

# DJIBOUTI 2018 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Djibouti is a republic with a strong elected president and a weak legislature. In 2016 President Ismail Omar Guelleh was re-elected for a fourth term. International observers from the African Union (AU), Intergovernmental Authority on Development (IGAD), and Arab League characterized the election as “peaceful,” “calm,” and “sufficiently free and transparent” but noted irregularities. Most opposition groups did not characterize the elections as free and fair. Three of the seven opposition parties participated in the February legislative elections. Opposition groups stated that the government reneged on a 2015 agreement by not installing an independent electoral commission to manage and oversee elections. International observers from the AU, IGAD, the Organization of Islamic Cooperation, and the Arab League characterized the 2018 legislative elections as “free, just, and fair,” an assessment disputed by the leaders of unrecognized opposition parties.

Civilian authorities maintained effective control over security forces.

Human rights issues included arbitrary treatment by government agents; harsh and life-threatening prison conditions; arbitrary or unlawful interference with privacy; criminal libel; restrictions on free assembly and association; abusing and detaining government critics; government abridgement of the ability of citizens to choose or influence significantly their government; government corruption; violence against women with inadequate government action for prosecution and accountability, including female genital mutilation/cutting (FGM/C); restrictions on worker rights; and child labor.

Impunity was a problem. The government seldom took steps to prosecute or punish officials who committed abuses, whether in the security services or elsewhere in the government.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were reports the government or its agents committed arbitrary or unlawful killings.

According to a human rights group, on July 9, state security forces shot and killed a young man in Northern Djibouti during an investigation into an armed rebel group.

In 2015 the government investigated law enforcement officials and civilians allegedly responsible for killing as many as 30 persons gathering for a religious ceremony. The government did not find any law enforcement officials responsible for the deaths. Several civilian cases related to the same incident remained pending.

Authorities seldom took known actions to investigate reported cases of arbitrary or unlawful killings from previous years or to try suspected perpetrators.

The government prioritized investigating and arresting alleged members of a rebel group after accusing the group of a May attack on heavy machinery for the construction of a controversial road project in the North.

### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution and law prohibit such practices; however, according to credible local sources, security forces assaulted detainees.

Security forces arrested and abused journalists, demonstrators, and opposition members.

On March 26, domestic human rights groups stated that Documentation and Security Service (SDS) personnel detained and beat Mohamed Ahmed Ali after he produced a series of Facebook posts. The motive for his arrest was unclear. He was released one week later without trial.

### **Prison and Detention Center Conditions**

International organizations reported prison conditions remained harsh. The country had one central prison, Gabode, in the capital and a second, smaller

regional prison in Obock, as well as small jails supervised by local police or gendarmes. These jails often served as holding cells before detainees were moved to the central prison. The Nagad Detention Facility, operated by police, primarily held irregular migrants and was not part of the prison system. There were reports police and gendarmes abused prisoners.

Physical Conditions: Gabode Prison conditions of detention for women were similar to those for men, although less crowded. Authorities allowed young children of female prisoners to stay with their mothers. The prison population exceeded the facility's original planned capacity by almost double. Due to space constraints, authorities did not always hold pretrial detainees separately from convicted prisoners, nor were violent offenders always separated from nonviolent offenders. Authorities occasionally separated opposition supporters from the rest of the prison population. Authorities provided poor lighting and heating, limited potable water and ventilation, and poor sanitation conditions for the prison population.

Prisoners with mental disabilities, who constituted a growing percentage of the prison population, regularly received adequate care. They were kept in the infirmary, although separately from prisoners with serious communicable diseases. They had access to psychiatric services through the national health system.

Conditions in jails, which held detainees until their summary release or transfer to the central prison, were poor. Jails had no formal system to feed or segregate prisoners and did not provide consistent medical services. Prisoners were fed on a regular basis.

Conditions at the Nagad Detention Facility were poor, although detainees had access to potable water, food, and medical treatment. Authorities deported most detainees who were foreign nationals within 24 hours of arrest. While normally used for irregular migrants, the government also used the Nagad Detention Facility as a temporary holding place for civilians arrested during political demonstrations or engaged in political activity.

Government statistics indicated no prisoner or detainee deaths during the year.

Administration: Officials investigated reports of cases of inhuman conditions that they deemed credible. The government-sponsored National Commission for Human Rights conducted an annual tour of the prisons but did not release a public report.

Independent Monitoring: The government usually granted prison access to foreign embassies for cases of foreign citizens detained in the prisons. Authorities allowed International Committee of the Red Cross representatives to visit the Nagad Detention Facility and the Gabode Prison quarterly to assess general prison conditions. The government also allowed embassy officials to visit Gabode Prison.

According to an independent organization, high-profile refugees--formerly prisoners of war--received adequate treatment at the Nagad Detention Facility, including mental health services.

