



[Home](#) » [Under Secretary for Democracy and Global Affairs](#) » [Bureau of Democracy, Human Rights, and Labor](#) » [Releases](#) » [Human Rights Reports](#) » [2009 Country Reports on Human Rights Practices](#) » [Africa](#) » [Djibouti](#)

2009 Human Rights Report: Djibouti

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2009 Country Reports on Human Rights Practices

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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 February 2008 legislative elections, President Ismail Omar Guelleh's five-party coalition won all 65 national assembly seats. A three-party opposition coalition boycotted the race, which international observers from the African Union (AU) and the Arab League considered generally free and fair. Following a June 2008 border clash, Eritrean troops continued to occupy Djiboutian territory, despite condemnations by the United Nations, the Arab League, and the AU. Civilian authorities generally maintained effective control of the security forces.

The government's human rights record remained poor, although there were improvements in several areas, including prison conditions, reduced incidents of prolonged detention without charge, decreased perceptions of judicial corruption, and expanded services for women who were victims of violence. Serious problems included corruption; official impunity; arbitrary arrest and detention; prolonged pretrial detention; interference with privacy rights; restrictions on freedom of the press, assembly, and association; and restrictions on unions. Female genital mutilation (FGM) also remained a serious problem.

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 occasional allegations that police and gendarmes beat detainees.

Prison and Detention Center Conditions

Prison conditions remained difficult but continued to improve.

The Gabode Prison usually held an estimated 500 prisoners, including approximately two dozen female prisoners. There were normally fewer than half a dozen juvenile prisoners, although their numbers occasionally spiked dramatically after incidents of youth violence in Djibouti City. More than half of the prisoners generally were citizens.

Several prison nurses and a doctor who visited four times a week provided medical care, while prisoners with serious health problems were treated at the main Djibouti City public hospital. Seriously sick prisoners were held separately, and prisoners with communicable diseases were segregated from prisoners with other health problems. Adequate medication was provided. During the prisoner intake process, prison officials attempted to document serious health conditions, and prison medical staff regularly suggested that prisoners who appeared unwell receive testing for serious illnesses. Due to an acute lack of mental health resources, prisoners with serious mental illness did not receive adequate care.

In 2008 the new specialized prison guard force replaced the previous national police guards. Most applicants for the new guard force were required to have at least a high school degree and received some initial specialized training, although continuing training was inadequate. Under the administration of the new prison guard force, incidents of collaboration between guards and prisoners to subvert prison rules reportedly declined significantly, and the prison atmosphere was noticeably calmer and more orderly.

Men and women were held separately. Juveniles were generally held separately from adult prisoners, and small children were allowed to stay with their mothers. Although prison officials attempted to hold convicted prisoners separately from those awaiting trial, space constraints in the filled-to-capacity prison often prevented full separation of the two groups.

The government granted prison access to the International Committee of the Red Cross (ICRC) for inspections, and prison visits occurred up to six times a year. The ICRC provided prisoners with soap, bleach, and cleaning powder monthly.

A small group of Eritrean prisoners of war captured during a June 2008 border skirmish with Eritrea received regular visits from ICRC staff.

At Nagad detention center, where authorities held foreigners prior to deportation, detainees had access to water, food, and medical treatment. Authorities deported most detainees within 24 hours of arrest.

Prison conditions continued to improve, especially with the complete transfer of prison security responsibilities to the new, dedicated prison guard force. At Gabode Prison, prisoners had adequate access to water for drinking and washing and to sanitary facilities. The prison kitchen remained adequate but rudimentary. Prisoners were provided with three meals a day, with meat served on alternate days. Prisoners' families were allowed to bring food to the prison.

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 under the Ministry of Interior, the army and National Gendarmerie under the Ministry of Defense, and an elite Republican Guard that protects the president. The National Police is responsible for internal security and border control. The National Gendarmerie is responsible for external security but also has some domestic responsibilities. A separate prison guard service is responsible for security at the national prison.

Police were generally effective; however, there were isolated reports of corruption, particularly in the lower ranks where wages were low. Official impunity was a problem. There was a Human Rights Office within the police, and human rights education was integrated into the police academy curriculum.

