



## U.S. DEPARTMENT of STATE

### Djibouti

#### Country Reports on Human Rights Practices - [2007](#)

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Djibouti is a republic with a strong elected president and a weak legislature. It has an estimated population of 660,000. In 2005 President Ismail Omar Guelleh won reelection unopposed amidst an opposition party boycott. International observers considered the election to be generally free and fair. The civilian authorities generally maintained effective control of the security forces.

The government's human rights record remained poor although there were improvements. Problems included abuse of detainees; harsh prison conditions; corruption; official impunity; arbitrary arrest and detention; prolonged pretrial detention; interference with privacy rights and restrictions on freedom of the press, assembly, and association. Other abuses included female genital mutilation (FGM), discrimination on the basis of ethnicity and nationality, and restrictions on unions.

During the year regional council members - who were elected in the first-ever regional elections in 2006 – took office and began working with government officials to implement decentralization. Prison conditions improved with the construction of new facilities, and the government also publicized women's rights and supported a new center to protect women at risk from abuse.

#### RESPECT FOR HUMAN RIGHTS

##### Section 1 Respect for the Integrity of the Person Including Freedom From:

###### a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

###### b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution and the law prohibit such practices; however, there continued to be reports that police and gendarmes beat detainees.

Members of police vice squads continued to detain suspected prostitutes on the streets, and some were reportedly raped as a precondition for release.

##### Prison and Detention Center Conditions

Prison conditions improved; additional buildings were constructed to alleviate overcrowding. Access to sanitary facilities and water for washing improved. Conditions at Nagad detention center, where foreigners were held prior to deportation, also improved. Detainees had access to water, food, and medical treatment. Most detainees were deported within 24 hours of arrest.

Unlike in previous years, juveniles were held separately from adult prisoners. Children under the age of five were allowed to stay with their mothers.

The government granted prison access to the International Committee of the Red Cross (ICRC) for annual inspections.

#### d. Arbitrary Arrest or Detention

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

#### Role of the Police and Security Apparatus

Security forces include the National Police Force (FNP) under the Ministry of Interior, the army, the Gendarmerie Nationale under the Ministry of Defense, and an elite Republican Guard which protects the president. The FNP is responsible for internal security, border control, and prisons. The Gendarmerie Nationale is responsible for external security but also has some domestic responsibilities.

Police were generally effective; however there were reports of corruption, particularly in the lower ranks where wages were low. Official impunity was a problem. There were no mechanisms available to investigate and resolve claims of police abuse.

#### Arrest and Detention

The law requires arrest warrants and stipulates that the government may not detain a person beyond 48 hours without an examining magistrate's formal charge; however, the law was not always enforced in practice. Detainees may be held another 24 hours with the prior approval of the public prosecutor. All persons, including those accused of political or national security offenses, must be tried within eight months of arraignment. The law also provides for bail and expeditious trial; however, police occasionally disregarded these procedures. Detainees have the right to prompt access to an attorney of their choice; in criminal cases the state provides attorneys for detainees without legal representation. Lengthy pretrial detention was a problem; however, no statistics were available.

#### e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary; however, in practice the judiciary was not independent of the executive. Constitutional provisions for a fair trial were not universally respected. The judiciary was subject to inefficiency and corruption. A government audit of the judicial function resulted in the dismissal of two magistrates for corruption in March.

The judiciary is based on the French Napoleonic code and is composed of a lower court, an appeals court, and a Supreme Court. The Supreme Court may overrule lower court decisions. Magistrates are appointed for life terms. The constitutional council rules on the constitutionality of laws including those related to the protection of human rights and civil liberties; however, its rulings did not always adequately protect these rights.

The legal system is based on legislation and executive decrees, French codified law adopted at independence, Islamic law (Shari'a), and nomadic traditions. Urban crime was dealt with in the regular courts in accordance with French-inspired law and judicial practice. Civil actions may be brought in regular or traditional courts. The Family Code governs the majority of cases pertaining to family and personal matters including marriage, divorce, child custody, and inheritance. Issues that fall under the Family Code are brought to civil court.