Improvements: A permanent doctor and four nurses were available at the prison. The medical staff provided specialized medicine for those detainees with specific illnesses such as tuberculosis or diabetes. An international organization provided female prisoners with specialized hygiene kits on a regular basis. Government officials organized a fundraiser to donate sanitary kits and stationary materials to female prisoners and children. Women prisoners had access to vocational training and income-generating activities.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention, but the government did not respect these prohibitions.

#### **Role of the Police and Security Apparatus**

Security forces include the National Police under the Ministry of Interior, the Army and National Gendarmerie under the Ministry of Defense, and the Coast Guard under the Ministry of Transport. An elite Republican Guard unit protects the president and reports directly to the presidency. A separate National Security Service also reports directly to the presidency. The National Police is responsible for security within Djibouti City and has primary control over immigration and customs procedures for all land border-crossing points. The National Gendarmerie is responsible for all security outside of Djibouti City and is responsible for protecting critical infrastructure within the city, such as at the international airport. The army is responsible for defense of the national borders. The Coast Guard enforces maritime laws, including interdicting pirates, smugglers, traffickers, and irregular migrants.

Security forces were generally effective, although corruption was a problem in all services, particularly in the lower ranks where wages were low. Each security force has a unit responsible for investigating allegations of misconduct, and the Ministry of Justice is responsible for prosecution. During the year the government received one formal complaint of law enforcement misconduct. The state prosecutor brought charges against two law enforcement officers accused of abusing a detainee during an arrest. The case continued at year's end. Authorities took no action to investigate complaints of misconduct from previous years. Impunity was a serious problem.

The National Police has a Human Rights Office and has integrated human rights education into the police academy curriculum.

### **Arrest Procedures and Treatment of Detainees**

The law requires arrest warrants and stipulates the government may not detain a person beyond 48 hours without an examining magistrate's formal charge; however, the government generally did not respect the law, especially in rural areas. Authorities may hold detainees another 48 hours with the prior approval of the public prosecutor. The law provides that law enforcement authorities should promptly notify detainees of the charges against them, although there were delays. The law requires that all persons, including those charged with political or national security offenses, be tried within eight months of arraignment, although the government did not respect this right. The law contains provisions for bail, but authorities rarely made use of it. Detainees have the right to prompt access to an attorney of their choice, which generally occurred, although there were exceptions. In criminal cases the state provides attorneys for detainees who cannot afford legal representation. In instances of unlawful detention, detainees could get court ordered release but not compensation.

Arbitrary Arrest: During the year government officials arbitrarily arrested journalists, opposition members, academics, and demonstrators, often without warrants.

For example, in February SDS personnel arrested Abdou Mohamed Bolock for complaining on Facebook that the Obock Region lost legislative seats under the leadership of the prime minister. He was detained and later released without charge.

In October, after a traffic dispute, a foreign contractor was beaten, unlawfully detained, and denied access to the person's embassy. The contractor was released after two days in detention and ordered to leave the country.

Pretrial Detention: Lengthy pretrial detention was a problem. Prisoners often waited two, three, or more years for their trials to begin. Judicial inefficiency and a lack of experienced legal staff contributed to the problem.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: After release detainees have the ability to challenge lawfulness of detention. Due to mistrust of the judicial procedure and fear of retaliation, the majority refrained from pursuing recourse.

#### **e. Denial of Fair Public Trial**

The constitution and law provide for an independent judiciary, but the judiciary lacked independence and was inefficient. There were reports of judicial corruption. Authorities often did not respect constitutional provisions for a fair trial.

#### **Trial Procedures**

The legal system is based on legislation and executive decrees, French codified law adopted at independence, Islamic law (sharia), and nomadic traditions.

The law states the accused is innocent until proven guilty, but trials did not proceed in accordance with the presumption of innocence. Trials generally were public. A presiding judge and two associate judges hear cases. Three lay assessors, who are not members of the bench but are considered sufficiently knowledgeable to comprehend court proceedings, assist the presiding judge. The government chooses lay assessors from the public. In criminal cases the court consists of the presiding judge of the court of appeal, two lay assessors, and four jurors selected from voter registration lists. The law provides that detainees be notified promptly and in detail of the charges against them. Although the law requires the state to provide detainees with free interpretation when needed, such services were not always made available. Detainees have the right to prompt access to an attorney of their choice. Defendants have the right to be present, consult with an attorney in a timely manner, confront witnesses, present witnesses and evidence on their own behalf, and generally have adequate time and facilities to prepare a defense. Authorities generally respected these rights. The indigent have a right to legal

counsel in criminal and civil matters but sometimes did not have legal representation. Defendants have the right not to be compelled to testify or confess guilt. Defendants have the right of appeal, although the appeals process was lengthy. The law extends these rights to all citizens.

Traditional law often applied in cases involving conflict resolution and victim compensation. Traditional law stipulates that compensation be paid to the victim's family for crimes such as killing and rape. Most parties preferred traditional court rulings for sensitive issues such as rape, where a peaceful consensus among those involved was valued over the rights of victims. Families often pressured victims to abide by such rulings.

### **Political Prisoners and Detainees**

There were arbitrary arrests of opposition supporters.