Arrest Procedures and Treatment While in 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, especially in rural areas. Detainees may be held another 48 hours with the prior approval of the public prosecutor. Detentions exceeding the allowed time limit reportedly became less common during the year, although no statistics were available. There remained a need for more training of the police to ensure uniform compliance with the law.

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 rights. 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. The law provides that detainees be promptly notified of the charges against them, although in practice there were occasional delays. Detainees generally were allowed access to family members and to legal counsel. Although judicial delays were becoming less severe, lengthy pretrial detentions due to inefficiency and staff shortages within the judicial system remained 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 always independent of the executive. Constitutional provisions for a fair trial were not universally respected. The judiciary was inefficient; however, there was a growing perception that corruption was less common. Although more training was still needed, magistrates were increasingly better educated. Women represented over half of magistrates, and there was a widespread public perception that female judges were less susceptible to corruption. In 2007 a government audit of the judiciary resulted in the dismissal of two magistrates for corruption.

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.

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 is 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 family court.

Trial Procedures

Trials generally are public. The indigent have a right to legal counsel in criminal and civil matters, but in practice defendants sometimes did not have legal representation. The law states the accused is innocent until proven guilty. A presiding judge and two associate judges hear court cases. The judge receives assistance from three lay assessors who are not members of the bench but who are considered to possess sufficient legal knowledge to comprehend court proceedings. The government chose lay assessors from the public. Defendants have the right to be present, confront

witnesses, have access to government-held evidence, and to appeal. Defendants can present witnesses and evidence on their own behalf.

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.

In general the law provides for equal application to all citizens. In accordance with Shari'a, male children inherited larger percentages of estates than did female children.

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 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. There is an administrative law chamber which mediates disputes between citizens and government authorities. Court decisions were not always enforced.

In case of human rights violations, citizens have the right to 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 with other government branches.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution and the law prohibit such actions; however, the government did not uniformly 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.

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. While individuals often expressed themselves freely in society, opposition leaders continued to accuse the government of attempting to impede public criticism.

There were few media outlets, and due to media and slander laws, journalists practiced self-censorship. A 2007 law sets out the rights and obligations of journalists and protects the right to organize and strike. There were two local journalists' associations. The East African Journalists Association, a group dedicated to fostering press freedom, protecting journalists' safety, and promoting regional conflict resolution, had its headquarters in the country. In 2008 the association held a series of capacity building workshops for local journalists, focusing on organization and planning for journalists' associations.

The law prohibits dissemination of false information and regulates the publication of newspapers. The government owns the principal newspaper, *La Nation*, which is published four times a week. Each registered political party is permitted to publish a public journal or newspaper. Opposition political groups and civil society activists circulated newsletters and other materials critical of the government.

The 2007 ban on the opposition political party newsletter *Le Renouveau* remained in effect at year's end.

The government also owned the radio and television stations. The official media generally did not criticize government leaders or policy. Radio-Television Djibouti (RTD), 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.

Internet Freedom

There were few government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. However, the government reportedly continued to block the Web site of the Association for Respect of Human Rights in Djibouti (ARDHD), which was often critical of the government. The ARDHD claimed access to its Web site was blocked by the local Internet provider, although those with satellite connections were able to access the site.

According to International Telecommunication Union statistics for 2008, approximately 1.5 percent of the country's inhabitants used the Internet.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events, and teachers could speak and conduct research without restriction provided 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. Prior to the February 2008 legislative elections, the government denied the three-party opposition coalition, which was boycotting the elections, permission to hold two protest meetings, citing a law that limits political party gatherings during campaign periods to those parties contesting the elections.

Police dispersed several unauthorized demonstrations during the year.

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, particularly for labor unions.

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 punish 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 the government did not discourage it; however, cultural norms effectively discouraged public proselytizing by non-Muslims and conversion from Islam.

Societal Abuses and Discrimination

There were occasional reports of societal discrimination based on religious affiliation, belief, or practice. Some representatives of Christian denominations noted occasional incidents of societal animosity towards non-Muslims.

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

For a more detailed discussion, see the *2009 International Religious Freedom Report* at www.state.gov/g/drl/rls/irf.

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

The constitution and the law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice.

Due to the continuing border dispute with Eritrea, certain areas in the north remained under military control.

The government generally cooperated with the Office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, asylum seekers, stateless persons, and other persons of concern.

