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2010 Human Rights Report: Djibouti

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2010 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 818,000. In 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. Eritrean troops, who have occupied a portion of Djiboutian territory since a 2008 clash over the disputed border, completed their withdrawal in June following the deployment of approximately 70 Qatari peacekeepers in accordance with an agreement between Djibouti and Eritrea signed in Doha. Security forces reported to civilian authorities within the ministries of Interior and Defense, as well as to the director of national security.

Significant human rights abuses in the country included difficult prison conditions; prolonged pretrial detention; denial of fair public trial; interference with privacy rights; restrictions on freedoms of the press, assembly, and association; lack of protection for refugees; corruption; discrimination against women; female genital mutilation (FGM); discrimination against persons with disabilities; and restrictions on unions.

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, occasional unverified allegations that police and gendarmes beat detainees continued.

Prison and Detention Center Conditions

Prison conditions remained difficult but continued to improve. The country has one central prison and a number of small jails supervised by local police or gendarmes. The jails are not well equipped as they are only meant to hold detainees until their summary release or transfer to the central prison.

The Gabode Prison in Djibouti City usually held an estimated 600 prisoners, including approximately two dozen female prisoners. There were normally fewer than six juvenile prisoners, although their numbers occasionally spiked after incidents of youth violence in Djibouti City. In December a small outbreak of minor vandalism following a political rally led to the arrest of three juveniles who were released within the week.

Several prison nurses and a doctor who visited four times a week provided medical care, while prisoners with serious health problems received treatment at the main Djibouti City public hospital. Seriously ill 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 test for and document serious health conditions. Prisoners with serious mental illness did not receive adequate care.

Men and women were held separately. Juvenile prisoners were generally held separately from adult prisoners when space allowed. Construction was underway within the existing compound to provide a separate facility for children.

Authorities allowed young children of female prisoners to stay with their mothers.

Although prison officials sought 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.

Prisoners and detainees were permitted religious observance, visitors each Friday afternoon, and delivery of food or medicine from family members.

Although there was no formal system in place for prisoners and detainees to submit complaints to judicial authorities to request investigation of inhumane conditions, there were no restrictions placed on prisoners who sought to contact such officials.

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.

A small group of Eritrean prisoners of war captured during the 2008 border skirmish with Eritrea received regular visits from ICRC staff, and government authorities accepted ICRC recommendations with regard to medical concerns for one of the prisoners.

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 specialized prison guard force created in 2008; that force provided some initial training for new members and more effectively enforced prison rules and maintained prison security.

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 three meals a day, with meat served on alternate days. Prisoners' families were allowed to bring food to the prison. Prison improvements during the year included human rights training for guards, a permanent doctor assigned to the prison, and sewing skills training for some of the female detainees.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, the government did not uniformly respect these prohibitions. The government arrested groups of juveniles following reports of rock throwing or minor vandalism. In these cases they were not charged but were released after a few days.

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, whose wages were low. There was a Human Rights Office within the police, and human rights education was integrated into the police academy curriculum. The local police academy coordinated with the Office of the UN High Commissioner for Refugees (UNHCR) to host a human rights workshop to train Djiboutian security forces as well as Somali police that were visiting for other police training.

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. There were unconfirmed reports that detentions exceeding the allowed time limit became more frequent during the year, which was attributed to the government's response to minor reports of vandalism and stone throwing between juvenile gangs. The law provides that detainees be promptly notified of the charges against them, although in practice there were occasional delays.

The law 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 who cannot afford legal representation. Detainees generally were allowed access to family members and legal counsel. The law requires that all persons, including those charged with political or national security offenses, be tried within eight months of arraignment. Lengthy pretrial detention due to inefficiency and judicial staff shortages 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. In the two prominent cases of Jean-Paul Noel and Abdourahman Boreh, the defendants' foreign attorney was not granted an entry visa to represent the clients. The judiciary was inefficient but was perceived as rendering verdicts in a fair manner.

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

Trial Procedures

The law states the accused is innocent until proven guilty. Trials generally are public. A presiding judge and two associate judges hear 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 chooses lay assessors from the public. Defendants have the right to be present, consult with an attorney in a timely manner, confront witnesses, and present witnesses and evidence on their own behalf. The indigent have a right to legal counsel in criminal and civil matters but in practice sometimes did not have legal representation. Defendants have the right of appeal.

Traditional law often applied in conflict resolution and victim compensation. For example, traditional law often stipulated that a price be paid to the victim's clan for crimes such as murder and rape. Most parties preferred traditional court rulings for sensitive issues such as rape, as the result is most often a consensus with a goal toward maintaining peace between those involved. As a result, often more attention is paid to maintaining peace than to the rights of the victim, who must abide by the traditional court's ruling.

