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## U.S. Department of State

### Djibouti Country Report on Human Rights Practices for 1998

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#### DJIBOUTI

President Hassan Gouled Aptidon and the People's Rally for Progress (RPP), in power since independence in 1977, continue to rule the country, despite 1992 constitutional changes that permitted the creation of opposition political parties. Two main ethnic groups hold most political power: Somali Issas (the tribe of the President), and Afars. Citizens from other Somali clans (Issak, Gadabursi, and Darod), and those of Yemeni and other origins, are limited unofficially in their access to top government positions. In 1994 the Government and a faction of the Afar-led Front for the Restoration of Unity and Democracy (FRUD) signed a peace accord, ending 3 years of civil war. In the accord, the Government agreed to recognize the FRUD as a legitimate political party. The Government named two FRUD leaders to cabinet positions in 1995; however, part of the FRUD rejected the peace accord and remains opposed to the Government. Two other legal political parties have existed since 1992, the National Democratic Party (PND) and the Party for Democratic Renewal (PRD); neither holds a parliamentary seat or a cabinet level post. In 1997 the ruling party coalition that includes the FRUD party won all 65 seats in legislative elections, which took place without international observers and amid opposition claims of massive fraud. Presidential elections are scheduled for April 1999. The judiciary is not independent of the executive.

The 8,000-member National Police Force (FNP) is responsible for internal security and border control, and is overseen by the Ministry of Interior. The Ministry of Defense controls the army. The Gendarmerie Nationale, a police force responsible for the President's security, which previously had reported to the Ministry of Defense, is an autonomous unit under the Presidency. A small intelligence bureau also reports directly to the President. Civilian authorities generally maintain effective control of

the security forces, but there were instances in which the security forces acted independently of the Government's authority. Some members of the security forces committed human rights abuses.

Djibouti has little industry and few natural resources. Services provide most of the national income. Minor mineral deposits remain mostly unexploited. Only a tenth of the land is arable and only 1 percent is forested. Outside the capital city, the primary economic activity is nomadic subsistence. Citizens are free to pursue private business interests and to hold personal and real property. The part of the annual gross domestic product not generated by and for the foreign community, which includes some 8,000 French citizens, is estimated at no more than \$250 (41750 DF) per capita annually.

The Government's human rights record continued to be poor. Citizens have not yet been allowed to exercise the right to change their government; despite multiparty elections, there has been no change in government since independence in 1977. Members of the security forces committed at least one extrajudicial killing. There were credible reports that some members of the security forces beat and otherwise abused, and at times tortured, detainees and sexually assaulted female inmates. There were credible reports that soldiers raped women in rural districts. Prison conditions are harsh. The Government continued to harass, intimidate, and imprison political opponents and union leaders and to arrest and detain persons arbitrarily. It also infringed on citizens' privacy rights. The Government at times restricted freedom of speech and of the press. Police occasionally jailed or intimidated journalists. The Government limited freedom of assembly, and restricted freedom of association. The Government discourages proselytizing. There were some limits on freedom of movement. Discrimination against women persists, and the practice of female genital mutilation (FGM) continued to be widespread. Discrimination on the basis of ethnic background persists. The Government imposed some limits on unions and their leaders, and there were reports of instances of forced labor.

## **RESPECT FOR HUMAN RIGHTS**

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

#### **a. Political and Other Extrajudicial Killing**

On October 3, gendarmes killed one man and injured another in downtown Djibouti when they shot into a crowd while attempting to make an arrest. Instead of aiding the victims, the gendarmes fled, and later claimed that they shot in self-defense. The gendarmerie successfully prevented a police investigation into the incident. On November 18 near Assa Gueyla, soldiers killed two Afar community elders, Anfare Adahis Ibrahim and Youssouf Derkala Adabo, reportedly in retaliation for a land mine explosion that killed five soldiers and injured nine others on November 16. In December relatives of the victims filed legal complaints against three officers stationed in Tadjoura District. The case was still pending at year's end.

Several prisoners reportedly died due to a lack of adequate medical care and harsh prison conditions. In May a prisoner died during a hunger strike in protest of prison conditions (see Section 1.c.).

