



Document #2089472

USDOS – US Department of State (Author)

2022 Country Report on Human Rights Practices: Djibouti

EXECUTIVE SUMMARY

Djibouti is a republic with a strong elected president and a weak legislature. The country has a multiparty political system in which parties must be registered and recognized by the ruling authorities. President Ismail Omar Guelleh has served as president since 1999. In April 2021, he was reelected for a fifth term. International observers from the African Union, Intergovernmental Authority on Development, and the Arab League characterized the election as free and fair, noting the peaceful and calm atmosphere, but suggested improvements to civil society participation and voter education. Opposition parties boycotted the election, claiming that President Guelleh held too much power, and the only other candidate was a political neophyte who claimed that the government's refusal to provide security hampered his campaign. Legislative elections were held in 2018 but were also boycotted by most opposition parties, which stated the government failed to honor a 2015 agreement to install an independent electoral commission to manage and oversee elections. International observers from the African Union, the Intergovernmental Authority on Development, the Organization of Islamic Cooperation, and the Arab League characterized the 2018 legislative elections as "free, just, and fair," an assessment disputed by opposition leaders.

The National Police is responsible for security within Djibouti City and has primary control over immigration and customs procedures for all land border-crossing points, and reports to the Ministry of the Interior. The National Gendarmerie is responsible for all security outside of Djibouti City, as well as protecting critical infrastructure within the city, such as the international airport, and reports to the minister of defense. The National Service of Intelligence and Security operates as a law enforcement and intelligence agency. It reports directly to the presidency. Civilian authorities maintained effective control over the security forces. There were reports that members of the security forces committed some abuses.

Significant human rights issues included credible reports of: arbitrary arrest or detention; arbitrary or unlawful interference with privacy; punishment of family members for offenses allegedly committed by an individual; serious restrictions on free expression and media, including unjustified arrests or prosecutions against journalists, censorship, and enforcement of criminal libel laws to limit expression; serious restrictions on internet freedom; substantial interference with the freedom of

peaceful assembly and freedom of association, including overly restrictive laws on the organization, funding, or operations of nongovernmental organizations and civil society organizations; trafficking in persons; and the worst forms of child labor.

Impunity was a problem. The government seldom took steps to identify, investigate, prosecute, or punish corrupt officials or those who committed human right abuses, whether in the security services or elsewhere in the government.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings. There were reports, following credible investigations, that the government committed unintentional killings.

During the year, authorities took action to investigate reported cases of arbitrary or unlawful killings. On March 29, a member of the armed forces shot and killed Ferouze Mahamoud Abdillahi during a food aid distribution during Ramadan at Ali Sabieh Military Camp. During the event, a riot began, and a soldier attempted to disperse the crowd by throwing rocks. He then attempted to take another guard's weapon, at which point the firearm discharged. After investigation, military authorities determined the shooting was accidental.

In August, the National Commission of Human Rights (CNDH) issued a report on their independent investigation of the August 2021 civil unrest during which five persons were shot and killed. While civil society actors blamed police using live ammunition for at least some of the deaths, the CNDH reported authorities only used rubber bullets.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

The constitution and law prohibit such practices, but there were reports that government officials employed them. There were reports that security forces arrested and abused journalists, opposition members, and demonstrators. For example, police arrested Mohammed Omar Nour in March for criticizing the court process against a former minister of budget; he was sentenced to six months' imprisonment for inciting violence. After his release due to a presidential pardon, he posted a video alleging abuse (see section 2.a.).

Impunity was a problem, especially in security and law enforcement sectors. The government seldom took steps to identify, investigate, or prosecute officials in the security forces for abuses. Additionally, the limited space for free press and civil society offered few tools to identify, report, and fight impunity. Security and law enforcement personnel received training to increase respect for human rights.

Prison and Detention Center Conditions

International organizations and national human rights organizations reported prison conditions remained harsh, and overcrowding was a problem. There were reports that police and gendarmes

abused prisoners, although the CNDH did not document or substantiate the reports as abuse.