### **Civil Judicial Procedures and Remedies**

In cases of human rights violations, citizens could address correspondence to the National Human Rights Commission. On a variety of matters, citizens could also seek assistance from the Ombudsman's Office, which often helped resolve administrative disputes among government branches. Citizens could also appeal decisions to the African Court on Human and Peoples' Rights. The government did not always comply with those bodies' decisions and recommendations pertaining to human rights.

### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

Although the constitution and law prohibit such actions, the government did not respect these prohibitions. The law requires authorities to obtain a warrant before conducting searches on private property, but the government did not always respect the law. Government critics claimed the government monitored their communications and kept their homes under surveillance.

The government monitored digital communications intended to be private and punished their authors (see section 2.a., Internet Freedom).

While membership in a political party was not required for government jobs, civil servants who publicly criticized the government faced reprisals at work, including suspension, dismissal, and nonpayment of salaries.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Expression, Including for the Press**

The constitution and law allow for freedom of expression, including for the press, provided the exercise of these freedoms complies with the law and respects “the honor of others.” The government did not respect these rights. The law provides prison sentences for media offenses.

Freedom of Expression: Individuals who criticized the government publicly or privately could face reprisals. Plainclothes security agents in mosques monitored the content of sermons during Friday prayers.

In separate instances in May, SDS personnel arrested Chehem Abdoukader Chehem (Renard) and Mahmoud Ali for posting their plays criticizing the government on Facebook. In June authorities dismissed their cases after allegedly seizing their passports. On September 1, Ali was arrested again for publishing a post on Facebook that criticized the government’s decision to mandate school uniforms for public schools. He was subsequently released without charge.

Press and Media Freedom: There were no privately owned or independent newspapers in the country. Printing facilities for mass media were government owned, which created obstacles for those wishing to publish criticism of the government. The principal newspaper, *La Nation*, maintained a monopoly on domestic news.

Opposition political groups and civil society activists circulated newsletters and other materials that criticized the government via email and social media sites.

On March 10, SDS personnel arrested Djiboutian Armed Forces communications officer Captain Rashid Hachi Youssouf, and detained him for one week for sharing the first chapter of his novel, *The Al Capone of Milk*, online. The title is an apparent reference to Ainanche Ismail Omar Guelleh’s (son of the president) exclusive control of the country’s milk market. On March 14, Youssouf was released. The president dishonorably discharged him from the army. He fled overseas, where he resided at year’s end.

The government owned the only radio and television stations, operated by Radio Television Djibouti. The official media generally did not criticize government leaders or policy, and opposition access to radio and television time remained limited. Foreign media broadcast throughout the country, and cable news and other programming were available via satellite.

The Ministry of Communication in 1992 authorized the creation of the Communication Commission to distribute licenses to nongovernmental organizations (NGOs) wishing to operate media outlets. In 2017 the commission received an office and hired staff. The commission has not issued any licenses, but it reported it had not received any applications. The commission intervened during the February legislative elections to enforce balanced coverage of majority and opposition parties by local state-owned media (television, newspaper, and the radio). The opposition parties engaged in the race characterized media coverage as fair.

Violence and Harassment: The government harassed journalists.

Censorship or Content Restrictions: Media law and the government's harassment and detention of journalists resulted in widespread self-censorship. Some opposition members used pseudonyms to publish articles.

Before a newspaper may begin circulation, it requires authorization from the Communication Commission, which requires agreement from the National Security Service. The National Security Service reportedly investigates funding sources and the newspaper staff's political affiliations.

Libel/Slander Laws: The government used laws against slander to restrict public discussion.

## **Internet Freedom**

There were few government restrictions on access to the internet, although the government monitored social networks to prevent demonstrations or overly critical views of the government.

Djibouti Telecom, the state-owned internet provider, blocked access to websites of the Association for Respect for Human Rights in Djibouti and radio station La Voix de Djibouti that often criticized the government. According to the

International Telecommunication Union, 56 percent of the population used the internet in 2017.

### **Academic Freedom and Cultural Events**

There were government restrictions on academic and cultural events. For example, the government restricted research in the northern region of the country for security reasons.

### **b. Freedoms of Peaceful Assembly and Association**

The government restricted freedoms of peaceful assembly and association.

#### **Freedom of Peaceful Assembly**

Although the constitution provides for freedom of assembly, the government restricted this right. The Ministry of Interior requires permits for peaceful assemblies. The ministry allowed opposition groups to host events and rallies. Security authorities occasionally restricted this right.

#### **Freedom of Association**

The constitution and law allow for freedom of association provided community groups register and obtain a permit from the Ministry of Interior. Nevertheless, the ministry ignored the petitions of some groups (see section 5). The government harassed and intimidated opposition parties, human rights groups, and labor unions.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **d. Freedom of Movement**

The law generally provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

The government collaborated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in expanding protection

and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern.

In March the president signed an implementing decree for the 2017 law that provides refugees' rights to health, education, and work.