#### Trial Procedures

Trials generally were public, but in politically sensitive cases, security measures limited but did not prevent public access. Legal counsel was supposed to be available to the indigent in criminal and civil matters, but defendants often did not have legal representation. The law states the accused is innocent until proven guilty; however, defendants were not always presumed innocent. A presiding judge and two accompanying judges heard court cases. The latter received assistance from two lay assessors who were not members of the bench but who were considered to possess sufficient legal knowledge to comprehend court proceedings. The government chose lay assessors from the public, but reports indicated that political and ethnic affiliations played a role in the selection. Defendants have the right to be present, confront witnesses, have access to government-held evidence, and have a right of appeal.

Traditional law often applied in conflict resolution and victim compensation. For example, traditional law often stipulated that a price be paid to the victim's clan for crimes such as murder and rape.

#### Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

#### Civil Judicial Procedures and Remedies

A civil court deals with all matters related to the Civil Code. Citizens do have access to the courts in cases of civil rights violations. There is arbitration of civil disputes if the parties agree. In rural areas traditional courts resolve many civil disputes. An administrative law chamber exists but does not function, and such matters are resolved in civil court. Court decisions are not always enforced.

f. Arbitrary Interference with Privacy Family Home or Correspondence

The constitution and the law prohibit such actions; however, the government did not respect these prohibitions in practice. The law requires that authorities obtain a warrant before conducting searches on private property, but the government did not always respect the law in practice. According to government opponents, the government monitored their communications and sometimes cut telephone or electricity service.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and the law provide for freedom of speech and of the press; however, the government did not respect these rights in practice. There were few media outlets, and as a result of the application of media and slander laws, journalists practiced self-censorship.

The law prohibits dissemination of false information and regulates publication of newspapers. The government owns the principal newspaper *La Nation* which is published three times a week. Each registered political party is permitted to publish a public journal or newspaper. There were several opposition-run weekly and monthly publications that circulated freely and openly criticized the government.

The government also owned the radio and television stations. The official media generally did not criticize government leaders and government policy. Radio Television Djibouti, the official government station, broadcast 24 hours a day in four languages on the radio. Foreign media also broadcast throughout the country, and cable news and other programming were available.

The government has used several tactics to intimidate journalists including surveillance and the removal from newsstands of publications that criticized the government. On February 1, police seized printing equipment from the opposition political party Movement for Democratic Revival, publisher of the newsletter *Le Renouveau*. Houssein Ahmed Farah, the acting director of the newsletter, and three of his editorial staff were arrested and charged with defamation of character for publishing a report of a sex scandal, detained for two days, and released. A court ordered *Le Renouveau* to halt production for three months.

In May 2006 the government suspended Kaltoum Ali, a journalist for Radio-Television Djibouti and a correspondent of the BBC Somali service, for broadcasting a report that the Ministry of Health falsely claimed a case of avian flu to obtain foreign aid. Kaltoum Ali resumed work after a three-month suspension.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. In January 2006 government authorities reportedly blocked the website of the Association for Respect of Human Rights in Djibouti (ARDHD), an association that is often critical of the government. ARDHD claimed access to its website was blocked by the local Internet provider, although surfers with satellite connections were able to enter the site. The government denied it was blocking the site, although at the end of the year the site was not available from local Internet connections.

Academic Freedom and Cultural Events

The government generally did not restrict academic freedom, and teachers could speak and conduct research without restriction provided that they did not violate sedition laws.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

Although the constitution and the law provide for freedom of assembly, the government limited this right in practice. The

Ministry of Interior requires permits for peaceful assembly and monitors opposition activities. Some opposition leaders reportedly refrained from organizing popular demonstrations for fear of reprisal.