Abusive Physical Conditions: The country had one central prison, Gabode, in the capital and a second, smaller regional prison in Obock, as well as small jails supervised by local police or gendarmes. These jails often served as holding cells before detainees were moved to the Gabode Central Prison. The Nagad Detention Facility, operated by the Djibouti National Police (DNP), was not part of the formal prison system but was nevertheless used as a pretrial holding and triage facility to mitigate overcrowding in the regular prisons.

Prisons exceeded their original planned capacity by almost double. According to 2016 figures cited by the nongovernment organization (NGO) World Prison Brief, Gabode prison held 600 prisoners in a facility designed for 350 persons. The CNDH reported that, during the year, the prison held 784 prisoners before authorities pardoned 285 inmates and shortened the sentences of 117 others during the country's independence celebrations. Due to space constraints, there was no formal system to segregate pretrial detainees from convicted prisoners, nor were violent offenders always separated from nonviolent offenders. Authorities occasionally segregated opposition supporters.

Conditions in Gabode prison for women were similar with those for men, although it was less crowded. Authorities allowed young children to stay with their mothers, and the CNDH reported that two inmates had their children with them. The head of the prison initiated, in collaboration with a local association, sewing training for women.

Prisoners with mental disabilities represented a growing percentage of the prison population. They were kept in the infirmary, segregated from prisoners with serious communicable diseases, and were provided limited access to appropriate psychiatric needs.

While prisoners were regularly fed, medical services and living conditions were poor. Prisoners suffered from poor lighting, inadequate sanitation, and other deficient environmental conditions. Potable water and ventilation were limited. The prison administered antiretroviral treatment to prisoners diagnosed with HIV.

On June 20, Said Ali Check died in Gabode prison after having been in DNP custody. He was detained for participating in civil unrest earlier in the month. The CNDH reported that he died of diarrheal disease after refusing treatment from Gabode prison personnel. According to the CNDH, his family accepted the coroner's findings.

Administration: The CNDH visited state prisons and other law enforcement detention facilities. During each visit, the CNDH provided an anonymous survey to inmates where they can report potential mistreatment and human rights abuses. The CNDH did not identify any human rights abuses in the prisons through the survey but noted that prison facilities were overcrowded and lacked appropriate psychiatric needs. The CNDH has not released a public report on prison conditions for the last two years due to budgetary shortfalls, limited staffing, and lack of overall clearance from government ministries.

Independent Monitoring: Authorities suspended the International Committee of the Red Cross (ICRC) representative's visit to the Nagad Detention Facility and the Gabode Prison to assess general prison conditions, citing that the visit was beyond ICRC's mandate as a logistics mission to support its operations in Yemen.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, but the government seldom respected these provisions.

Arrest Procedures and Treatment of Detainees

The law requires arrest warrants and stipulates the government may not detain a person beyond 48 hours without an examining magistrate's formal charge; however, the government generally did not respect the law, especially in rural areas. Authorities may hold detainees for another 48 hours with the prior approval of the public prosecutor. The law provides that officers should promptly notify detainees of the charges against them, but there were delays.

The law contains provisions for bail, but authorities rarely made use of it. Detainees have the right to prompt access to an attorney of their choice, but that right was not widely known, and detention facility officials rarely informed detainees concerning this right. In criminal cases, the state provides attorneys for detainees who cannot afford legal representation. In instances of unlawful detention, detainees could be granted court-ordered release but no compensation.

Arbitrary Arrest: There were reports of security officials arbitrarily arresting journalists, bloggers, opposition members, and demonstrators. On May 30, the DNP detained the vice president of the opposition political party, the Republican Alliance for Development (ARD), Hassan Mohamed "Tourab" Hassan, for his criticism of the government's response to fires in the Balbala neighborhood. He was released after 48 hours in custody.

Pretrial Detention: Lengthy pretrial detention was a problem. According to 2018 statistics from World Prison Brief, pretrial detainees comprised 35.2 percent of the prison population. Prisoners often waited two or more years for their trials to begin. The length of pretrial detention frequently equaled or exceeded the maximum sentence for the alleged crime. Judicial inefficiency and a lack of experienced legal staff contributed to the problem.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, but the judiciary lacked independence and was inefficient. There were reports of judicial corruption. Authorities did not consistently respect constitutional provisions for a fair trial.

Trial Procedures

The law provides for the right to a fair and public trial; however, the judiciary did not fully enforce this right.