There continued to be sporadic reports of fighting involving the army and FRUD rebels that resulted in a number of deaths. Two land mine explosions near refugee camps in the Ali Sabieh district in March killed three soldiers and a government refugee agency driver, and injured several dozen Ethiopian refugees. Ten men believed to have ties with FRUD rebels were arrested in connection with the explosions. In October unknown persons attacked an Ethiopian truck envoy. One driver was killed and the others were detained for several hours before being released. The Government blamed the incident on FRUD rebels. In November a land mine explosion killed five soldiers and wounded nine others near

Assa Gueyla. There were no developments in the legal proceedings against six soldiers accused in the 1995 killings of Randa's religious leader, Ali Houmed Souleh, the brother of the leader of the Association for the Defense of Human Rights and Liberties (ADDHL) (see Section 4), and an associate, Said Aramis. Two of the six soldiers detained were released early in the year and the other four remain imprisoned. Their case has not yet been brought to trial. The Ministry of Justice blamed the failure to bring the cases to closure in an expeditious manner on a lack of qualified personnel.

There has been no investigation into the 1997 police killing of Hassan Aden Farah, who was shot following a car chase. Police claimed that Farah was plotting to kill a high-level official.

#### b. Disappearance

There were no reports of politically motivated disappearances.

There were no developments in the 1995 abduction of four persons by armed men in the north, or in the 1995 kidnaping of a traditional Afar chief at Alalli Aada.

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

The Constitution provides that no one shall be subjected to torture or to other inhuman, cruel, degrading, or humiliating punishments, and torture is punishable by 15 years' imprisonment; however, there were credible reports that police and gendarmes routinely beat and otherwise physically abused, and at times tortured, prisoners and detainees. In a September court hearing, military officers detained on "disobedience" charges in connection with an alleged coup plot publicly declared that they had been subjected to torture while held by gendarmerie. Some soldiers said that they had been forced to relieve themselves while clothed and handcuffed. One soldier reported being forced to sleep in a cell with so much water on the floor that he would have drowned if he had slept lying down. There were reports that two government health care workers arrested during a strike were hospitalized as a result of being tortured by police while in detention in March (see Section 6.a.).

In November while breaking up a rally in support of PND leader, Aden Robleh, police beat Robleh's wife and son (see Sections 1.d. and 2.b.). The son was treated for facial paralysis resulting from the beating. There were no reports that any security personnel were punished for such abuses.

In December the police used tear gas to disrupt a protest by several hundred high school students and reportedly beat some of the students (see Section 2.b.).

There were credible reports that security force personnel raped at least 120 Afar women in recent years in the northern districts of Obock and Tadjoura (see Section 5). In almost all cases the victims did not press charges due to shame and fear. In some cases, the women's husbands were afraid of losing their jobs and therefore did not speak out. A women's rights activist reported that she knew of only two convictions of soldiers for rape, and neither served any of their 18-month sentences in prison.

Prison conditions are harsh and prisons are severely overcrowded. Gabode prison, built for 350 persons, at times housed nearly twice that number. Overcrowded conditions and lack of sufficient food and medical care led to a hunger strike in late May and early June, followed by rioting in late July and early August. One prisoner died as a result of malnutrition during the hunger strike. Several prisoners died at Gabode prison, reportedly due to a lack of adequate medical care and harsh conditions. To address this problem, the Government reopened Obock prison in December and transferred 120 prisoners. The Government sometimes shortens prison terms to reduce overcrowding. The Ministry of Justice estimates

that 60 percent of prisoners are illegal Ethiopian immigrants who have committed crimes in Djibouti. Children under the age of 5 of female inmates sometimes are allowed to stay with their mothers; authorities say that milk is provided for them. Prisoners reportedly must pay authorities to obtain food. Health care sources reported that prison guards raped female inmates. Medical care is inadequate, and the prison infirmary lacks sufficient medicine. There are no educational or rehabilitation facilities within the prison. Ministry of Justice officials said that lack of funding hampers their ability to provide even minimal services. In principle, juveniles are housed separately from adult prisoners; however, in practice, this is not always the case.

Conditions at Nagad detention center, where Ethiopians are held prior to deportation, are also extremely harsh. Detainees at Nagad are held in unsanitary conditions and often are not fed for several days before their deportation.

The International Committee of the Red Cross (ICRC) continues to maintain an office in Djibouti, and an ICRC delegate from Kenya made quarterly visits to the main prison, providing some medicines, a generator, and kitchen equipment. The ICRC also visited the reopened prison in Obock.

#### d. Arbitrary Arrest, Detention, or Exile

Despite legal protections, arbitrary arrest and detention are problems. The 1995 Penal Code stipulates that the State may not detain a person beyond 48 hours without an examining magistrate's formal charge. 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 8 months of arraignment. Nevertheless, the police often disregarded these procedures, typically arresting persons without warrants (see Section 1.f.), and sometimes detaining them for lengthy periods without charge. The Penal Code provides for bail and expeditious trial. Incommunicado detention is used.