Formal law generally provides for equal application to all citizens. However, in accordance with Shari'a, male children inherit larger portions 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 presidentially appointed and impartial civil court deals with all matters related to the civil code. Citizens have access to the courts in cases of civil rights violations. Civil disputes are arbitrated if the parties agree. In rural areas traditional courts resolve many civil disputes. An administrative law chamber mediates disputes between citizens and government authorities. Court decisions were not always enforced.

In cases 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 between 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. Government opponents claimed the government monitored their communications.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law allow for freedom of speech and of the press provided it complies with the law and "respect for the honor of others." The government did not respect these rights in practice.

While individuals often expressed themselves freely in society, opposition leaders continued to state the government attempted to impede public criticism.

There were few media outlets. The government owned the principal newspaper, *La Nation*. Each registered political party is permitted to publish a public journal or newspaper. During the year the opposition National Democratic Party (PND) regularly published the newspaper *La Republique*. Other parties published papers sporadically. 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 throughout the year.

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

Journalists practiced self-censorship due to media and slander laws.

The law regulates the publication of newspapers. Circulation of a new newspaper requires authorization from the communication commission, which requires agreement from the Djiboutian National Security Service following an investigation. The only publishing houses equipped for broad distribution are government owned, obliging antigovernment sources to print privately.

There were two local journalists' associations. The Eastern African Journalists Association, a group dedicated to fostering press freedom, protecting journalists' safety, and promoting regional conflict resolution, also had its headquarters in the country.

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 access to the Web site of the Association for Respect of Human Rights in Djibouti (ARDHD), which was often critical of the government. 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

The law provides for freedom of assembly with specific requirements such as prior approval from the Ministry of the Interior. The government generally permitted political parties to assemble freely. The Ministry of Interior requires permits for assembly in outdoor areas or publicly operated venues.

Several opposition parties held gatherings, including public rallies at which they criticized the government. These events occurred with a security presence but without any government interference.

The government permitted opposition parties to assemble peacefully, but those parties criticized undue delays issuing permits to host rallies. The government administers many of the large meeting venues, and some observers charged that the government occasionally denied use to opposition parties.

Freedom of Association

The constitution and law allow for freedom of association provided legal requirements are met; however, the government restricted this right in practice, particularly for labor unions (see section 7.a.).

c. Freedom of Religion

For a description of religious freedom, please see the Department of State's *2010 International Religious Freedom Report* at www.state.gov/g/drl/irf/rpt.

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

The law generally provides 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 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 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. These families remained displaced, residing primarily in the Khor Angar area to the south of their original villages.

The government utilized the National Assistance Office for Refugees and Disaster Stricken People (ONARS) to screen, assess, and aid refugee applicants. The government allowed IDPs access to ONARS and to international humanitarian organizations and welcomed assistance from outside organizations. The government deported large groups of foreigners who were determined to be economic migrants and not IDPs.

Protection of Refugees

The laws provide for the granting of asylum or refugee status. The government has established a system for providing protection to refugees under the National Eligibility Commission. In 2008 the government reactivated the commission and began interviewing urban refugees who had been in the country for several years.

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. However, the government did not routinely grant refugee or asylum status, and delays in the system for granting refugee status left persons at risk of expulsion to countries where they might be threatened. The

government, working with the International Organization for Migration (IOM) and the ICRC, continued its efforts to properly differentiate refugees from illegal immigrants; however, a lack of manpower and other resources limited the success of the vetting effort, particularly in light of the large number of migrants transiting the country en route to Yemen.

Large numbers of illegal migrants were detained occasionally in a government effort to reduce the number of illegal immigrants in the city. These migrants were given the opportunity to claim refugee status, but their applications were usually denied.

In 2009 ONARS and the 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. As of September 2009, the government ceased, indefinitely, the registration of non-Somalis due to a public disturbance that occurred outside the ONARS office, thus denying individuals that UNHCR deemed to be in need of protection services access to the services of ONARS. The screening unit is now in place at the Loyada Center, a primary checkpoint on the Djibouti/Somalia border to accommodate the flow of refugees from Somalia.

Ali Addeh camp was overcrowded, and basic services were inadequate. Government studies to determine a possible site for a new refugee camp continued at year's end.

Refugees continued to report that although they could not obtain work permits, many, especially women, worked. Refugees that sought work without permits typically performed low level tasks in the areas of construction, house cleaning, or babysitting. Due to the lack of permits, they were unable to challenge poor working conditions or ensure fair payment for their labor. Refugees at the Ali Addeh camp had access to a local primary school but not to a secondary school.

During the year the government provided temporary protection to a limited number of individuals who may not qualify as refugees. However, illegal migrants identified as economic migrants attempting to transit Djibouti en route to Yemen were temporarily jailed and returned to their countries of origin. The government worked with IOM to provide adequate health services to these migrants while they awaited deportation. There also was a trend toward denying refugee status to Ethiopian applicants due to the government's position that most were economic migrants.