The government allegedly refused to renew the passport of opposition leader Abdourahman Mohamed Guelleh, president of the unauthorized Rally for Democratic Action and Ecological Development (RADDE) political party.

Abuse of Migrants, Refugees, and Stateless Persons: The government maintained an increased police presence at the Ali Addeh refugee camp following the 2014 attack on La Chaumiere restaurant. Separately, gendarmes maintained a presence at the Markazi refugee camp. With the passage of a refugee law, authorities expanded legal protections for refugees.

Refugees, however, reported abuse and attacks to the National Office for Assistance to Refugees and Populations Affected by Disaster (ONARS) and UNHCR. With the support of the local National Union of Djiboutian Women (UNFD), mobile courts traveled to the largest camp, Ali Addeh, to hear the backlog of pending cases. In 2017 the UNFD also placed a full-time staff member in all refugee camps to provide support for domestic violence victims. International media reported cases of domestic violence in refugee camps, although the status of subsequent investigations was unknown. Impunity remained a problem.

The government detained and deported large numbers of irregular migrants, primarily from Ethiopia. The government sometimes gave individual irregular migrants the opportunity to claim asylum status, after which the National Eligibility Commission (NEC) was supposed to determine their status. Despite legal requirements to meet regularly, the commission met only twice during the year, processing on average 10 cases per session. More than 10,157 asylum seekers awaited decisions on their asylum claims.

In-country Movement: Due to the continuing border dispute with Eritrea, certain areas in northern Djibouti remained under military control.

Foreign Travel: Citizens and opposition members reported immigration officials refused to renew their passports and prevented them from boarding international flights.

## Protection of Refugees

Refoulement: The government did not routinely grant refugee or asylum status to groups other than southern Somalis and--beginning in 2015--Yemenis. A backlog in asylum status determinations put individuals waiting for their screening at risk of expulsion to countries where they might be threatened.

Access to Asylum: The law provides for the granting of asylum or refugee status. Asylum seekers from southern Somalia and Yemen were prima facie considered eligible for asylum or refugee status. The NEC, which falls under the Ministry of Interior and consists of staff from ONARS and several ministries, must review all other asylum claims; UNHCR participates as an observer.

According to UNHCR, the country hosted 27,697 refugees and asylum seekers, primarily from south and central Somalia, Ethiopia, Yemen, and Eritrea. In two refugee camps in the southern region of Ali Sabieh, the country hosted more than 20,702 refugees and asylum seekers. An additional estimated 4,863 refugees from Ethiopia, Yemen, Somalia, and other countries lived in urban areas, primarily in Djibouti City. Due to Ethiopia's instability in late 2017, the government permitted more than 7,000 Ethiopians, particularly those from the Oromia region, to register as asylum seekers.

In conjunction with UNHCR, ONARS registered 1,000 Somali refugees from Ali Addeh and Holl-Holl camps for voluntary repatriation. On June 26, July 2, and July 3, the initial group of 68 Somalis returned safely to Mogadishu on three flights.

The country also continued to host refugees fleeing violence in Yemen. ONARS and UNHCR registered approximately 4,398 refugees from Yemen, at least 2,132 of whom lived in a refugee camp in the northern region of Obock.

Employment: Scarce resources and employment opportunities limited local integration of refugees. By law documented refugees are allowed to work without a work permit in contrast to previous years, and many (especially women) did so in jobs such as house cleaning, babysitting, or construction. The law provides little recourse to challenge working conditions or seek fair payment for labor.

Access to Basic Services: The Ali Addeh camp was overcrowded, and basic services such as potable water were inadequate. The Holl-Holl camp was not

overcrowded and had better access to potable water than the Ali Addeh camp. The government issued birth certificates to children born in the Ali Addeh and Holl-Holl refugee camps. In late April the minister of health collaborated with the IOM to incorporate migrants into the national health system and stop the outbreak of acute diarrhea among migrants traversing the North of the country.

The Markazi camp provided Yemeni refugees with basic services such as water, food, shelter, and medical services. The government issued birth certificates to children born in the Markazi refugee camp. ONARS and UNHCR also began issuing identification cards to Yemeni refugees.

For the first time, for the 2017-18 academic year, the government provided a Ministry of Education-accredited English curriculum for first grade refugee youth. Previously UNHCR provided refugees in the Ali Addeh and Holl-Holl refugee camps with a Kenya-adapted curriculum taught in English and French that was not recognized by Kenyan and Djiboutian authorities. In September 2017 the minister of education attended a school year kick-off ceremony. The visit was the first by an official of the Ministry of Education and marked the beginning of the integration of refugees into the country's education system.

For the 2018-19 academic year, the government expanded the English curriculum to serve first, second, and sixth grades.

Refugees in the Markazi camp had access to instruction based on a Yemeni and Saudi curriculum taught in Arabic.

Durable Solutions: In conjunction with the IOM, the government supported vocational training for young refugees. These training programs resulted in a small number of refugees finding local employment.