The legal system is based on legislation and executive decrees, French codified law adopted at independence, sharia, and cultural traditions. The law requires that all persons, including those charged with political or national security offenses, be tried within eight months of arraignment, but the government did not respect this right. Although the law requires the state to provide detainees with free interpretation when needed, such services were not always made available. In the absence of an interpreter, the relative of a hearing-impaired person is solicited by the court. Indigents have a right to legal counsel in criminal and civil matters but sometimes did not have legal representation. Defendants have the right to appeal, although the appeals process was lengthy.

Traditional law is often applied in cases involving conflict resolution and victim compensation. Traditional law stipulates compensation be paid to the victim's family for crimes such as killing and rape. Most parties preferred traditional court rulings for sensitive topics such as rape, where a peaceful consensus among those involved was valued more than the rights of survivors. Families often pressured survivors to abide by such rulings.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees; however, there were arbitrary arrests of opposition supporters, as well as of journalists and bloggers (see sections 1.d. and 2.a.).

Civil Judicial Procedures and Remedies

In cases of human rights abuses, individuals could address correspondence to the CNDH. On a variety of matters, individuals could also seek assistance from the Ombudsperson's Office, which often helped resolve administrative disputes among government branches. Individuals could also appeal decisions to the African Court on Human and Peoples' Rights in Tanzania.

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

Although the constitution and law prohibit such actions, the government did not respect these prohibitions. The law requires authorities to obtain a warrant before conducting searches on private property, but the government did not always respect the law. Government critics claimed the government monitored their communications and kept their homes under surveillance.

There were reports the government punished family members for offenses allegedly committed by their relatives. On August 5, the Supreme Court seized the passport and froze the bank accounts of Roukia Moussa Ahmed, the wife of detained former Minister of Budget Abdoukarim Aden Cher, who was arrested for corruption. There was no information as to whether she was considered a witness or a suspect.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution and law allow for freedom of expression, including for members of the press and other media, provided the exercise of these freedoms complies with the law and respects "the honor of others." The government did not respect these rights. The law provides prison sentences for media offenses.

Freedom of Expression: Individuals who criticized the government publicly or privately could face reprisals.

In March, the DNP detained Mohamed Omar Nour for his online criticisms of the arrest of former Minister of Budget Cher. He was sentenced to six months in prison for inciting violence online and was later released by presidential pardon during the celebration of the country's independence. After his release, he published a video online alleging he had been abused before fleeing to Somalia.

Violence and Harassment: The government harassed journalists. Several journalists were arrested for posting pictures of protests or comments against the government.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: Media law and the government's harassment and detention of journalists resulted in widespread self-censorship. Some opposition members used pseudonyms to publish articles.

Privately owned or independent newspapers were distributed on an irregular basis. Printing facilities for mass media were government-owned, which created obstacles for those wishing to criticize the government. The principal newspaper, *La Nation*, maintained a monopoly on authorized print media.

The government owned the only radio and television stations, operated by Radio Television Djibouti. 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 via satellite.

The National Communication Commission, a branch of the Ministry of Communication, issued identification cards to journalists and licenses to political parties and private citizens allowing them to operate social media accounts. Political parties, journalists, and private citizens critical of the government were not issued licenses and identifications cards, which limited their ability to express themselves freely online. Foreign media outlets and journalists, including the BBC and al-Jazeera, were not required to obtain a domestic license. They registered directly with the Ministry of Communication.

Libel/Slander Laws: The government used laws against libel, slander, and defamation to restrict public discussion and retaliate against political opponents.

On May 16, the National Service of Intelligence and Security, the country's intelligence agency, reportedly arrested two ARD members, Mohamed Isman Robleh and Abdikader Idriss Moussa aka Bobaker. After a month in detention, Bobaker was released while Robleh was sentenced to one year in prison for defamation of President Guelleh. On social media, Robleh routinely criticized President Guelleh.

On September 15, Abdikader Idriss Moussa was arrested a second time and held in custody for 21 days for criticizing the government. Upon his release, he posted a video asking for respect of his privacy and demanding reparations for his detention.