Police dispersed several demonstrations during the year including protests against widespread electricity shortages, tuition hikes, and the trial of nongovernmental organization (NGO) leader Jean Paul Noel.

#### Freedom of Association

The law provides for freedom of association provided that certain legal requirements are met; however, the government restricted this right in practice. Opponents claimed that the government continued to harass and intimidate members of opposition groups.

#### c. Freedom of Religion

The constitution, while declaring Islam to be the state religion, provides for freedom of religion, and the government generally respected this right in practice. The government did not sanction those who ignored Islamic teachings or practiced other faiths. More than 99 percent of the population was Sunni Muslim.

There is no legal prohibition against proselytizing, and while the government did not discourage it, cultural norms effectively discouraged public proselytizing.

#### Societal Abuses and Discrimination

There was no known Jewish community and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2007 *International Religious Freedom Report*.

#### d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and other laws provide for freedom of movement within the country, foreign travel, emigration, and repatriation; however, the government at times limited these rights in practice.

The law prohibits forced exile, and the government did not use it.

#### Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol. In practice, the government provided some protection against *refoulement*, the return of persons to a country where there is reason to believe they feared persecution.

The government did not routinely grant refugee or asylum status and the government did not accept refugees for resettlement during the year. Cooperation between the government and the Office of the UN High Commissioner for Refugees improved during the year in providing assistance to refugees and asylum seekers and in organizing the repatriation of refugees from Somalia. Refugees reported that while they could not obtain work permits, many, especially women, worked on the open economy to find additional means of support. With the lack of work permits, however, they were unable to challenge poor working conditions or ensure fair payment for services rendered.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and the law provide citizens with the right to change their government peacefully; citizens could exercise this right through periodic elections based upon universal suffrage. A multiparty system exists, and citizens are free to align themselves with the party of their choice.

#### Elections and Political Participation

In March and April 2006 the country held its first regional elections. While opposition parties boycotted the two-round election citing problems with electoral lists, independent candidates took part and won in Djibouti City and in several regions. In Djibouti City one opposition list of independent civic leaders won a plurality of the first round vote, and several of its candidates were elected.

In 2005 President Guelleh won reelection unopposed as the candidate of the Union for a Presidential Majority (UPM) a multiparty coalition that included Guelleh's own Rally for Progress (RFP) and the Front for the Restoration of Unity and Democracy, the minority Afar-dominated party that had been the leading opposition party before it joined the governing coalition. The RFP and now the UPM have ruled the country since independence in 1977 and hold all seats in the national legislature. Opposition parties boycotted the election charging that the government ignored their demands for electoral reform. International observers considered the election generally free and fair; however, there were irregularities including double voting, the presence of campaigners in and around polling stations, and the absence of blank ballots for those who did not want to vote for President Guelleh.

There were seven women in the 65-seat legislature; these seats were reserved for women by presidential decree. There were also two women in cabinet or subcabinet posts, and the president of the Supreme Court was a woman.

The legislature includes members of all clans with nine minority group representatives. Elected as a single list, the legislature's composition reflects the governing coalition's intent to ensure balance. The president's own subclan, the Issa Mamassan, was disproportionately represented. Five members of minorities in the Cabinet were Afars and included the prime minister, the defense minister, the foreign minister, the minister of agriculture, and the labor minister; however, Afars were not as well represented at lower levels. Somali clans other than the Issa clan, and citizens of Yemeni origin were limited unofficially to one ministerial post each. There also were informal limits on the number of seats in parliament for each group to preserve balance.

#### Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, despite increased efforts, the government did not implement such laws effectively, and officials sometimes engaged in corrupt practices with impunity. According to the World Bank's Worldwide Governance Indicators, government corruption was a serious problem.

The government continued to take steps to combat corruption. In June two magistrates were dismissed for corruption following investigations by the government's accounting office. In 2006 the head of the Office of Social Security was charged with corruption, detained in prison, and dismissed. Privatization of port, airport, and customs operations resulted in substantially increased transparency and rising government revenues in the most important sector of the economy. The Chamber of Public Accounts and Fiscal Discipline conducted public expenditure audits in an effort to fight corruption and promote transparency.