More than 100 government health care workers who went on strike in March were detained by the police for 2 days (see Section 6.a.). There were reports that the police tortured some of them (see Section 1.c.).

In November police detained approximately 100 persons for several hours for holding a rally in support of PND leader Aden Robleh. Robleh also was detained and claims that prior to his detention police beat his wife and son (see Section 1.c.).

In February authorities arrested three opposition leaders of the United Front of the Djiboutian Opposition (FUOD) after their newsletter published an article calling the Finance Minister a crook. They were released a week later after paying an unspecified fine (see Section 2.a.). In May the Government detained Abdillahi Hamareiteh, head of the PRD, after his newsletter criticized a government business deal. The prosecutor released him 1 week later for lack of evidence (see Section 2.a.). Omar Ahmed Vincent and Aboubaker Ahmed Aouled, editors of the Group for Democracy and the Republic (GDR) newsletter Populaire, were arrested in May for reprinting an article from the legal PRD's newsletter asserting that the Finance Minister had misappropriated funds while at his previous post as head of the government pension agency (see Section 2.a.). Legal PRD head Abdillahi Hamareiteh, was imprisoned for 10 days in May for an article published in his party's newspaper (see Section 2.a.).

Awaleh Guelleh, who was being held along with two other alleged terrorists for the 1990 bombing of a Djiboutian cafe, escaped from Gabode prison in 1997. The Government's investigation of the 1990 attack was ongoing at year's end.

Aicha Dabaleh, who, along with her husband Mohamed Kadami and three FRUD rebels, was returned by Ethiopia and imprisoned in 1997, was released from custody in December, 1997 and permitted to leave the country in March (see Section 2.d.). Her supporters claimed that she was involved only in humanitarian work and should not have been returned forcibly. In the weeks prior to her departure, Dabaleh, who was 8-months' pregnant at the time, was subjected to telephone death threats, had her car tires slashed, and was called a "terrorist" in the ruling party newsletter.

The Government does not use forced exile.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in practice the judiciary is not independent of the executive. Constitutional provisions for a fair trial are not respected universally, even in nonpolitical cases, because of interference from the executive branch. Since ministerial changes in December 1997, the Justice Minister is officially responsible for human rights.

The judiciary, based on the French Napoleonic Code, comprises a lower court, appeals courts, and a Supreme Court. There are no longer "special courts" to try cases outside normal judiciary channels. The Supreme Court can overrule decisions of the lower courts. Magistrates are appointed for life terms. A Constitutional Council rules on the constitutionality of laws, including those related to the protection of human rights and civil liberties. However, its rulings are not always respected. For example, in 1996 the Constitutional Council ruled that the Parliament's disciplinary committee had denied wrongly the parliamentary immunity of three legislators (also see Section 1.a.). No action was taken on the ruling. In 1997, three of the Constitutional Council's six members were dismissed, though they had not completed their term.

On September 5, former ministers and legislators Moumin Bahdon Farah and Ahmed Boulaleh Barreh "Gabayow", were accused in court of inciting disobedience in the military with the aim of seizing power. However, they were never imprisoned on these charges. The two former ministers, along with three other former senior officials, had been detained for 6 months and prohibited from seeking office for 5 years after they had publicly stated in 1996 that President Gouled ruled by terror. In late August, the Government detained 15 soldiers and 1 retired gendarme who were accused of working with Moumin and Gabayow. On September 12, in a public trial, a judge gave Moumin and Gabayow 1 year suspended sentences, and fined them each \$5,650 (1 million DF). The 15 soldiers were given 3 to 8 months' suspended sentences and required to pay fines varying from \$565 (100,000 DF) to \$2,825 (500,000 DF). Charges were dropped against the retired gendarme. Local observers commented that given the gravity of the charges, the suspended sentences appeared to indicate that there was no concrete evidence. The defendants appealed the convictions, but the appeals were still pending at year's end.

Moumin and Gabayow's French attorney Roger-Vincent Calatayud was denied a Djiboutian visa in September when the Ministry of Justice alleged that his past behavior before Djiboutian courts was negative. As a result, the Djiboutian Bar Association named a local French attorney to represent Moumin and Gabayow. At the September 12 court hearing, this attorney also was named to represent the 15 soldiers and the retired gendarme, who had not had legal representation since being detained in late August.

