



Djibouti

Country Reports on Human Rights Practices - [2006](#)

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Djibouti is a republic with a strong presidency and a weak legislature. It has an estimated population of 660,000. In April 2005 President Ismail Omar Guelleh, candidate of the ruling People's Rally for Progress (RPP), won reelection unopposed amid an opposition boycott. International observers considered the election generally free and fair. The civilian authorities generally maintained control of the security forces.

The government's human rights record remained poor, and it continued to commit serious abuses. Human rights problems included the abridgement of citizens' rights to change their government; abuse of prisoners and detainees; harsh prison conditions; official impunity; arbitrary arrest and detention; prolonged pretrial detention; interference with privacy rights and restrictions on freedoms of press, assembly, and association. Other abuses included the use of force to disperse demonstrators and strikers, violence and discrimination against women, female genital mutilation (FGM), discrimination on the basis of ethnicity, nationality, and clan background, and restrictions on unions and harassment of union leaders were also observed.

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 and physically abused prisoners and detainees.

On September 12, police beat and arrested protesters demonstrating against power shortages (see section 2.b.).

Members of police vice squads targeted prostitutes on the streets and reportedly raped them as a precondition for their release. During the year government officials acknowledged this problem but took no action.

Prison and Detention Center Conditions

Prison conditions were harsh, and overcrowding was a serious problem. Conditions at Nagad detention center, where foreigners were held prior to deportation, were unsanitary, and detainees often were not fed for several days before their deportation. Medical care was inadequate, and several prisoners reportedly suffered from untreated illnesses or injuries received during arrest.

In principle juveniles were held separately from adult prisoners; however, this was not always the case. Children under the age of five sometimes were allowed to stay with their mothers. Pretrial detainees usually were not held separately from convicted prisoners due to the lack of facilities.

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 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 and Gendarmerie Nationale under the Ministry of Defense, and an elite Republican Guard under the presidency. The FNP is responsible for internal security, border control, and prisons. The Gendarmerie Nationale is responsible for external security but also has some domestic security responsibilities. The Republican Guard is responsible for the protection of the president.

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 is no mechanism available to investigate police abuses.

On May 12, large-scale military operations were undertaken in the northern part of the country by the armed forces with police forces and gendarmerie. The government claimed that these operations were meant to deal with bandits and criminals that have been terrorizing the northern populations. According to opposition parties and the Human Rights League, these operations were conducted against an armed splinter group of the Front for the Restoration of Unity and Democracy, a party that is now a member of the ruling coalition.

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.

Security forces arbitrarily arrested and detained numerous persons, some of whom were beaten (see section 1.c.). Security forces also arrested demonstrators and strikers during the year (see sections 2.b. and 6.b.).

Lengthy pretrial detention was a problem; however, no statistics were available.

Amnesty

On June 26, the government released or reduced sentences of prisoners as part of the annual Independence Day amnesty. Prisoners serving one year or less were released; prisoners with longer terms received reductions in their sentences. The amnesty excluded drug dealers, those held for misuse of public funds, those who committed violence against their families, and rapists. In celebration of the Eid al-Adha holiday, another amnesty decree was signed on December 29 releasing 113 prisoners from jail.

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.

The judiciary, based on the French Napoleonic code, was 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 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. In 2004 the government published and began implementing the 2002 Family Code, which replaces Shari'a in governing the majority of laws pertaining to family and personal matters, including marriage, divorce, child custody, and inheritance matters. Issues that fall under the Family Code are brought to civil court, and both parties can present their case to a judge; the court then tries to reach a reconciliation agreement between the two parties. If no solution can be found, the judge decides the case based on the appropriate statutes in the Family Code.

Trial Procedures

Trials generally were public, except in politically sensitive cases when security measures effectively prevented 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 that 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, have a right of appeal, and enjoy a presumption of innocence.

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. The Administrative Chamber does exist, but does not function. 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 in practice the government did not always obtain such warrants. The government reportedly monitored and sometimes disrupted the communications of government opponents by cutting their telephone or electricity service. Police reportedly frequently followed persons who attended opposition rallies.

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 restricted these rights in practice. The government intimidated journalists into practicing self censorship.

On May 30, the government suspended Kaltoum Ali, a journalist for the Radio and Television of Djibouti and correspondent of BBC Somali, for broadcasting an antigovernment report on BBC Somali. Ali had interviewed the mother of an eight-year-old child suspected of avian influenza who denied her daughter's illness and accused the Ministry of Health of inventing the disease to obtain foreign aid. One case of avian influenza was confirmed in the country in 2006. After a three month suspension, Kaltoum Ali resumed work in September.

The law prohibits the dissemination of false information and regulates the publication of newspapers. The government owned the principal newspaper, La Nation, which published three times a week. In addition each registered political party is permitted to publish a public journal. 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.

The government used several tactics to intimidate journalists, including surveillance and the removal from newsstands of publications that criticized the government. In January 2005 officials cut off Radio France Internationale's FM broadcasts in the country because of its reporting of an on-going French legal inquiry into the 1995 death of Bernard Borrel, a French judge. The broadcasts remained off the air during the year.