Internet Freedom

There were few government restrictions on access to the internet, although the government monitored social networks to prevent demonstrations or overly critical views of the government. The government required that independent news and entertainment platforms receive a special license from the Ministry of Communication. This procedure discouraged freedom of expression on social media. The law does not give the government legal authority to monitor social media.

Djibouti Telecom, the state-owned internet provider, blocked access to websites of the Association for Respect for Human Rights in Djibouti, a local NGO, and the independent streaming platform *Voice of Djibouti*, which criticized the government. The national telecom provider had a monopoly on all telecom services, including fixed lines, mobile, internet, and broadband.

The government continued to block access to Facebook and Instagram via cellular data. The block followed 2021 civil unrest involving confrontations between the Afar and Somali Issa ethnic groups in

the capital city spurred by events in Ethiopia. Nonetheless, government officials continued to use Facebook as the primary platform to disseminate information.

b. Freedoms of Peaceful Assembly and Association

The government limited freedoms of peaceful assembly and association. Opposition members alleged security forces routinely cancelled or disrupted meetings and other political events.

Freedom of Peaceful Assembly

Although the constitution provides for freedom of assembly, the government restricted this right. The Ministry of Interior requires permits for assemblies. On May 8, the Coalition of Movements for Democratic Alternatives (AMAD), a political opposition coalition, requested a permit to stage a peaceful protest on May 13 in front of the Gouled Stadium. The ministry denied AMAD the permit on May 12 citing “the regional and global context.” On May 13, a small number of persons attended the protest in front of the stadium. The DNP had previously set up several checkpoints along the road between Balbala, a working-class suburb, and the stadium to dissuade persons from participating in the demonstration. The DNP arrested a dozen demonstrators, including senior opposition party leaders. The DNP released most demonstrators by 7 p.m. the same day, except Hassan Mohamed Hassan, ARD vice president, and Ahmed Mohamed Youssouf, president of opposition political party Unified Democratic Center, who were later released after more than 30 hours of detention.

Freedom of Association

The constitution and law allow for freedom of association provided community groups register and obtain a permit from the Ministry of Interior. The government harassed and intimidated opposition parties, human rights groups, and labor unions (see sections 3 and 7.a.).

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The law generally provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

In-country Movement: Due to the continuing border dispute with Eritrea, certain areas in the north of the country remained under military control.

e. Protection of Refugees

The government collaborated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern. By law, refugees have the same rights to public services and employment as citizens, and the government actively implemented the law.

Access to Asylum: The law provides for granting asylum or refugee status. Asylum seekers from southern Somalia and Yemen were prima facie considered eligible for asylum or refugee status. In January, the government stopped granting prima facie eligibility to Tigrayans from Ethiopia to ensure the ability to review cases for disqualifying factors, such as violations of law, after discussions with the

Ethiopian government. The National Office for Assistance to Refugees and Disaster Victims (ONARS) and UNHCR issued identification cards to Yemeni refugees. The National Eligibility Commission (NEC), which falls under the Ministry of Interior and consists of staff from ONARS and several ministries, must review all other asylum claims; UNHCR participated as an observer. Ethiopian and Eritrean asylum seekers continued to claim discrimination in the refugee status determination process, citing lengthy delays, although the NEC increased the number of cases processed during the year. During the year, the NEC held 29 sessions and heard 309 cases, granting refugee status to 235 cases compared to 20 sessions and 224 cases in 2021. More than one-third of the refugee population awaited adjudication of their status.

Refoulement: Following the May 2021 case of extradition of Tigrayan refugees, the government affirmed during the year that it would not extradite refugees in the future without the approval of the NEC, citing a signed refugee exclusion clause from UNHCR.

Temporary Protection: The government provided temporary protection to a limited number of individuals who may not qualify as refugees, primarily unaccompanied child migrants who were enrolled in a program of voluntary return to their country of origin.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. The government, however, deprived many citizens of this ability by suppressing the opposition and refusing to allow several opposition groups to form legally recognized political parties. The formal structures of representative government and electoral processes had little relevance to the real distribution and exercise of power.