In 1997 the Djiboutian Bar Association disbarred attorneys Djama Amareh Meidal and Aref Mohamed Aref. Meidal was president of the Constitutional Council in 1996 when the Council ruled that a Parliamentary committee has acted improperly in removing the immunity of three legislators. Aref had been a defense attorney in 1996 for the five politicians jailed for criticizing President Gouled. Other

members of the legal profession asserted that despite their commendable human rights work, the two lawyers had acted unethically in other cases. The two attorneys remain disbarred.

The legal system is composed of legislation and executive decrees, French codified law adopted at independence, Shari'a law, and nomadic traditions. Urban crime is dealt with in accordance with French-inspired law and judicial practice in the regular courts. Civil actions may be brought in regular or traditional courts. Shari'a law is restricted to civil and family matters. The Ministry of Justice continued efforts to combine the three types of law in a new text designed to promote women's rights and provide greater protection of children, but no progress had been made by year's end.

Traditional law (Xeer) often is used in conflict resolution and victim compensation. This traditional law stipulates that, for example, a blood price be paid to the victim's clan for crimes such as murder and rape.

The Constitution states that the accused is innocent until proven guilty and has the right to legal counsel and to be examined by a doctor if imprisoned. Although trials are officially public, in politically sensitive cases security measures effectively prevent public access. Legal counsel is supposed to be available to the indigent in criminal and civil matters; however, defendants often do not receive representation. Court cases are heard in public before a presiding judge and two accompanying judges. The latter receives assistance from two persons--assessors--who are not members of the bench, but who are thought to possess sufficient legal sophistication to comprehend court proceedings. The Government chooses assessors from the public at large, but credible reports indicate that political and ethnic affiliations play a role in the selection.

The creation of the Committee for the Support of Political Prisoners (CSPP) was announced in February (see Section 4). CSPP reported that the Government held 52 political prisoners, including 40 FRUD dissidents who had been handed over by Ethiopian authorities or FRUD rebels captured in clashes with the army, and 12 relatives of former cabinet director Ismael Guedi who were arrested in October allegedly for hoarding weapons.

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

The Government infringed on these rights. The Constitution provides for the inviolability of the family, home, correspondence, and communications. The law also requires that the authorities obtain a warrant before conducting searches on private property. However, in practice the Government does not always obtain warrants before conducting such searches, and it reportedly monitors and sometimes disrupts the communications of some regime opponents. Authorities harassed the family members of opposition leaders (see Section 3).

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

#### a. Freedom of Speech and Press

The Constitution provides for freedom of the press; however, at times the Government restricted this right in practice. The law prohibits the dissemination of false information and regulates the publication of newspapers. The Constitution prohibits slander.

The Government owns the principal weekly newspaper, La Nation. There are several opposition-run weekly and monthly publications that circulate freely and openly criticize the Government. However, journalists, and even vendors of opposition papers, occasionally are jailed or intimidated by police. The

Government also owns the radio and television stations. The official media generally are uncritical of government leaders and government policy.

On February 17, two leaders of the United Front of the Djiboutian Opposition (FUOD) were arrested after the FUOD's newsletter

Al-Wahda published an article calling Finance Minister Yacin Elmi Bouh a crook. They were released a week later after paying a fine. In 1997 government security forces had seized equipment and documents from the FUOD and the PRD faction not recognized by the Government in order to prevent them from publishing newsletters and communiqués. None of this equipment had been returned at year's end.

On May 5, Omar Ahmed Vincent and Aboubaker Ahmed Aouled, editors of the GDR newsletter *Populaire*, were arrested on the basis of a complaint by the Finance Minister. *Populaire* had reprinted an article from the legal PRD's newsletter, which asserted that the Finance Minister had misappropriated funds while at his previous post as head of the government pension agency. On May 6, a judge ordered the two editors to each pay \$5,650 (1 million DF) as reparation to the minister, and a \$565 (100,000 DF) fine to the court. In addition *Populaire* was banned for 6 months. In May a computer and printer used to produce *Populaire* was confiscated from the home of GDR leader Moumin Bahdon and has not been returned. *Populaire* resumed publication in November.

The head of the legal PRD, Abdillahi Hamareiteh Guelleh, was imprisoned for 10 days in May after his party's newsletter ran an article criticizing the head of the government-owned electric company for not making a better deal for a new electrical system.

In March the Inter-Parliamentary Union (IPU) brought the cases of former Djiboutian parliamentarians Moumin Bahdon Farah, Ahmed Boulaleh Barreh "Gabayow" (also see Section 1.e.), and Ali Mahamade Houmed to the United Nations Human Rights Commission. The three, along with two others, were arrested and detained for 6 months and prohibited from running for office for 5 years after they signed a communiqué that criticized President Gouled. The IPU expressed concern that the Government had violated the parliamentarians' constitutionally protected immunity and right to free speech.