Temporary Protection: The government provided temporary protection to a limited number of individuals who may not qualify as refugees. Authorities often jailed economic migrants attempting to transit the country to enter Yemen and returned them to their countries of origin. The government worked with the IOM to provide adequate health services to these migrants while they awaited deportation. The minister of health stationed two doctors in the country (one in the north and one in the south) to support migrants and citizens. The Coast Guard continued to operate a migrant transit center in Khor Angar that functioned as a first response center for migrants stranded at sea.

### Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. The government, however, deprived many citizens of this ability by suppressing the opposition and refusing to allow several opposition groups to form legally recognized political parties. The formal structures of representative government and electoral processes had little relevance to the real distribution and exercise of power.

#### Elections and Political Participation

Recent Elections: In 2016 the Constitutional Council proclaimed the official and final results of the 2016 presidential election and confirmed the re-election of President Ismail Omar Guelleh for a fourth term in the first round of voting. The Constitutional Council certified that Guelleh was re-elected president with 111,389 of 127,933 votes cast, giving him 87.7 percent of the vote. Two opposition and three independent candidates shared the rest of the votes. One opposition group boycotted the election, stating the process was fraudulent. After the election opposition members noted irregularities, including alleging authorities unfairly ejected opposition delegates from polling stations, precluding them from observing the vote tallying. Most opposition leaders called the election results illegitimate.

International observers from the African Union (AU), Intergovernmental Authority on Development (IGAD), and Arab League characterized the 2016 presidential election as “peaceful,” “calm,” and “sufficiently free and transparent” but noted irregularities. For example, international observers stated the Union for a Presidential Majority (UMP) coalition continued to provide campaign paraphernalia after the campaign period closed, including on the day of the election. Some polling station workers also wore shirts and paraphernalia supporting the UMP. The executive branch selected the members of the National Independent Electoral Commission (CENI).

During the year the Constitutional Council proclaimed the official and final results of the legislative election and confirmed the ruling coalition’s control of 90 percent of the legislature. Two opposition parties shared the remaining 10 percent. Leaders of unrecognized opposition parties called the election results illegitimate due to the lack of a regular and independent election commission, and expressed their displeasure through Facebook posts and hunger strikes.

International observers from the AU, IGAD, Arab League, and Organization of Islamic Cooperation characterized the legislative elections as “free, just, and fair.” The mission from the AU, however, noted several worrisome observations, including lower voter registration due to restrictive laws, inadequate implementation of biometric identification processes during the elections, voter intimidation, inadequate security of submitted ballots, premature closures of voting centers, and the lack of opposition observers during ballot counting.

There was limited progress on implementing the 2016 law establishing conditions for opposition party activities and financing. The AU noted that the financing part of the law had not been implemented for the legislative elections.

Political Parties and Political Participation: State security forces beat, harassed, and excluded some opposition leaders. The government also restricted the operations of opposition parties.

As in previous years, the Ministry of Interior refused to recognize three opposition political parties, although they continued to operate: the Movement for Development and Liberty (MoDEL), the Movement for Democratic Renewal, and the Rally for Democratic Action and Ecological Development (RAADE). Members of those political parties were routinely arrested and detained for illegal political activity.

In August the minister of interior refused to renew the authorization for the Republican Alliance for Development (ARD) party to operate legally in the country. After an internal party reshuffle, the government refused to acknowledge new party leadership. From August 8 to 18, ARD president Abdoulkaer Abdallah went on a hunger strike.

On March 23, authorities arrested a security guard at an annex of the RADDE opposition party. Authorities detained him for one day and released him with instructions to evacuate the space. Abdissalam Ismail, Youth Designate for the RAADE party, was arrested on October 21 and remained detained.

On October 18 and 19, police arrested five MoDEL leaders for reportedly opening a training school for their supporters.

Participation of Women and Minorities: No laws limit participation of women and members of minorities in the political process. While women did participate, they

did not meet the required 25 percent of political candidates and election administration officials, required by a 2017 law. International observers documented only 11 percent of election administration officials were women, and only 8 percent of candidates were women.

In 2017 the country elected its first female mayor in a communal election. In the February legislative elections, the number of women elected to the legislature more than doubled from eight to 18.

Women held 18 of 65 seats in the National Assembly, and there were three women in the 23-member cabinet. The presidents of the Appeals Court and of the Tribunal of First Instance were both women. Custom and traditional societal discrimination resulted in a secondary role for women in public life.

For the February legislative elections, CENI had no high-ranking female members.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for official corruption, but the government did not implement the law effectively, and officials engaged in corrupt practices with impunity. According to the World Bank's most recent Worldwide Governance Indicators, government corruption was a serious problem.

Corruption: No known high-level civil servants were disciplined for corruption. The government ceased an initiative begun in 2012 to rotate accountants among government offices as a check on corruption. The law requires the court and Inspectorate General to report annually, but both entities lacked resources, and reporting seldom occurred.

During the year the Court of Budget and Disciplinary Action made annual reports on corruption available online. The court also called a conference with local journalists to distribute reports. The authority to prosecute corruption, however, lies with the Criminal Court.