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

Internally Displaced Persons (IDPs)

In June 2008 the ongoing border dispute with Eritrea intensified and reportedly resulted in the displacement of at least 207 families living in the north near the border. In July 2008 the ICRC provided humanitarian assistance to 140 displaced families.

Protection of Refugees

The laws provide for the granting of asylum or refugee status in accordance with the 1951 Convention relating to the Status of Refugees, its 1967 Protocol, and the 1969 African Union Convention Governing the Specific Aspects of the Refugee Problem in Africa. The government has established a system for providing protection to refugees under the National Eligibility Commission, first formed in 1978. In July 2008 the government reactivated the commission and began interviewing urban refugees who had been in the country for several years.

The government did not routinely grant refugee or asylum status, and the government did not accept refugees for resettlement during the year. In practice the government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. During the year the government also provided temporary protection to a limited number of individuals who may not qualify for refugee status under the 1951 Convention or the 1967 Protocol.

The government and UNHCR generally cooperated in providing assistance to refugees and asylum seekers. During the year the National Assistance Office for Refugees and Disaster Stricken People (ONARS) and UNHCR completed a census of refugees at Ali Addeh refugee camp and distributed identification cards to adult refugees. However, organizational difficulties and resource constraints prevented both entities from providing adequate service to refugees, including the prompt processing of refugee claims. While the government grants prima facie status to refugees from southern Somalia, all other nationalities, including Eritreans, must register with ONARS.

Refugees reported that although they could not obtain work permits, many, especially women, worked. Due to the lack of permits, however, they were unable to challenge poor working conditions or ensure fair payment for their labor. There

were reports that refugees were subject to arbitrary arrest and detention. To address this problem, the government and the UNHCR held a workshop in October 2008 to educate 28 immigration and border control officers on refugee rights and the proper procedures for dealing with refugees. Refugees at the Ali Addeh camp had access to a local primary school but not to a secondary school.

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

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage. A multiparty system exists, and citizens are free to align themselves with the party of their choice.

Elections and Political Participation

In February 2008 President Ismail Omar Guelleh's five-party coalition, the Union for a Presidential Majority (UMP), won all 65 seats in the winner-take-all national assembly contest. The UMP included former opposition parties and leaders. International observers from the AU and the Arab League considered the election generally free and fair.

A three-party opposition coalition, the Union for Democratic Alternance (UAD), boycotted the election after a list of demands regarding the electoral process was not met. In July 2008 the government banned the opposition political party Movement for Democratic Revival (MRD), a member of the UAD, alleging that one of its leaders had invited Eritrea to invade the country. The MRD filed an appeal to protest this decision, and the case was pending a hearing by the administrative law chamber at year's end.

Opposition political parties claimed that the government restricted and interfered with their operations. For example, on September 29, authorities arrested Union for Democracy and Justice opposition political party member Gouhad Hoch Hared and charged him with illegal distribution of a tract. The court sentenced him to two months in prison; he appealed the verdict and was released on November 11.

Local governments, elected in the country's first-ever regional elections in 2006, included both ruling coalition and independent officials. Following the official transfer of authority from the central government in 2008, the regional governments had greater responsibility for several services, including trash collection, management of markets, and issuance of civil documents such as birth certificates.

The 2008 legislative elections brought two more women into the National Assembly, raising the number of female parliamentarians in the 65-seat body to nine. There were two women in the 21-member cabinet, and the president of the Supreme Court, who by law acts in the president's stead in case of death or incapacitation, was a woman.

The legislature included members of all clans; membership was approximately 45 percent Issas, 40 percent Afars, and 15 percent representatives of smaller minority groups. Elected as a single list, the legislature's composition reflected the governing coalition's intent to ensure balance. The cabinet was similarly balanced; there were seven Afars, including the prime minister, the defense minister, and the foreign minister. However, some Afars continued to claim that they were not as well represented at lower levels. There were three representatives from Somali clans other than the Issa in the cabinet, and one of Yemeni origin.

Section 4 Official Corruption and Government 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 most recent World Bank Worldwide Governance Indicators, government corruption was a serious problem.

The government continued to take steps to combat corruption. In 2007 two magistrates were dismissed for corruption following investigations by the government's accounting office. The presence of more female judges helped fuel a growing public perception that there was less corruption in the judiciary.