There are no specific laws or criminal sanctions that threaten academic freedom. In general, teachers may speak and conduct research without restriction, provided that they do not violate sedition laws.

#### b. Freedom of Peaceful Assembly and Association

The right to free assembly is provided for in the Constitution; however, the Government at times effectively limited this right in practice. The Ministry of Interior requires permits for peaceful assembly and monitors opposition activities. While permits generally are approved, the Government commonly uses a show of police force and threatening tactics to intimidate and discourage would-be demonstrators. Some opposition leaders effectively practiced self-censorship and, rather than provoke a government crackdown, refrained from organizing popular demonstrations. Teachers' union members did not conduct street protests, and there were no reports of teachers being arrested for their union activity during the 1997-98 school year. In November police disrupted a rally in support of PND leader Aden Robleh, detaining approximately 100 persons and allegedly beating others (see Sections 1.c. and 1.d.) In December the police disrupted several hundred high school students who were protesting the termination of their stipends. Police used tear gas to disrupt the protest and reportedly beat some of the students.

The Constitution provides for freedom of association provided that certain legal requirements are met;

however, the Government restricts this right in practice. A referendum held in 1993 approved limiting the number of political parties to four. This result has not yet been codified into law. The Government took advantage of an absence of leadership in the main opposition party, the PRD, following the late 1996 death of its leader, and conferred legal recognition on what appeared to be the weaker half of the party. In 1997 police detained the leader of the unrecognized PRD faction, Daher Ahmed Farah, and charged him in a closed hearing with illegally operating a political party, illegally publishing a newspaper, disseminating false information, forgery (for the use of party seals), usurping a title, and organizing an illegal demonstration. In 1997, Daher was given "provisional liberty," which grants him freedom while his case still is pending.

Nonpolitical associations must register and be approved by the Ministry of Interior.

#### c. Freedom of Religion

The Government generally respects religious freedom; however, proselytizing is discouraged. Islam is the state religion. Virtually the entire population is Sunni Muslim. There are also a small number of Catholics. The Government imposes no sanctions on those who choose to ignore Islamic teachings.

The foreign community supports Roman Catholic, Protestant, Greek Orthodox, and Ethiopian Orthodox churches. Foreign clergy and missionaries may perform charitable works.

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

The Constitution allows freedom of movement; however, there were instances in which authorities limited this right.

In general citizens may travel or emigrate without restriction or interference. However, a judge may order a passport seized for those under judicial surveillance or awaiting trial. In March Aicha Dabaleh, wife of imprisoned Afar leader Mohamed Kadami, was denied a passport despite a court ruling allowing her to travel abroad (see Section I.d.). On March 29, after paying a \$22,605 (4 million DF) deposit, Dabaleh was given a "laissez passer" permitting her to travel to France. The passport seized in 1997 from Jean-Paul Noel Abdi, then a dissident member of the National Assembly, was returned to him in March. In October the passport of GDR leader Moumin Bahdon Farah was seized at the airport as he tried to board a flight to Saudi Arabia, where he was to receive medical treatment, even though in August a court ordered the lifting of the judicial control placed on Moumin in May (see Section 3) and that his passport be returned to him to enable him to leave the country. On October 17, a judge seized the passport of PND leader Aden Robleh. On December 5, authorities seized the passport of human rights attorney Aref Mohamed Aref without explanation when he attempted to travel to Paris to attend a commemoration ceremony for the fiftieth anniversary of the Universal Declaration on Human Rights.

Up to 18,000 Djiboutian Afars sought asylum in Ethiopia during the 1991-94 civil war. At least 10,000 are said to have repatriated themselves since the 1994 Peace Accord. According to Ethiopian authorities, some 8,000 reportedly remain in Ethiopia. Because the displaced Afar were not in refugee camps, and because Afars are indigenous to Ethiopia and Eritrea as well, it is difficult to estimate their number.

The law provides for the granting of refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government does offer first asylum; however, the government committee responsible for determining refugee's status has not met since 1995, and the Government does not recognize those under the UNHCR's protection absent this approval.

The country hosts up to 100,000 refugees and illegal immigrants from neighboring countries, equal to about one-fifth of the population. The U.N. High Commissioner for Refugees (UNHCR) assists 21,000 Somali and 1,000 Ethiopian residents of Djibouti's two remaining refugee camps. Another camp near the Ethiopian and Somali borders was closed in April due to security concerns. Some 2,500 Ethiopian and Somali urban refugees are registered with the UNHCR in Djibouti City.

