rights presented some recommendations to reduce this phenomenon and its negative human rights impact.

First: Countries that suffer from the exacerbation of the phenomenon of human trafficking should work to establish and establish a partnership with international experts. That is to provide regular training to judges, prosecutors, and law enforcement officials on the differences between human trafficking and migrant smuggling and collect and interpret evidence of trafficking offenses in a cost-effective and victim-centered manner.

Second: Develop a mechanism to disseminate and implement standardized procedures for government officials to proactively identify potential victims, especially vulnerable groups such as migrants or orphans, and transfer them to care.

Third: concerted regional efforts to provide as much support as possible to vulnerable migrants, including potential victims of trafficking, and strengthen protection services for victims through partnerships with NGOs or international organizations.

Fourth: The governments of the African countries under study, in particular, should review, finalize and implement the expanded national action plan, and continue to coordinate with civil society to spread awareness of combating trafficking at the national level.

²³- Idem.

Fifth: The European Union and even governments should significantly increase the number of resettlement places and humanitarian visas for vulnerable refugees, who face extreme hardship and few prospects in the neighboring countries to which they initially fled to protect them from the dangers of human trafficking.

Sixth: Maat specifically recommends the Djiboutian government providing statistics on the cases of victims of human trafficking, setting strict laws to curb those crimes that violate international humanitarian law, and separating the statistics of detainees from the statistics of those exposed to human trafficking since it sometimes confuses the perpetrators of crimes and others who have been subjected to trafficking, human beings and detention in illegal centers.