Privatization of port, airport, and customs operations continued to increase transparency and government revenues substantially in the most important sectors of the economy. The Chamber of Public Accounts and Fiscal Discipline (CAFD) and the State Inspectorate General (IG) were responsible for combating corruption and conducted public expenditure audits in an effort to promote transparency. During the year the IG completed an audit of ministries' inventories of government property, in collaboration with the Ministry of Finance's inspector general. The CAFD and IG are mandated to report regularly, although in practice these reports were not always timely. In September RTD began to broadcast anticorruption public service announcements developed with the IG. The public service announcements were aired twice a week in four languages.

Public officials were not subject to financial disclosure laws.

There were no laws providing for public access to government information, although legislative texts were publicly available through the online official journal, and citizens could address requests for information or mediation to the Ombudsman's Office.

Section 5 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 were occasionally responsive to their views. However, government officials regularly cooperated with local nongovernmental organizations (NGOs) offering training and education to citizens on human rights issues, especially women's rights.

On April 4, gendarmes arrested and detained Jean-Paul Abdi Noel, the leader of the local human rights group Djiboutian League for Human Rights, on charges of distributing materials which insulted judicial authority. Authorities released him on April 5 but ordered him to remain under judicial control. On June 7, a court ordered that the judicial control be lifted. Abdi Noel asked for his case to be dismissed and was awaiting a verdict on this motion at year's end.

In 2007 a court tried Abdi Noel for libel and fined and briefly imprisoned him. He appealed his sentence, and after several postponements in 2008 and 2009, at year's end he was awaiting a Supreme Court hearing scheduled for January 17, 2010.

The government routinely allowed visits from international NGOs, including those dealing with human rights issues, and regularly received visitors from UN bodies. In February officials from the Addis Ababa-based UN Human Rights East Africa Regional Office visited to participate in a UN-sponsored human rights seminar.

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

In April 2008 the government established a Human Rights Commission whose members included technical experts, representatives of civil society and labor, religious groups, the legal community, the Ombudsman's Office, and the National Assembly. The commission met regularly and occasionally commented on cases of concern. State-run media featured prominent coverage of the commission's activities throughout the year, including of an event centered on discussion of the commission's new three-year strategic plan to build capacity, and of a workshop on monitoring and investigating human rights abuses.

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

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and 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 ongoing campaigns against FGM, but societal discrimination against women and ethnic minorities persisted.

Women

The law includes sentences of up to 20 years' imprisonment for rape. According to police statistics, 12 cases of rape were reported to the police in 2008, representing a drop from 23 cases in 2007. In addition, eight women reported rape in 2008 to a counseling center run by the Union of Djiboutian Women, under the patronage of the first lady. There is no law against spousal rape. Reliable statistics on the prevalence of rape were not available. Rape cases, which often were not reported to the police, were commonly settled informally between the families of the victim and the perpetrator.

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 rather than in the courts. Police rarely intervened in domestic violence incidents, and the media reported only the most extreme cases, such as murder. The Union of Djiboutian Women's counseling center helped women with a variety of problems, including domestic violence. In 2008 the counseling center assisted 652 women, men, and children. A total of 38 percent of the 640 women assisted reported physical violence, and 13 percent psychological abuse. More than 50 percent sought assistance in obtaining alimony or child support payments.

Prostitution is illegal but it occurred. In 2008 police reported 201 cases of prostitution. Only 29 percent of these cases involved citizens; the remainder involved Somali or Ethiopian nationals. 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.

The government recognized the right of citizens to decide freely and responsibly the number, spacing, and timing of their children. Health clinics are permitted to operate freely in disseminating information on family planning under the guidance of the Ministry of Health. There are no restrictions on the right to access contraceptives; however, according to available data, the estimated contraceptive coverage rate was only 18 percent. The government provided childbirth services, and increasing numbers of women delivered babies in a hospital or health clinic. Men and women received equal access to diagnosis and treatment for sexually transmitted infections, including HIV/AIDS.