There has been no major repatriation since the UNHCR's 1994-96 repatriation of 35,000 Ethiopian refugees and migrants from the capital. The Djiboutian National Office for the Assistance of Refugees and Displaced Persons (ONARS) reported that it deports up to a thousand Ethiopians each week. Following the fighting between Ethiopia and Eritrea in May, hundreds of Ethiopians and Eritreans transited Djibouti en route to their homelands.

In January the Government expelled three Ethiopians who were under UNHCR protection. The UNHCR objected to these actions, which disregarded the procedures to which the Government had agreed with the UNHCR.

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

Although the Constitution provides for the right of citizens to change their government, in practice citizens have not yet been allowed to exercise this right fully. The RPP carefully controlled the implementation of the four-party system to suppress any organized opposition. The RPP alliance with the legal FRUD party won all 65 seats in the December 1997 legislative elections. The elections took place without international observers amid opposition claims of fraud. Presidential elections are scheduled for April 1999. Efforts by both the legal and unrecognized opposition parties to unify floundered due to disagreements among their leaders over who should lead the united opposition.

The 1994 peace agreement between the Government and the FRUD required that FRUD members be included in senior government positions. Two FRUD members who were named to the Cabinet in June 1995 remain in office. The government-recognized faction of the FRUD was registered as a political party in 1996. The unrecognized FRUD faction includes members who refused to accept the terms of the peace accord, as well as Afars extradited from Ethiopia in 1997 (see Section 2.d.).

Government harassment of opposition leaders was a problem. In May Moumin Bahdon, the President of the GDR, was questioned about his links with FRUD rebels and his passport was taken from him. Authorities took away Bahdon's passport again in October even though a court had ordered the passport returned in August (see Section 2.d.). Bahdon's family members claimed that they faced constant harassment from the Government. In May one of Bahdon's daughters was expelled temporarily from school because of who her father was, and another daughter was fired from her job at the government-owned electric company. In the months following the May detention of Abdullahi Hamareiteh, head of the PRD faction recognized by the Government, for publishing an article in the PRD newsletter criticizing a government business deal (see Sections 1.d. and 2.a.), some close relatives and associates of Hamareiteh had their electricity cut off and were fired from their jobs. In October after PND leader Aden Robleh publicly criticized chief of staff Ismael Omar Guelleh, the Government recognized Robleh's rival, Mahdi Ahmed Abdillahi as head of the PND. (see Section 1.d.). However, Mahdi remains under investigation for the bombing of a Djiboutian café in 1990 (see Section 1.d.).

Although legally entitled to participate in the political process, women largely are excluded from senior positions in government and in the political parties. There are no women in the Cabinet or in Parliament. Khadija Abeba, President of the Supreme Court, is the highest-ranking female official and, according to the Constitution, would become interim president of Djibouti should that position become vacant. She

and six other women serve as judges, and one is a director in the Ministry of Foreign Affairs. While women have the right to vote, there were no female candidates in the December 1997 legislative elections.

The President's subclan, the Issa Mamassans, wields disproportionate power in affairs of state. Afars hold a number of high ministerial posts, but are not so well represented at lower levels. Somali clans other than the Issa and Djiboutians of Yemeni origin are limited unofficially to one ministerial post each. There are also informal limits on the number of seats for each group in the Parliament.

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

The Government remains hostile to the formation of local human rights groups. The Government arrested and released Mohamed Houmed Souleh, the leader of the Association for the Defense of Human Rights and Liberties (ADDHL), several times between 1993 and 1996 for criticizing military abuses in the civil conflict. He stopped speaking publicly in 1996 after security forces killed his brother (see Section 1.a.) and threatened other relatives. In 1997 the Health Ministry hired Souleh after he agreed to stop criticizing the Government, and the ADDHL stopped functioning. In February the ADDHL resumed activity as a pro-government organization and has not resumed its investigations into, or criticisms of, human right abuses.

The formation of the Committee in Support of Political Prisoners (CSPP) was announced in February. The leader of the committee, Kamil Hassan, was detained shortly afterwards, along with the two editors of the FUOD newsletter that published the communiqué announcing the CSPP's formation (see Sections 1.d. and 2.a.).

The Union of Djiboutian Women (UNFD) and the Djiboutian Association for the Promotion of the Family (ADEPF) promote the rights of women and children.

The Government criticized the October 5 occupation of its embassy in Paris by four French-based Afar and human rights groups, which demanded the release of political prisoners and an end to rapes by soldiers.