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 generally 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 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 election. 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 its list of demands regarding the electoral process was not met. In 2008 the government banned the opposition political party Movement for Democratic Revival (MRD), a member of the UAD, alleging one of its leaders had invited Eritrea to invade the country. The MRD appealed the decision, and the case was pending before the Supreme Court at year's end.

On April 19, the parliament approved amendments to the constitution which included removing the two-term limit for the president, specifying that presidential candidates must be between 40 and 75 years of age, and reducing the presidential

term from six to five years. They also included plans for a senate whose organization and function were to be determined by the law.

Opposition political parties claimed the government restricted and interfered with their operations.

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 41 percent Issa, 43 percent Afar, 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 they were not as well represented at lower government 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, the government did not implement such laws effectively, and officials sometimes engaged in corrupt practices with impunity.

According to the World Bank's most recent Worldwide Governance Indicators, government corruption was a serious problem.

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. The law mandates the CAFD and IG to report regularly, although in practice their reports lagged behind an annual schedule. In 2009 RTD began to broadcast anticorruption public service announcements developed with the IG. The public service announcements were broadcast 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. There were no reported government abuses of domestic NGOs. Due to the country's small political and NGO community, many domestic NGOs included members who were also key officials of the government.

There were no developments in the 2009 or 2007 cases involving Jean-Paul Abdi Noel, the leader of the Djiboutian League for Human Rights. A verdict regarding Abdi Noel's dismissal request for the 2009 case involving his arrest on charges of distributing materials that insulted judicial authority remained pending at year's end.

In 2007 a court tried Abdi Noel for libel and fined and briefly imprisoned him. He appealed his sentence, and at year's end he was still awaiting a Supreme Court hearing that had been rescheduled multiple times.

The government routinely allowed visits from international NGOs, including those dealing with human rights issues, and regularly received visitors from UN bodies. In February 2009 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 monthly.

The government's Human Rights Commission, established in 2008, includes 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. The commission succeeded in having human rights subjects added to police and gendarmerie training.

There is a government ombudsman, who also served in the parliament, 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 race, gender, or language; however, government enforcement of such laws was ineffective. The constitution and law do not directly address discrimination based on disability or social status. The government took steps during the year to increase protection of women, including 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. The government did not enforce the law effectively. There is no law against spousal rape. Rape cases, which often were not reported to the police, were usually settled informally between the families of the victim and the perpetrator. Reliable statistics on the prevalence of rape were not available.

Domestic violence against women was a common occurrence, but few cases were reported. While the law does not specifically prohibit domestic violence, it prohibits "torture and barbaric acts" against a spouse and specifies penalties up to 20 years' imprisonment. Families or clans rather than courts generally addressed cases of violence against women. 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. Twenty-eight percent of the 344 women assisted by the counseling center reported physical violence, 30 percent reported psychological abuse, and more than 50 percent sought assistance in obtaining alimony or child support payments. During the year the counseling center opened a new station in the Ali Addeh refugee camp.

The law does not prohibit sexual harassment, and it was a problem. Statistics on the prevalence of sexual harassment were not available.

The government recognized the right of citizens to decide freely and responsibly the number, spacing, and timing of their children. Health clinics 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; in 2009 the government estimated the contraceptive coverage rate at 33.5 percent, up from 22.5 percent in 2008. The government provided childbirth services,

and increasing numbers of women delivered babies in a hospital or health clinic. A 2009 Ministry of Health report stated 78 percent of the population had access to prenatal care, 15 percent to obstetric care, and 36 percent to post-partum care. The UN Population Fund estimated the maternal mortality rate in 2008 at 300 deaths per 100,000 live births. Men and women received equal access to diagnosis and treatment for sexually transmitted infections, including HIV/AIDS.

Women legally possess the same rights as men, with the exception of inheritance practices that, in accordance with Shari'a law, provide males a larger proportion of estates than females; custom and traditional societal discrimination, including 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 requires women to be represented in at least 20 percent of all high-level public service positions. The family code governs the majority of family and personal matters, but inequities existed. The Ministry for the Promotion of Women, Family, Welfare, and Social Affairs was responsible for promoting the rights of women.

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. There is a fee to register a child's birth, and this can sometimes result in unregistered births.

Primary education was compulsory and available to all. However, enrollment, although increasing, was not universal. The government provided tuition-free primary and middle-school level public education, but other expenses could be prohibitive for poor families. Although the educational system did not discriminate against girls, societal attitudes resulted in lower school enrollment rates for girls than boys.

Child abuse existed but was not frequently reported or prosecuted.