Financial Disclosure: Public officials are subject to financial disclosure law, but they usually did not abide by the law.

#### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

The government generally allowed a few domestic human rights groups that dealt with matters authorities did not consider politically sensitive to operate without restriction, conducting limited investigations and sometimes publishing findings on human rights cases. Government officials occasionally were responsive to their views. Government-sanctioned human rights groups regularly cooperated with local associations offering training and education to citizens on human rights issues such as women's rights. Many of these associations had leaders who were also key officials of the government. Nevertheless, local human rights groups that covered politically sensitive matters did not operate freely and were often targets of government harassment and intimidation.

Following the death of human rights activist Jean Paul Noel Abdi in 2012, a group of civil servants from various ministries created the Djiboutian Observatory for the Promotion of Democracy and Human Rights. Although the organization applied for association status in 2012, 2013, 2014, and 2015, the Ministry of Interior had not granted the group formal status by year's end.

Government Human Rights Bodies: The government's National Human Rights Commission included technical experts, representatives of civil society and labor unions, religious groups, the legal community, the Ombudsman's Office, and the National Assembly. By law the commission is a permanent institution with staff and regional offices. The commission last produced an annual report in 2016 and occasionally commented on cases of concern.

A government ombudsman holds responsibilities that include mediation between the government and citizens on issues such as land titles, issuance of national identity cards, and claims for unpaid wages. Written records of the ombudsman's activities were sparse, and it was unclear what actions he took during the year to promote human rights.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

### **Women**

Rape and Domestic Violence: The law includes sentences of up to 20 years' imprisonment for conviction of rape but does not address spousal rape. The government did not enforce the law effectively.

Domestic violence against women was common. While the law does not specifically prohibit domestic violence, it prohibits "torture and barbaric acts"

against a spouse and specifies penalties of up to 20 years' imprisonment for convicted perpetrators. Police rarely intervened in domestic violence incidents. The Cellule d'Ecoute (Listening Committee) addresses domestic violence in a tripartite arrangement with the Ministry of Justice, law enforcement agencies, and the council on sharia. This committee refers cases to the Ministry of Justice when abuse is violent or to the council on sharia for divorce proceedings.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C, but it was a problem. According to a 2012 Ministry of Health survey, 78 percent of girls and women between ages 15 and 49 had undergone FGM/C. According to the UNFD, infibulation, the most extreme form of FGM/C, with a prevalence rate of 67.2 percent, continued, although with declining frequency. Per government officials, new cases of FGM/C were rare in the country's urban areas, but they also noted a small subsection of the population travels to surrounding countries to have FGM/C performed. The law sets punishment for conviction of FGM/C at five years' imprisonment and a fine of one million DJF (\$5,650), and NGOs may file charges on behalf of victims. The law also provides for up to one year's imprisonment and a fine of up to 100,000 DJF (\$565) for anyone convicted of failing to report a completed or planned FGM/C to the proper authorities; however, the government had punished no one under this statute by year's end. Government officials acknowledged their awareness-raising efforts to end FGM/C were less effective in remote regions of the country.

The government continued efforts to end FGM/C with a high-profile national publicity campaign, public support from the president's wife and other prominent women, and outreach to Muslim religious leaders. During the year the government began drafting strategies to raise awareness among migrants, persons with disabilities, and youth.

For more information, see Appendix C.

Sexual Harassment: The law does not prohibit sexual harassment, and anecdotal information suggested such harassment was widespread.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization. Estimates on maternal mortality and contraceptive prevalence are available in Appendix C.

Discrimination: The constitution provides for equal treatment of citizens without distinction concerning gender, but custom and traditional societal discrimination

resulted in a secondary role for women in public life and fewer employment opportunities in the formal sector. In accordance with sharia, men inherit a larger proportion of estates than do women. The government promoted female leadership in the small business sector, including through expanded access to microcredit.

A presidential decree requires that women hold at least 20 percent of all high-level public-service positions, although the government has never implemented the decree.

## **Children**

Birth Registration: Citizenship derives from a child's parents. The government encouraged prompt registration of births, but confusion regarding the process sometimes left children without proper documentation. Lack of birth registration did not result in denial of public services but did prevent youth from completing their higher studies and adults from voting. For additional information, see Appendix C.

Education: Although primary education is compulsory, only an estimated three of every four children were enrolled in school. Primary and middle school are tuition-free, but other expenses are often prohibitive for poor families.

Child Abuse: Child abuse existed but was not frequently reported or prosecuted, and the government made only limited efforts to combat it.

Early and Forced Marriage: Although the law fixes the minimum legal age of marriage at 18, it provides that "marriage of minors who have not reached the legal age of majority is subject to the consent of their guardians." Child marriage occasionally occurred in rural areas. The Ministry for the Promotion of Women and Family Planning worked with women's groups throughout the country to protect the rights of girls, including the right to decide when and whom to marry. For additional information, see Appendix C.