The ICRC visited the country during the year (see Section 1.c.). In October a representative of Amnesty International visited the country and met with victims of human rights abuses and a senior official in the Ministry of Justice.

#### **Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status**

The Constitution prohibits discrimination on the basis of language, race, sex, or religion; however, discrimination against women and ethnic minorities persists. In particular, the Government's enforcement of laws to protect women and children is weak.

##### **Women**

Violence against women exists but reported cases are few. The Government has been concerned about the problem of rape, and the 1995 revised Penal Code includes sentences of up to 20 years in prison for rapists. More than 100 such cases were tried during the year, but only a few led to conviction. Violence against women normally is dealt with within the family or clan structure rather than in the courts. The police rarely intervene in domestic violence incidents, and the media report only the most extreme

examples, such as murder. In almost all the cases of the rape of Afar women by soldiers in recent years, the victims did not press charges due to shame and fear (see Section 1.c.).

Women legally possess full civil rights, but in practice, due to custom and traditional societal discrimination in education, they play a secondary role in public life and have fewer employment opportunities than men. Few women work in managerial and professional positions; women largely are confined to trade and secretarial fields. Customary law, which is based on Islamic Shari'a law, discriminates against women in such areas as inheritance, divorce, and travel (see Section 2.d.). Male children inherit larger percentages of an estate than do female children. Women are not permitted to travel without the permission of an adult male relative. The few educated women increasingly turn to the regular courts to defend their interests.

In July an office was created under the Presidency to improve the situation of women and children in society.

### **Children**

The Government devotes almost no public funds to the advancement of children's rights and welfare. A few charitable organizations work with children. Primary education is compulsory; however, the Government does not monitor compliance. Many schools are in poor condition and need upgrading. The number of classrooms for secondary students is inadequate, and only approximately 20 percent of children who start secondary school complete their education. Only 62 percent of girls attend primary school as opposed to 73 percent of boys, and only 23 percent of girls attend secondary school as opposed to 33 percent of boys. Girls made up only 36 percent of all secondary students.

According to a recent report, as many as 98 percent of females age 7 or older had undergone female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health. FGM traditionally is performed on girls between the ages of 7 and 10. In 1988 the Union of Djiboutian Women (UNFD) began an educational campaign against infibulation, the most extensive and dangerous form of FGM. The campaign has had only a limited impact on the prevalence of this custom, particularly in rural areas, where it is pervasive. After the 1995 U.N. Women's Conference in Cairo, Egypt, the UNFD declared that all forms of mutilation should be forbidden. The revised Penal Code that went into effect in 1995 states that "violence causing genital mutilation" is punishable by 5 years' imprisonment and a fine of over \$5,600 (1 million DF). However, the Government has not yet convicted anyone under this statute. The efforts of the UNFD and other groups appeared to be having some effect, at least in the capital city. In 1997 some health workers reported a precipitous drop in the number of hospitalizations related to FGM in Djibouti City. Many believe that the incidence of the most extreme procedure, infibulation, has decreased, although no systematic data was available on the problem. U.N. and other experts believe that lesser forms of FGM were still widely practiced and that infibulation still was common in rural areas. During the year, the members of one Djiboutian family attempted to obtain asylum in a foreign country in order to flee family pressure that FGM be performed on their daughters.

Child abuse exists, but is not thought to be common. The Government has not addressed child abuse, which often is punished lightly. For example, when a child is raped or abused, the perpetrator usually is fined an amount sufficient to cover the child's medical care. The Government has not used applicable existing provisions of the Penal Code to deal with child abuse more severely.

In July an office was created under the Presidency to improve the situation of women and children in society.

## **People With Disabilities**

The Government does not mandate accessibility to buildings or government services for the disabled. Although disabled persons have access to education and public health facilities, there is no specific legislation that addresses the needs of the disabled, and there are no laws or regulations that prevent job discrimination against disabled persons. The disabled have difficulty finding employment in an economy where at least 60 percent of the able-bodied adult male population is underemployed or jobless.

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

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

## **Section 6 Worker Rights**

### **a. The Right of Association**

Under the Constitution, workers are free to join unions and to strike provided that they comply with legally prescribed requirements. Since 1992 unions have been free to join or form other confederations. The state body, the General Union of Djiboutian Workers (UGTD), and the Union of Djiboutian Workers (UDT) formed a confederation in 1995 and have gained increasing support despite government harassment. In 1996 the Government sealed off the headquarters of the UDT/UGTD confederation, and UDT/UGTD confederation bank accounts remained frozen at year's end. Nevertheless, in the small formal economy, about 70 percent of workers are members of the combined UDT/UGTD confederation. Previously the Government controlled individual unions by making membership mandatory in the state-organized labor confederation. To counter the UDT/UGTD, the Government created the Djiboutian Labor Congress (CODJITRA), composed of Ministry of Labor officials. At its June 1997 meeting, the International Labor Organization (ILO) determined that the Government had violated the ILO Constitution by not allowing a member of the UDT/UGTD confederation to join the workers' delegation at the meeting.