Female genital mutilation (FGM) was widely performed on young girls. An estimated 93 percent of females in the country have undergone FGM. Infibulation, the most extreme form of FGM, continued to be widely practiced, especially in rural areas. Some studies indicated that recent NGO and government efforts to stop the practice reduced the number of young girls subjected to FGM in Djibouti City. The law prohibits FGM, punishable by five years' imprisonment and a fine of one million DJF (\$5,570), and allows NGOs to file charges on behalf of victims; however, the government has not convicted anyone under this statute. The law provides for up to one year's imprisonment and a fine of up to 100,000 DJF (\$557) for anyone convicted of failing to report a completed or planned FGM to the proper authorities.

During the year the government maintained efforts to end FGM with continued high-profile national publicity campaigns, ongoing public support from the first lady and other prominent 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. Efforts of the Union of Djiboutian Women and other groups to educate women were reportedly effective in lessening the incidence of FGM in the capital.

Child marriage occasionally occurred in rural areas; local society considered it a traditional practice rather than a problem. The Ministry for the Promotion of Women, Family, Welfare, and Social Affairs 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 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. Children fell victim to commercial sexual exploitation after reaching Djibouti City or the Ethiopia-Djibouti trucking corridor. Occasionally child prostitution occurred with the involvement of a third party, most frequently an older child or group of older children. Of 2,430 prostituted persons apprehended by the police in 2009, 408 were between the ages of 10 and 17.

There was no specific law prohibiting statutory rape; the 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 DJF 200,000 (\$1,113).

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

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

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

Persons with Disabilities

The constitution does not prohibit discrimination against persons with disabilities. The labor code prohibits discrimination in employment against such persons. The government did not mandate accessibility to buildings or government services for persons with disabilities. Such persons had access to education and public health services. There was societal discrimination against persons with disabilities. No government agency was charged specifically with protecting the rights of such persons. 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.

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. Although discrimination in government practices based on ethnicity and clan affiliation declined, it remained a factor in business and politics.

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

There were no known reports of societal violence or discrimination based on sexual orientation. Societal norms did not allow for the public discussion of homosexuality, and persons did not openly acknowledge having a homosexual 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 substantially restricted these rights in law and in practice. Reliable statistics on the percentage of the total workforce that belonged to a trade union continued to be unavailable. The two civil organized labor unions each have a government-appointed counterpart. The civil organized labor unions are not recognized by the government. Only members of the government-approved labor unions attend international and regional labor meetings.

Forty percent of the population is employed; those in rural areas work in agriculture. Most agriculture is subsistence farming, and there are no agricultural unions. The president has broad legal powers to requisition public servants who are considered indispensable to the operation of essential public services. Under the labor code, to be registered, a union must have the approval of the Ministries of Labor and Interior as well as the Labor Inspectorate and the public prosecutor. The Act on Associations also prescribes that a trade union cannot be established without prior authorization. Some union leaders continued to allege the government suppressed independent representative unions by tacitly discouraging labor meetings and accused the government of encouraging what they called government-sponsored "shadow unions." In June the International Labor Organization (ILO) expressed its concern over several points of divergence between the country's labor laws and ILO Convention 87, including convention provisions that (a) provide for a more or less automatic suspension of the employment contract when a worker holds trade union office; (b) in an overly broadly-formulated form prohibit access to any trade union because of any conviction (whether or not the conviction is prejudicial to the integrity required to exercise union office); (c) prescribe a lengthy and complicated trade union registration procedure; (d) require organizations to obtain authorization prior to their establishments as trade unions; and (e) confer upon the president broad powers to requisition public servants considered indispensable to the life of the nation and the proper operation of essential public services. The ILO also recommended that, where the representativeness of a workers' organization has not yet been established, no representation from the trade unions should be barred from the tripartite work of the National Council on Work, Employment, and Professional Training.

In June the ILO also expressed its concern over the postal sector, where the postal union reportedly had been faced with authorities' antiunion interference, including unfair dismissals. The ILO also noted with concern the government's continued lack of response to the International Trade Union Confederation's comments made in 2009 regarding the government's lack of genuine commitment to encourage the reinstatement of workers and trade unionists, particularly those in the postal sector, reportedly unfairly dismissed.

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

The Labor Union of Djibouti (UDT) continued to operate; however, as a civil-organized union it did not have government recognition, and the government continued to recognize members of the approved counterpart to the UDT as delegates to international labor meetings. Neither the UDT nor the government-backed unions have full validity in the view of local workers or the international community.

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 collective bargaining was underway, although progress in reaching agreements was slow. Statistics were not available on the number of collective agreements. All parties agreed workers needed better technical assistance 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 workers in the duty free zone.

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 after reaching Djibouti City or the Ethiopia-Djibouti trucking corridor.

For further information, please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

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 engaged in the sale of the mild narcotic khat, legal under local law. 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 subsistence farming 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 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 government program 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. In June the ILO recommended the government reestablish minimum wage rates, and ensure that collectively agreed minimum wage rates be binding and effectively enforced.

The legal 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.

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