There were no laws to provide public access to government information, and it was unclear whether persons would be granted such access if requested.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A few domestic human rights groups generally operated without government restriction, conducting limited investigations and sometimes publishing findings on human rights cases. Government officials generally disregarded their views.

The leader of the local human rights group Ligue Djiboutienne des Droits de l'Homme (LDDH) was tried for libel during the year, and that had a chilling effect on his activities, as well as those of other human rights groups. On March 9, Jean-Paul Abdi Noel, president of the LDDH, was arrested and charged with dissemination of false information. Noel had written a report that a member of the Republican Guard raped a young girl, and he also reported what he called a mass grave for victims of extrajudicial killings during the 1992-2000 civil war. The court found Abdi Noel guilty after the girl's family denied the rape had taken place, and after former combatants and others concluded the grave was not that of extrajudicial victims of the civil war. On April 11, the court sentenced Noel to imprisonment for a year and to a fine of \$1130 (200,000 DF). Citing Abdi Noel's poor health, the government released him after two months and permitted him to leave for medical attention in Europe.

Although there were more than 900 civil society organizations, many, if not most, had links with the government.

The ICRC maintained a small office staffed with locally hired personnel. The ICRC regional representative based in Nairobi visited the country monthly.

There was a government ombudsman who also served as a legislator in the parliament and whose specific responsibilities included mediation between the government and nongovernmental organizations.

## Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and the law prohibit discrimination on the basis of language, race, or gender; however, government enforcement of such laws was ineffective. The government took steps during the year to increase protection of women, including establishment of a center to assist female victims of violence and ongoing campaigns against FGM, but discrimination against women and ethnic minorities persisted.

### Women

The law includes sentences of up to 20 years for rapists. The number of such cases prosecuted during the year was unknown. There is no law against spousal rape. Domestic violence against women existed but few cases were reported. The law prohibits "torture and barbaric acts" against a spouse. Violations are punishable by 20 years' imprisonment. Violence against women generally was addressed within the family or clan structure rather than in the courts. Police rarely intervened in domestic violence incidents, and the media reported only the most extreme examples such as murder.

An estimated 98 percent of females in the country have undergone FGM, which traditionally was performed on girls between the ages of seven and 10. During the year the government increased efforts to end this practice with continued high-profile publicity campaigns in health centers around the country, in public statements by the president and first lady, and by enlisting the support of Muslim religious leaders to speak out against the practice. These actions built on efforts begun in 2005, when the government ratified the Maputo Protocol outlawing FGM. The efforts of the Union of Djiboutian Women and other groups to educate women against the practice were having some effect in the capital where reported rates of FGM among young women declined. However, infibulation, the most extreme form of FGM, continued to be widely practiced, especially in rural areas, despite the government anti-FGM campaign efforts there. The law states that violence causing genital mutilation is punishable by five years' imprisonment and a fine of \$5,650 (one million DF); the government had not yet convicted anyone under this statute.

Prostitution is illegal, but it was a significant problem. In general there were two categories of prostitutes: those with apartments and those on the streets. The first group was largely tolerated and catered to the foreign (particularly military) community. In 2006, there were reports that police vice officers beat prostitutes found on the streets and even raped them as a condition of their release. Police officials said such actions would not be tolerated and agreed to work with NGOs to improve protection of persons detained on suspicion of being prostitutes. Refugees and girls from poor families were at greater risk of becoming street prostitutes.

The law does not prohibit sexual harassment, and it was a problem.

Women legally possess full civil rights; however custom and traditional societal discrimination in education resulted in a secondary role for women in public life and fewer employment opportunities. The increased presence of women in the government, the legislature, and business has had a significant positive effect. The Family Code governs the majority of family and personal matters but inequities still exist. Male children inherited larger percentages of estates than did female children. Educated women increasingly turned to the regular courts to defend their interests.