Internet Freedom

The government did not monitor e-mail or Internet chat rooms.

In January government authorities blocked the Web site of the Association for Respect of Human Rights in Djibouti (ARDHD), an association that is often critical of the government. Access to ARDHD's website was blocked by the local Internet provider, although surfers with satellite connections were able to enter the site. The government denied that it was blocking the site.

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 effectively practiced self censorship and refrained from organizing popular demonstrations to avoid provoking a government crackdown.

Police forcibly dispersed demonstrations during the year, resulting in several injuries.

On September 12, police beat and arrested demonstrators, mainly teenagers and women, who had burned tires and blocked roads to protest power shortages. Those arrested were detained for several weeks and released.

No action was taken against police officers responsible for the following 2005 cases of forcible dispersion of demonstrators: the April firing of tear gas into a crowd of demonstrators, resulting in several injuries and the November shooting of demonstrators, resulting in four deaths and numerous injuries.

In the case of an October 2005 incident in which shots were fired into a violent crowd of demonstrators killing one person, the director general of police was dismissed due to his refusal to acknowledge any responsibility by his men in the killing.

Unlike in the previous year, there were no reports that police forcibly dispersed violent labor 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. The government continued to harass and intimidate members of opposition groups (see section 1.f.).

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.

The government requires that religious groups register. Unlike in previous years, there were no reports that groups were denied the right to register.

There is no legal prohibition against proselytizing; however, it was discouraged.

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 [2006 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The constitution and the law provide for these rights; however, the government at times limited them 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 they feared persecution, however, there were unconfirmed reports during the year of refoulement specifically to Ethiopia and Eritrea.

The government did not routinely grant refugee or asylum status, and the government did not accept refugees for resettlement during the year. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) in providing assistance to refugees and asylum seekers.

In June 2005 two of three Ethiopian Air Force personnel who flew an Ethiopian military helicopter into Djibouti reportedly requested asylum. The government contacted Ethiopia and an Ethiopian military delegation came and reportedly convinced the three men to return to Ethiopia. Amnesty International and the UNHCR were not granted access to the men. Family members told the local press in 2005 that the pilots were being held incommunicado at an air force base in Ethiopia. At year's end, there were no updates on their case.

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; however, the government limited this right in practice.

Elections and Political Participation

In April 2005 President Guelleh of the RPP, which has ruled the country since independence, won reelection with 95 percent of the vote. Guelleh ran unopposed as the opposition boycotted the election, charging that the government ignored its 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. The opposition again boycotted local elections held on March 10.

There were seven women in the 65 seat legislature; these seats were reserved for women by presidential decree. In July 2005 the Ministry of Foreign Affairs promoted Hawa Ahmed Youssouf to delegate minister of international cooperation. Aicha Mohamed Robleh replaced Youssouf as minister of state for the promotion of women, family, and social affairs. Khadija Abeba is president of the Supreme Court and the highest ranking female official.

There were nine members of minorities--non Issa Somali clans (Issaks, Gadaboursis, and Darood) and Arabs- in the 65 seat legislature. There were three members of minorities in the 20 seat cabinet. The president's subclan, the Issa Mamassans, wielded disproportionate power in affairs of state. Afars held a number of senior ministerial posts, but they were not well represented at lower levels. Somali clans other than the Issa, and citizens of Yemeni origin, were limited unofficially to one ministerial post each. There also were informal limits on the number of seats for each group to preserve balance in the parliament.

Government Corruption and Transparency

The government continued to take significant steps to combat corruption, which was a problem. In 2005 the Ministry of Finance arrested two officials suspected of corruption and suspended several others while their cases were under investigation. In December 2005 the two officials were released, but were still under judicial control and banned from traveling outside the country at year's end. The director of Gabode Prison was arrested in 2005 for alleged corruption.

There were no laws to provide public access to government information, and it was unclear whether persons would be granted such access if they asked. During the year the Chamber of Public Accounts and Fiscal Discipline, a public expenditures audit board established to fight corruption and promote transparency, released the results of its second annual report on government expenditures to the public.

Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

A few domestic human rights groups generally operated without serious government restriction, conducting limited investigations and sometimes publishing their findings on human rights cases. Government officials generally disregarded their views. The local human rights group Ligue Djiboutienne des Droits de l'Homme operated without government interference during the year. The Union of Djiboutian Women and the Djiboutian Association for the Promotion of the Family promoted the rights of women and children.

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 NGOs. According to the 2004 ombudsman report (most recent available), less than half the cases submitted were successfully mediated.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and the law prohibit discrimination on the basis of language, race, or sex; however, discrimination against women and ethnic minorities persisted. The government's enforcement of laws to protect women and children was ineffective.

Women

Domestic violence against women existed, but few cases were reported. The law prohibits "torture and barbaric acts against a spouse," which 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. The law includes sentences of up to 20 years' imprisonment for rapists. The number of such cases prosecuted during the year was unknown. There is no law against spousal rape.