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 in the formal sector. Many women owned and ran small businesses, although mostly in the informal sector, where they did not receive the same benefits or access to credit available in the formal sector. The government promoted female leadership in the small business sector, including through expanded access to microcredit. The increased presence of women in the government, the legislature, and business had a positive effect. A 2008 presidential decree required women to be represented in at least 20 percent of all high-level public service positions, although there were no statistics available. The Family Code governs the majority of family and personal matters, but inequities existed. In accordance with Shari'a, male children inherited larger percentages of estates than did female offspring. Educated women increasingly turned to the regular courts to defend their interests.

Children

Citizenship is derived from a child's parents. The government did not register all births immediately. There were difficulties in registering births of children in remote areas, although most births in Djibouti City were registered quickly, and the government continued to encourage immediate registration.

While the government continued to stress the importance of children's rights, some problems remained. The government continued to devote increased resources for education and health care, committing a quarter of its budget to education, particularly primary education, and over 15 percent to health care, including 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.

Primary education was compulsory and available to all. However, enrollment rates, although increasing, were not universal. The government provided tuition-free public education, but extra expenses could be prohibitive for poor families. Although the educational system did not discriminate against girls, societal attitudes sometimes resulted in differences in the attendance and treatment of girls in school. The government worked with international donors to improve significantly girls' school attendance rates, and during the year more than 46 percent of children enrolled in school were girls. The government provided a satchel of essential school supplies to children in poor areas, and authorized a premium for teaching in rural areas. The government also continued to support parent-teacher associations throughout the country.

Child abuse existed but was not frequently reported or prosecuted.

FGM was widely performed on young girls. An estimated 93 percent of females in the country had undergone FGM, although some studies indicated that recent NGO and government efforts to stop the practice had begun to reduce significantly the number of young girls subjected to FGM in Djibouti City.

During the year the government increased efforts to end FGM with continued high-profile publicity campaigns around the country, ongoing public support from the first lady and other well-known women, and outreach to Muslim religious leaders. The government-run press featured frequent and prominent coverage of events organized to educate the public on the negative consequences of FGM. 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 about the practice were having some effect in the capital, where reported rates of FGM among young women continued to decline. However, infibulation, the most extreme form of FGM, continued to be widely practiced, especially in rural areas. The law states that genital mutilation is punishable by five years' imprisonment and a fine of one million DF (\$5,650); however, the government had not convicted anyone under this statute. In July the government adopted an additional anti-FGM statute that provides for up to one year's imprisonment and a fine of up to 100,000 DF (\$565) for anyone convicted of failing to report a completed or planned FGM to the proper authorities. The new law also allows NGOs to file charges on behalf of FGM victims.

In an effort to reduce the demand for commercial sex acts, in April 2008 the government issued international arrest warrants for five French nationals based on allegations of child sexual abuse. Christian George, a French national rearrested in 2006 for child abuse after an attempt to flee the country, finished his sentence and was repatriated to France.

Child marriage occasionally occurred in rural areas; however, it was not considered a significant problem. In 2008 six women reported cases of forced marriage to the Union of Djiboutian Women's counseling center. The government worked 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, Welfare, and Social Affairs also worked with women's groups throughout the country to protect the rights of girls, including the right to decide when and whom to marry.

Despite increased government efforts to keep at-risk children off the streets and warn businesses against permitting children to enter bars and clubs, there were credible reports of child prostitution on the streets and in brothels. Occasionally child prostitution occurred with the involvement of a third party, most frequently an older child or group of older children. Of 201 prostituted persons apprehended by the police in 2008, 51 were between the ages of 10 and 18.

There was no specific law prohibiting statutory rape, but age of majority was fixed by law at 18 for both men and women. The sale, manufacture, or distribution of all pornography, including child pornography, is covered under laws prohibiting attacks on "good morals," and violations are punishable with a year in prison and a fine of up to DF 200,000 (\$1,130).

Trafficking in Persons

The law prohibits all forms of trafficking in persons, including internal and transnational trafficking, and provides penalties of up to 30 years' imprisonment for traffickers. The law prohibits discrimination among trafficking victims based on ethnicity, gender, or nationality.

Despite the prohibition, during the year there were credible reports of women and children, mostly Ethiopians and Somalis, and impoverished local girls trafficked for the purpose of prostitution or domestic servitude.

During the year the International Organization for Migration (IOM) established an office in Djibouti at the government's invitation. The government worked with the IOM on a publicity campaign to discourage irregular migration and to warn migrants of the risk of being trafficked. In 2008 the police arrested 148 persons for trafficking or smuggling, of whom 130 were convicted and sentenced to prison. Some smugglers were of Yemeni origin. The government offered limited services to smuggling and trafficking victims, including health care.