Sexual Exploitation of Children: The law provides for three years' imprisonment and a fine of one million DJF (\$5,650) for conviction of the commercial exploitation of children. The law does not specifically prohibit statutory rape, and there is no legal minimum age of consent. The minimum legal age of marriage is 18. The sale, manufacture, or distribution of all pornography, including child pornography, is prohibited, and violations if convicted are punishable by one year's imprisonment and a fine of up to 200,000 DJF (\$1,130).

The government enacted an anti-trafficking-in-persons (TIP) law in 2016 that prohibits trafficking and outlines definitions distinguishing trafficking and smuggling. The law provides language that the “means” element generally needed to prosecute TIP cases is not required when the victim is a child.

Despite government efforts to keep at-risk children off the streets and to warn businesses against permitting children to enter bars and clubs, children were vulnerable to prostitution on the streets and in brothels.

Displaced Children: During the year the government and NGOs in partnership commissioned an investigation and full qualitative and quantitative study of unaccompanied minors living on the streets. This report had not been released to the public. NGOs reported an increasing number of unaccompanied minors living in Djibouti City or traveling through the country en route to the Middle East.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at [travel.state.gov/content/travel/en/International-Parental-Child-Abduction/providers/legal-reports-and-data.html](https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/providers/legal-reports-and-data.html).

### **Anti-Semitism**

Observers estimated the Jewish community at fewer than 30 persons, the majority of whom were foreign military members stationed in the country. There were no reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](https://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The constitution does not prohibit discrimination against persons with disabilities, although the law prohibits such discrimination in employment (see section 7.d.). Both the Ministry of National Solidarity and the Ministry for the Promotion of Women and Family Planning have responsibility specifically to protect the rights of persons with disabilities. The government also created the position of

presidential advisor for persons living with disabilities. Nevertheless, the law was not enforced. The government did not mandate access to government services and accessibility to buildings for persons with disabilities, and buildings were often inaccessible. The law provides persons with disabilities access to health care and education, but the law was not enforced.

Authorities held prisoners with mental disabilities separately from other pretrial detainees and convicted prisoners. They received minimal psychological treatment or monitoring. Families could request confinement in prison for relatives with mental disabilities who had not been convicted of any crime, but who were considered a danger to themselves or those around them. There were no mental health treatment facilities and only one practicing psychiatrist in the country.

Government agencies conducted awareness-raising campaigns, and NGOs organized seminars and other events that drew attention to the need for enhanced legal protections and better workplace conditions for persons with disabilities.

### **National/Racial/Ethnic Minorities**

The governing coalition included all of the country's major clans and ethnic groups, with minority groups also represented in senior positions. Nonetheless, there was discrimination based on ethnicity in employment and job advancement (see section 7.d.). Somali Issas, the majority ethnic group, controlled the ruling party and dominated the civil service and security services. Discrimination based on ethnicity and clan affiliation remained a factor in business and politics.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

The law does not explicitly criminalize LGBTI status or conduct among consenting adults. No antidiscrimination law exists to protect LGBTI individuals. There were no reported incidents of societal violence or discrimination based on sexual orientation, gender identity or expression, or sex characteristics, although LGBTI persons generally did not openly acknowledge their LGBTI status. There were no LGBTI organizations.

### **HIV and AIDS Social Stigma**

There were no reported cases of violence or discrimination against persons with HIV/AIDS, although stigma against individuals with the disease was widespread.

Several local associations worked in collaboration with the government to combat social discrimination.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The constitution and law provide for the right to form and join independent unions with prior authorization from the Ministry of Labor. The law provides the right to strike after giving advance notification, allows collective bargaining, and fixes the basic conditions for adherence to collective agreements. The law prohibits antiunion discrimination and requires employers to reinstate workers fired for union activities. The economic free zones (EFZs) operate under different rules, and labor law provides workers fewer rights in the EFZs.

The procedure for trade union registration, according to the International Labor Organization, is lengthy and complicated, allowing the Ministry of Labor virtually unchecked discretionary authority over registration. The government also requires unions to resubmit to this approval process following any changes to union leadership or union statutes, meaning each time there is a union election, the union must reregister with the government.

The law provides for the suspension of the employment contract when a worker holds trade union office. The law also prohibits membership in a trade union if an individual has prior convictions (whether or not the conviction is prejudicial to the integrity required to exercise union office). The law provides the president with broad discretionary power to prohibit or restrict severely the right of civil servants to strike, based on an extensive list of “essential services” that may exceed the limits of international standards.

The government neither enforced nor complied with applicable law, including the law on antiunion discrimination. Available remedies and penalties for violations were insufficient to deter violations, particularly in view of the lack of enforcement.

The government also limited labor organizations’ ability to register participants, thus compromising the ability of labor groups to operate. The government did not allow the country’s two independent labor unions to register as official labor unions. Two government-backed labor unions with the same names as the independent labor unions, sometimes known as “clones,” served as the primary

collective bargaining mechanisms for many workers. Members of the government have close ties to the legal labor unions. Only members of government-approved labor unions attended international and regional labor meetings with the imprimatur of the government. Independent union leaders stated the government suppressed independent representative unions by tacitly discouraging labor meetings.