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 2005 the government launched a campaign against FGM, which culminated with the country's ratification of 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 city; however, infibulation, the most extreme form of FGM, continued to be widely practiced in rural areas. 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, while police sometimes targeted and raped those on the streets. 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. Women largely were confined to trade and secretarial fields. In 2004 the government began implementing the 2002 Family Code, which replaces Shari'a in governing the majority of laws pertaining to family and personal matters (see section 1.e.). Male children inherited larger percentages of estates than did female children. The few women who were educated increasingly turned to the regular courts to defend their interests.

Children

The government devoted almost no public funds to the advancement of children's rights and welfare. A few charitable organizations worked with children.

Primary education was compulsory; however, the government did not monitor compliance. The highest level of education reached by most students was completion of primary school. The government provided tuition free public education, but extra expenses, such as transportation, book fees, and chalk, could be prohibitive to poorer families. School facilities continued to be inadequate. Teacher salaries continued to be in arrears, and a large percentage of highly qualified teachers have left the profession (see section 6.e.). Approximately 20 percent of children who started secondary school completed their education.

The educational system did not discriminate against girls, but societal attitudes resulted in differences in the attendance and treatment of girls in school. Girls' enrollments were rising. According to the Ministry of Education, 52 percent of girls were enrolled in primary school during the year, compared with 61 percent of boys; during the previous year primary school enrollment rates were 43 percent for girls and 59 percent for boys. In rural areas limited access to schools, a shortage of educational materials, and cultural attitudes led to significantly lower enrollment and greater disparities in enrollment between boys and girls. Boys and girls had equal access to state medical care, however medical care in rural areas was poor.

Child abuse existed; however, the government has not used existing provisions of the law to deal seriously with child abuse, and punishments generally were light. For example, perpetrators of rape or abuse generally were fined only an amount sufficient to cover the child's medical care.

FGM was performed on as many as 98 percent of young girls (see section 5, Women).

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 their 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.

Child prostitution occurred on the streets and in brothels. Individuals acting as pimps or protectors frequently set up transactions; older children reportedly forced younger children to engage in prostitution and then collected the earnings.

Child labor existed (see section 6.d.).

Trafficking in Persons

The law does not prohibit trafficking in persons in general, but does prohibit trafficking for the purpose of prostitution. 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 territory of the Republic of Djibouti upon the person's arrival within the territory of the Republic." Despite that prohibition, there were credible reports of child prostitution during the year and some of those involved reportedly came from neighboring countries including Ethiopia. Although there were no known other 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 February 2005 the government ratified the UN Convention Against Corruption and the UN Convention Against Transnational Organized Crime, including antitrafficking protocols.

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. 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 government continued to discriminate against citizens on the basis of ethnicity in employment and job advancement. Somali Issas were the majority ethnic group and controlled the ruling party, civil and security services, and military forces. Discrimination based on ethnicity and clan affiliation limited the role of members of minority groups and clans in government and politics.

Section 6 Worker Rights

a. The Right of Association

The law and the constitution provide for the right to join unions; however, the government restricted these rights. Under the Labor Code, a union must have government sanction to exist. The government continued to suppress independent, representative unions by firing their leaders, preventing them from holding congresses, and creating government sponsored shadow unions to replace them.

During the year the government arbitrarily arrested union leaders. On March 8, Aden Mohamed Abdou and Hassan cher Hared, respectively president and vice-president of the Djiboutian workers' Union, were arrested for facilitating the departure for Israel of two of their colleagues. On February 20, Mohamed Ahmed Mohamed and Djibril Ismail Egueh were charged with sharing classified information with a foreign government during their January 23-Feb 16 visit to Israel. They participated in a conference sponsored by Mashav (the Center for International Cooperation of the Israeli Ministry of Foreign Affairs). After their return they were sentenced to one-month's imprisonment and released on April 4. The government confiscated their passports and required that they report to the police every Monday. 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.

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 their 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. The government could and did select labor representatives. 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 and employers. Workers or employers may 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. However, several union members were jailed and fired following a strike at the port of Djibouti in September 2005.

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 reportedly more flexible, applies in the export processing zones.

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, although not common, existed. Children generally were not employed in hazardous work but worked in family owned businesses, such as restaurants and small shops, at all hours of the day and night. Children were also involved in a variety of informal activities, such as shining shoes, washing and guarding cars, and selling items. Children also work as domestic servants, and work in agriculture and with livestock. A shortage of labor inspectors reduced the likelihood that reports of child labor would be investigated.

e. Acceptable Conditions of Work

Only a small minority of the population was engaged in wage employment. The Labor Code, ratified by the National Assembly in January, canceled the 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 minimum standard of living. The government still owed three months of salary arrears from 1995 and 1997 to teachers, security forces, and civil servants. Teachers were also not paid their salaries in June and July. However, in August the government paid both months' salaries in full.

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, mainly 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.

Foreign workers in the country illegally were not protected under the law.