### Children

The government devoted almost a fourth of its budget to education, particularly primary education, and to increased spending on rural health care, particularly for mothers and infants. It relied on a few charitable organizations to support children and encouraged others to join the effort. In June the president inaugurated a large new orphanage in Djibouti City funded by Kuwaiti charities.

The government, in cooperation with international NGOs, has been working to implement a new comprehensive birth registration program.

Primary education was compulsory, and the government provided tuition-free public education, but extra expenses could be prohibitive to poor families. As part of a nationwide initiative during the year, the government increased access to primary school and urged attendance. The overall gross enrollment rate increased from 57 to 67 percent between 2006 and this year. Enrollment in first grade increased 19 percent. Attendance of girls also increased significantly. The highest level of education reached by most students was completion of primary school. The educational system did not discriminate against girls, but societal attitudes resulted in differences in the attendance and treatment of girls in school. The government provided a satchel of essential school supplies to children in poor areas, paid salary arrears for teachers, and authorized a premium for teaching in rural areas. The government also established parent-teacher associations in every school system.

Boys and girls had equal access to state medical care. Medical care in rural areas remained poor but improved because of a new network of rural clinics and significant increases in hiring and training of nurses and doctors.

Child abuse existed but was not frequently reported or prosecuted. In 2006 the government arrested and tried Christian George, a French national, for child abuse; he fled the jurisdiction while on bail. During the year, he returned, was re-arrested, and was in prison at year's end.

FGM was performed on as many as 98 percent of young girls.

Child marriage occurred in rural areas and among some tribal groups; however, it was not considered a significant problem. The government worked together with several NGOs to increase school enrollment for girls in part to reduce the likelihood that parents would force young girls into marriage. The Ministry for the Promotion of Women, Family, Well-Being/Welfare, and Social Affairs also worked actively with women's groups throughout the country to protect the rights of girls, including the right to decide when and whom to marry.

There were credible reports of child prostitution on the streets and in brothels despite increased government efforts to stop it, including keeping children at risk off the streets and warning businesses against permitting children to enter bars and clubs.

Child labor existed.

#### Trafficking in Persons

The law prohibits trafficking in persons. On December 8, the National Assembly passed a law on combating trafficking in persons that includes provisions on prevention, prosecution, and protection of victims. The penal code states that increased penalties apply in cases of trafficking with respect to a person who is enticed to engage in prostitution either outside the country or upon the person's arrival within the territory.

Despite the prohibition there were credible reports of child prostitution during the year, and some of those involved reportedly came from neighboring countries. Although there were no other known reports of persons being trafficked to, from, or within the country, there was continued speculation that the country was a destination and transit country for small numbers of individuals trafficked from Ethiopia and Somalia to the Middle East.

In connection with the new antitrafficking law, the government enacted a public awareness campaign, and government officials, police, and NGOs met to consider means to improve protection for victims.

#### Persons with Disabilities

Although persons with disabilities have access to education and public health facilities, there is no specific law that addresses the needs of persons with disabilities, and there are no laws or regulations that prevent job discrimination against persons with disabilities. During the year, government and NGOs organized a series of seminars and awareness campaigns aimed at public officials to improve legal protections and workplace conditions for the persons with disabilities. There was societal discrimination against persons with disabilities. The government did not mandate accessibility to buildings or government services for persons with disabilities.

#### National/Racial/Ethnic Minorities

The governing coalition is a coalition of the country's clan and ethnic groups with minority groups represented in senior positions. Nonetheless there continued to be discrimination on the basis of ethnicity in employment and job advancement. Somali Issas were the majority ethnic group; they controlled the ruling party and dominated the civil service and security services. Discrimination based on ethnicity and clan affiliation declined, but affiliation remained a factor in business, government, and politics.