An ILO delegation visited in January, and in February the Government agreed to begin a dialogue with the UDT/UGTD regarding the creation of a tripartite labor commission consisting of unions, government and business representatives. The Government also accepted an invitation to the ILO June meeting in Geneva. However, the Government did not send representatives to Geneva and had not begun the promised dialogue at year's end. As a result of the ILO visit, the UDT/UGTD were able to reclaim their headquarters, which had been taken from them in 1996. However, their bank accounts remained frozen at year's end.

The law requires representatives of employees who plan to strike to contact the Interior Ministry 48 hours in advance. Teachers' strikes were more muted during the year than in previous years. Kamil Hassan, a schoolteacher, previously had been detained in February 1997 as a leader of a teacher's strike, and still was not permitted to teach in public schools.

In March public health care workers went on strike to protest a reduction in salaries. Although the Labor Law prohibits employer retribution against strikers, the health care workers' strike resulted in police beatings, arbitrary arrests, and the firing of six detained union leaders (see Sections 1.c. and 1.d.).

During this strike over 100 health care workers were detained briefly on March 22 and 23.

Unions are free to maintain relations and exchanges with labor organizations abroad. The UDT has been a member of the International Confederation of Free Trade Unions (ICFTU) since 1994.

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

Although labor has the legal right to organize and bargain collectively, collective bargaining rarely occurs. Relations between employers and workers are informal and paternalistic. Wage rates generally are established unilaterally by employers on the basis of Ministry of Labor guidelines. In disputes over wages or health and safety problems, the Ministry of Labor encourages direct resolution by labor representatives and employers. Workers or employers may request formal administrative hearings before the Ministry's inspection service, but critics claim that the service suffers from poor enforcement, due to its low priority and inadequate funding. The law prohibits antiunion discrimination, and employers found legally guilty are required to reinstate workers fired for union activities. However, the Government does not appear to enforce the law.

An export processing zone (EPZ) was established in 1994. Firms in the EPZ are exempt from the Government's social security and medical insurance programs. Instead, they must provide either government or private accident insurance. The minimum wage in the EPZ is approximately \$1 (176 DF) per hour. Although the regular workweek is 40 hours, in the EPZ it is 45 hours. An employee who works for the same firm in the EPZ for at least 1 year has the right to 15 days' annual leave, compared with 30 days in the rest of the country (see Section 6.e.).

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

The law prohibits all forced or compulsory labor, including by children. While the law generally is observed, there are reports that members of the security forces sometimes compel illegal immigrants to work for them under the threat of deportation. There were no reports of forced child labor.

#### d. Status of Child Labor Practices and Minimum Age for Employment

The law prohibits all labor by children under the age of 14, but the Government does not always enforce this prohibition effectively, and a shortage of labor inspectors reduces the likelihood of investigation. Children generally are not employed for hazardous work. Children may and do work in family-owned businesses, such as restaurants and small shops, at all hours. The law prohibits forced or compulsory labor, including by children; there were no reports of forced child labor (see Section 6.c.)

#### e. Acceptable Conditions of Work

Only a small minority of the population is engaged in wage employment. The Government administratively sets minimum wage rates according to occupational categories, and the Ministry of Labor is charged with enforcement. The monthly wage rate for unskilled labor, set in 1976, is approximately \$90 (15,840 DF). Most employers pay more than the minimum wage. Some workers also receive housing and transportation allowances. The minimum wage for unskilled labor does not provide adequate compensation for a worker and family to maintain a decent standard of living.

By law the workweek is 40 hours, often spread over 6 days. Some employers ask employees to work up to 12 hours per day and pay them an additional wage. Workers are provided daily and weekly rest periods and paid annual leave. The Ministry of Labor is responsible for enforcing occupational health

and safety standards, wages, and work hours. Because enforcement is ineffective, workers sometimes face hazardous working conditions, particularly at the port. Workers rarely protest, mainly out of fear that they may be replaced by others willing to accept the risks. There are no laws or regulations permitting workers to refuse to carry out dangerous work assignments without jeopardy to continued employment.

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