

THE NATIONAL ASSEMBLY HAS ADOPTED  
THE PRESIDENT OF THE REPUBLIC HAS PROMULGATED  
THE LAW CONTAINING THE FOLLOWING:

IN VIEW OF The Constitution of 15<sup>th</sup> September 1992;  
IN VIEW OF The Decree No. 2005-0067/PRE of 21 May 2005 appointing the Prime Minister;  
IN VIEW OF The Decree No. 2005-0069/PRE of 22 May 2005 appointing the members of the Government;  
IN VIEW OF The Decree No. 2005-0073/PRE of 26 May 2005 stipulating the attributes [duties/roles] of the Ministers;

The Council of Ministers agreed in its meeting of 02 October 2007.

## Chapter I: Definitions of the Terms

1<sup>st</sup> Article: In the context of the present Law, “human being” means any person susceptible to becoming a victim of trafficking in human beings by reason of their vulnerability related to their age (child less than 18 years) or their physical or mental state (handicapped).

Article 2: The traffic of human beings is defined as the processes by which any person is recruited or removed, transported, transferred, harbored, or received whether inside or outside the national territory by one or more physical or legal persons by means of threat or other forms of constraint, fraud, deception, misappropriation, abuse of authority for the purpose of exploitation.

Article 3: Any person who makes themselves culpable of at least one of the acts enumerated in Article 2 is a trafficker.

Article 4: Those who have knowingly done any of the following are considered accomplices of the infraction:

- Provoked [encouraged] to action through giving information or instructions;
- Procured tools [equipment/instruments], weapons, vehicles, or any other means useful to the preparation or commission of the act, or to help ensure the impunity of the actors;
- Aided or assisted the actors of the crime in the acts that they have prepared, facilitates, or committed.

## Chapter II: Purpose of the Law

Article 5: The purpose of the present Law is:

- a) To prevent and to punish the trafficking of human beings;
- b) To protect the victims of human trafficking;
- c) To ensure prosecutions while maintaining respect for human rights;
- d) To promote international cooperation in the area of the fight against human trafficking.

### Chapter III: Scope of Application

Article 6: The present Law applies to all forms of trafficking in human beings, whether the perpetrator is a national or transnational and whether the facts are or are not related to organized crime.

### Chapter IV: Penalties

Article 7: Those who engage in trafficking in human beings, whatever may be the place of departure or of destination of those persons, shall be punished by a penalty of imprisonment from two to five years and to a fine between 500,000 FDJ and 1,000,000 FDJ, or to only one of these two penalties. Those who are accomplices to trafficking in human beings shall be punished by the same penalty. The attempt to commit trafficking in human beings is punishable: by a penalty of imprisonment from one to two years and by a fine between 100,000 FDJ and 500,000 FDJ, or to only one of these two penalties.

Article 8: A person guilty of trafficking in persons committed under the following circumstances is punishable by a penalty of ten to fifteen years of imprisonment and a fine of between 500,000 FDJ and 5,000,000 FDJ:

- If the act has been committed by violence;
- If the perpetrator made use of a sedative [drugs] to alter the will of the victim;
- If the victim has been sequestered or exposed in a public or private place of recruitment [solicitation?];
- If the acts of trafficking have caused in the victim a physical, moral [decency?] or mental incapacitation, or any other medically recognized incapacitation;
- If the trafficking is the work of an organized group;
- If the victim has been subjected to the worst forms of labor;
- In cases of recidivism;

The judge may order the confiscation of all objects and material used in the process of trafficking.

Article 9: The penalties prescribed in Article 8 are doubled if the acts of trafficking have involved [resulted in] the disappearance or death of the victim.

Article 10: Any person who, knowingly, facilitates trafficking in human beings, shall be punished by six months to a year of imprisonment.  
In cases of recidivism the penalty shall be doubled.

Article 11: Whoever solicits or accepts donations [gifts], promises, or advantages of any kind with the purpose of facilitating trafficking in human beings shall be punished by a penalty of one to five years of imprisonment and by a fine of 500,000 FDJ to 1,000,000 FDJ, or by only one of these two penalties.  
The penalty is doubled if the perpetrator is an agent of the administration [government] having acted in the exercise of their functions.

Article 12: Any person of foreign nationality who commits the offense of trafficking in human beings, or the attempt or complicity of human beings [sic], is forbidden to stay in the national territory after having paid [purged] their penalty.

Article 13: Any person condemned by virtue of the present Law, is obligated to reimburse [pay] all the expenses incurred in the provision of support to the victim.

## **Chapter V: Prevention and protection of victims**

Article 14: The exit from the national territory of a child of less than eighteen years is subject to the presentation of a special authorization, the modalities [specifics] of which shall be determined by Decree made by the Council of Ministers.

Article 15: In their relocation [movement] to foreign countries, children not accompanied by their parents shall carry one of the legally recognized documents noted below:

- Extract [copy?] of birth certificate or record of individual marriage status;
- Passport

And the special authorization for departure from the national territory. Failure to provide these shall result in the cancellation or suspension of the trip and the minor shall be turned over to their parents or legal representatives.

Article 16: The government shall take the necessary measures for establishing or reinforcing the coordination of the national plan between the various units/organizations charged with the prevention and the fight against trafficking in human beings.

The government shall establish and or sustain effective policies and programs in order to prevent trafficking in human beings, by means such as: research, information campaigns, sensitivisation and education, social and economic initiatives and training, in particular aimed at persons vulnerable to trafficking and professionals concerned with trafficking in human beings.

Article 17: The State and the local communities shall take all appropriate measures with the purpose of assuring the protection of any person vulnerable to trafficking

and any form of exploitation, without distinction by race, sex, religion, opinion, nationality, ethnicity, social status or other situation.

The State shall take the legislative measures or other measures necessary for assisting victims in the physical, psychological and social rehabilitation.

In all cases, the measures taken shall ensure the best interests and the respect for the dignity of the human being.

Article 18: The Decrees made by the Council Ministers may identify the means to implement in order to ensure the complete support of victims.

## **Chapter VI: Final dispositions**

Article 19: All dispositions contrary to this law are hereby repealed.

Article 20: The present Law shall be executed as Law of the State and published in the Official Journal [Gazette] of the Republic of Djibouti following its promulgation.

Done in Djibouti, 27 December 2007

President of the Republic  
Chief of Government  
ISMAIL OMAR GUELLEH