The State Department's annual *Trafficking in Persons Report* can be found at www.state.gov/g/tip.

Persons with Disabilities

Persons with disabilities had access to education and public health facilities, and the labor code prohibits discrimination in employment against persons with disabilities. NGOs continued to organize seminars and other events that drew attention to the need for enhanced legal protections and better workplace conditions for 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. No government agency was charged specifically with protecting the rights of such persons, although the Ministry of Justice was charged with general responsibilities for human rights.

National/Racial/Ethnic Minorities

The governing coalition included all of the country's major clan and ethnic groups, with minority groups also represented in senior positions. Nonetheless, there continued to be discrimination on the basis of ethnicity in employment and job advancement. 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 declined, but affiliation remained a factor in business, government, and politics.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

There was no known societal violence or discrimination based on sexual orientation.

Other Societal Violence or Discrimination

There was no known societal violence or discrimination against persons with HIV/AIDS.

Section 7 Worker Rights

a. The Right of Association

The constitution and law provide for the right to form and join unions; however, the government restricted these rights in practice. Reliable statistics on the percentage of total workforce that belonged to a trade union were not available. The law confers upon the president broad powers to requisition public servants who are considered indispensable to the operation of essential public services. Under the labor code, a union must have the approval of the Ministries of Labor and Interior as well as the Labor Inspectorate and the public prosecutor. Some union leaders continued to allege that the government suppressed independent representative unions by tacitly discouraging labor meetings and accused the government of allowing what they called government-sponsored "shadow union" representatives to attend the 2009 International Labor Conference as the country's labor representatives. Some members of the Djiboutian Work Union (UDT) also accused the government of breaking up a union meeting on October 13 and of preventing the UDT from holding a planned union congress on October 14-15.

The law provides for the right to strike and requires representatives of employees who plan to strike to provide 15 days' advance notification to the Labor Inspectorate, which uses this time period to attempt to mediate an alternate resolution of the dispute. In practice unions occasionally disregarded this requirement for advance notification. Workers exercised the right to strike in practice, and the Labor Inspectorate recorded half a dozen strikes during the reporting period.

b. The Right to Organize and Bargain Collectively

The labor code allows for collective bargaining and fixes the basic conditions for adherence to collective agreements. During the year government officials and labor union leaders reported that collective bargaining was underway, although progress in reaching agreements was slow. All parties agreed that workers needed better technical assistance, for example, and legal counseling to be able to negotiate effectively with employers. The National Council on Work, Employment, and Professional Training, established in 2008, was charged with examining all collective bargaining agreements and playing an advisory role in their negotiation and application. The council included representatives from labor, employers, and the government.

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 chosen by the government and employers. Workers or employers could request formal administrative hearings before the Labor Inspectorate. However, in practice the inspectorate did not have sufficient resources to conduct regular preventive inspections or to follow up on the enforcement of previous cases.

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

The 2004 Djibouti Free Zone code establishes more flexible hiring regulations for workers in the Duty Free Zone, an export processing area. However, on other work issues, the national labor code applies to Duty Free Zone workers.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, a small number of women and children transiting the country from Somalia or Ethiopia, and impoverished local girls fell victim to domestic servitude or commercial sexual exploitation after reaching Djibouti City or the Ethiopia-Djibouti trucking corridor (see section 6).

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 the mild narcotic khat, legal under local law, and engaged in prostitution. Family-owned businesses such as restaurants and small shops employed children at 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 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 and a lack of other resources such as vehicles reduced the likelihood that reports of child labor would be investigated, and no inspections were conducted during the year. There was 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 employed formally and earned a wage salary. The 2006 labor code canceled minimum wage rates for occupational categories and provides 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 decent standard of living.

By law the workweek is 48 hours, normally spread over six days. This limit applies to workers regardless of gender or nationality. The law mandates a weekly rest period of 24 consecutive hours and the provision of overtime pay, and limits compulsory overtime to a maximum of five hours per week.

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. Although more flexible hiring regulations applied in the Free Zone, other labor code provisions applied to all workers, including foreign workers and workers in the Free Zone.