#### Other Societal Abuses and Discrimination

There was no known societal violence or discrimination based on sexual orientation or against persons with HIV/AIDS.

#### Section 6 Worker Rights

##### a. The Right of Association

The law and the constitution provide for the right to form and join unions; however, the government restricted these rights in practice. Under the Labor Code a union must have the approval of three government ministries as well as the labor

inspectorate and the public prosecutor to exist. Unlike in the previous year, there were no reports that the government suppressed independent representative unions by firing their leaders, preventing them from holding congresses, or creating government-sponsored shadow unions to replace them.

In February 2006 Mohamed Ahmed Mohamed and Djibril Ismail Egueh were charged with sharing classified information with a foreign government during their January-February 2006 visit to Israel. They participated in a conference sponsored by the Center for International Cooperation of the Israeli Ministry of Foreign Affairs. After their return they were sentenced to one month in prison and released in April 2006. The government confiscated their passports and required that they report to the police weekly. That same month the government also refused to allow entry to three International Labor Organization representatives who tried to visit the country to investigate the incident. In March 2006 Aden Mohamed Abdou and Hassan Cher Hared, president and vice-president respectively of the Djiboutian Workers Union, were arrested for facilitating the departure for Israel of their colleagues. At year's end, both Abdou and Hared were still under court order to report weekly to the court; however, Hared departed the country and authorities did not object.

The law prohibits antiunion discrimination, and employers found guilty of discrimination were required to reinstate workers fired for union activities; however, the government neither enforced nor complied with the law.

#### b. The Right to Organize and Bargain Collectively

Although the law allows unions to conduct activities without interference, the government did not protect this right in practice. Collective bargaining did not occur.

Relations between employers and workers were informal and paternalistic. Employers generally established wage rates based on labor ministry guidelines. In disputes over wages or health and safety problems, the Ministry of Labor encouraged direct resolution by labor representatives, who could be and were chosen by the government, and employers. Workers or employers could request formal administrative hearings before the ministry's inspection service. Critics claimed that inspection and dispute settlement suffered from poor enforcement due to their low priority and inadequate funding.

The law provides for the right to strike and requires representatives of employees who plan to strike to notify the Ministry of Interior 48 hours in advance; workers exercised this right in practice.

The law confers upon the president broad powers to requisition public servants who are considered indispensable to the operation of essential public services.

A special labor law which is more flexible applies in the Duty Free Zone, an export processing area.

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor including by children, and there were no reports that such practices occurred.

#### d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits all labor by children under the age of 16, but the government did not always enforce this prohibition effectively, and child labor existed. Children were involved in the sale of drugs and prostitution. Family-owned businesses such as restaurants and small shops employed children at all hours. Children were also involved in activities such as shining shoes, washing and guarding cars, selling items, working as domestic servants, working in agriculture and with livestock, and other activities in the informal sector. The Ministry of Labor is responsible for monitoring work places and preventing child labor, but a shortage of labor inspectors reduced the likelihood that reports of child labor would be investigated. There is no program undertaken by the government to enforce the work of inspectors.

#### e. Acceptable Conditions of Work

Only a small minority of the population was engaged in wage employment. The 2006 Labor Code canceled minimum wage rates for occupational categories and provided that wages be set after common agreement between employers and employees. The former national minimum wage did not provide a decent standard of living for a worker and family, and it was unlikely that such common agreements would provide a minimum standard of living.

By law, the workweek has been augmented to 48 hours, normally spread over six days. The law mandates a weekly rest period of 24 consecutive hours and the provision of overtime pay. The Ministry of Labor is responsible for enforcing occupational health and safety standards, wages, and work hours. Because enforcement was ineffective, workers sometimes faced hazardous working conditions. Workers rarely protested due to fear that others willing to accept the risks would replace them. There were no laws or regulations permitting workers to refuse to carry out dangerous work assignments without jeopardizing their continued employment.