Collective bargaining sometimes occurred and usually resulted in quick agreements. The tripartite National Council on Work, Employment, and Professional Training examined all collective bargaining agreements and played an advisory role in their negotiation and application. The council included representatives from labor, employers, and government.

### **b. Prohibition of Forced or Compulsory Labor**

The 2016 TIP law prohibits all forms of forced or compulsory labor and strengthens tools available to prosecutors to convict and imprison traffickers (see section 6, Children). Prosecutors increasingly enforced the law, but since law enforcement investigators had difficulties in identifying trafficking crimes, law enforcement leadership sought out training for their respective investigative officers. On July 30, the Ministry of Justice led a roundtable for the World Day against Trafficking with representatives from relevant ministries, including law enforcement, civil society, and survivors of human trafficking.

Citizens and migrants were vulnerable to conditions of forced labor, including as domestic servants in Djibouti City and along the Ethiopia-Djibouti trucking corridor. Parents or other adult relatives forced street children, including citizen children, to beg. Children also were vulnerable to forced labor as domestic servants and coerced to commit petty crimes, such as theft (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits all labor by, and employment of, children younger than age 16, but it does not specifically prohibit the worst forms of child labor. The law places limitations on working more than 40 hours a week and working at night. Government enforcement of the law was ineffective. Penalties were insufficient to deter violations. The Ministry of Labor is responsible for monitoring workplaces

and preventing child labor; however, a shortage of labor inspectors, vehicles, and other resources impeded investigations of child labor. Inspections were carried out in the formal economy, although most child labor took place in the informal sector.

Child labor, including the worst forms of child labor, occurred throughout the country. Children were engaged in the sale of the narcotic khat, which is legal. Family-owned businesses such as restaurants and small shops employed children during all hours. Children were involved in a range of activities such as shining shoes, washing and guarding cars, selling items, working as domestic servants, working in subsistence farming and with livestock, begging, and other activities in the informal sector. Children of both sexes worked as domestic servants. Children experienced physical, chemical, and psychological hazards while working.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment and Occupation**

There is no law prohibiting discriminatory hiring practices based on disability, sexual orientation, gender identity, or HIV or other communicable disease status.

The Labor Inspectorate lacked adequate resources to carry out inspections for discrimination in both the formal and informal sectors. According to disability advocates, there were not enough employment opportunities for persons with disabilities, and legal protections and access for such individuals were inadequate. The law does not require equal pay for equal work (see section 6).

By law foreign migrant workers who obtain residency and work permits enjoy the same legal protections and working conditions as citizens. This law was not enforced, however, and migrant workers experienced discrimination. In January 2017 the National Assembly passed a refugee law formalizing refugees' right to work, and it passed two implementing decrees the following December.

#### **e. Acceptable Conditions of Work**

The national minimum wage was 35,000 DJF (\$198) per month for public-sector workers, compared to the World Bank poverty income level equivalent to 336 DJF (\$1.90) per day. The law does not mandate a minimum wage for the private sector, but it provides that minimum wages be established by common agreement between

employers and employees. According to the government statistics office, in 2017 79 percent of the population lived in relative poverty.

The legal workweek is 40 hours over five days, a limit that applies to workers regardless of gender or nationality. The law mandates a weekly rest period of 48 consecutive hours and the provision of overtime pay at an increased rate fixed by agreement or collective bargaining. The law states overtime hours may not exceed 60 hours per week and 12 hours per day. The law provides for paid holidays. The government sets occupational safety and health standards that cover the country's main industries. The minimum wage, hours of work, and occupational safety and health standards were not effectively enforced, including in the informal economy.

No law or regulation permits workers to remove themselves from situations that endanger health or safety without jeopardizing continued employment.

There was a large informal sector but no credible data on the number of workers employed there.

The Ministry of Labor is responsible for enforcing occupational health and safety standards, wages, and work hours; however, resources allotted to enforcement were insufficient, and enforcement was ineffective. The ministry employed one labor inspector and four controllers. The Labor Inspectorate conducted 30 inspections, including within EFZs, during the year based on complaints about illegal labor conditions and found violations in every case. Because of lack of enforcement, penalties were insufficient to deter violations.

Resources provided to enforce the law, including inspections, were inadequate. The Labor Inspectorate had insufficient resources to train inspectors, conduct regular preventive inspections, or pursue enforcement of previous cases. The most common remedy for violations was for the labor inspector to visit the offending business and explain how to correct the violation. If the business complied, there was no penalty.

Migrants were particularly vulnerable to labor violations. Workers across several industries or sectors sometimes faced hazardous working conditions, particularly in the construction sector and at ports. Hazards included, for example, improper safety equipment and inadequate safety training. According to the Labor Inspectorate, workers typically reported improper termination, not abuses of safety standards.