Elections and Political Participation

Recent Elections: In an election for regional and local councils on March 10, the Union for the Presidential Majority (UMP), a coalition of political parties aligned with the president, won 219 of the 220 seats up for election. Opposition parties opted not to field candidates, claiming the process was rigged against them. This was the first time the Independent Regional Electoral Commission, a temporary body for regional elections, certified the election results. Since the 2016 presidential election, opposition political parties have refused to participate in elections, accusing the government of not abiding by a 2015 agreement to install an independent electoral commission to manage and oversee elections.

In 2021, President Guelleh was reelected for a fifth term in the first round of voting with 97.3 percent of the vote. Independent candidate Zakaria Ismail Farah received the remaining 2.7 percent of the vote. Farah claimed that unequal treatment and lack of provision of security hampered his campaign. Opposition political groups boycotted the election, stating the process was fraudulent. After the election opposition members claimed there were irregularities, including alleging authorities stuffed ballot boxes. Most opposition leaders called the election results illegitimate.

International election observers from the Intergovernmental Authority on Development (IGAD), the African Union (AU), and the Organization of Islamic Cooperation (OIC) declared the elections free and fair, noted the peaceful conduct of the elections, and commented that polling stations were organized

satisfactorily. Observers noted the limited space for credible political opposition called into question the fairness of the election, but they did not dispute the outcome.

International observers from the AU, IGAD, Arab League, and OIC characterized the 2018 legislative elections as “free, just, and fair.” The AU mission, however, noted several worrisome observations, including lower voter registration due to restrictive laws, inadequate implementation of biometric identification processes during the elections, voter intimidation, inadequate security of submitted ballots, premature closures of voting centers, and the lack of opposition observers during ballot counting.

Political Parties and Political Participation: As in previous years, the Ministry of Interior refused to recognize the opposition political parties Movement for Democracy and Liberty (MoDeL) and the Rally for Action, Democracy, and Ecological Development, although they continued to operate. Members of those political parties and other opposition members were routinely arrested and detained (see section 1.d.). Senior government officials alleged MoDeL was affiliated with the Muslim Brotherhood organization. While membership in a political party was not required for government jobs, civil servants who publicly criticized the government faced reprisals at work, including suspension, dismissal, and nonpayment of salaries. Government-imposed fees on political parties to enter legislative and presidential elections were prohibitive: candidates were required to pay a fee of Djiboutian francs 500,000 (\$2,800) to enter legislative elections and up to five million Djiboutian francs (\$28,000) to enter presidential elections. These fees were not collected from members of the majority party. The fees are supposed to be reimbursed if a candidate receives at least 5 percent of total votes; however, the government did not issue reimbursements in the past, further discouraging opposition parties from participating in elections.

Participation of Women and Members of Minority Groups: No laws limit the participation of women and members of minority or marginalized groups in the political process. While women participated, they did not account for 25 percent of political candidates and election administration officials as required by law.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, and while the government arrested officials for corruption, others engaged in corrupt practices with impunity. According to the World Bank's most recent *Worldwide Governance Indicators*, government corruption was a serious problem.

In August, the Ministry of Communication, in partnership with the United Nations Development Program (UNDP), launched an awareness campaign on transparency, civic engagement, and public accountability. Earlier in the month, the Ministry of Economy and Finance in Charge of the Economy, in an effort towards more transparency, disseminated data on resource mobilization from 2010 to 2020.

In early August President Guelleh issued a circular note, urging government representatives not to engage in corruption, fraudulent procurement, or deceptive contract practices.

Corruption: On March 3, the National Gendarmerie arrested the former Minister of Budget Abdoukarim Aden Cher, Under Secretary for Materials Farah Mohamed Osman, and Director of the Treasury Sahal Said Awaleh on charges of embezzlement. Cher, with support from his two colleagues,

allegedly embezzled millions of dollars through the creation of fraudulent procurement contracts with several building supply companies. The case against Cher was ongoing at year's end.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

The government generally allowed a few domestic human rights groups that dealt with matters authorities did not consider politically sensitive to operate without restriction, conducting limited investigations and sometimes publishing findings on human rights cases. Government officials occasionally were responsive to their views. Government-sanctioned human rights groups regularly cooperated with local associations offering training and education to citizens on human rights matters such as migrant rights and human trafficking. Many of these associations had leaders who were also key officials of the government. Local human rights groups that covered politically sensitive matters could not, however, operate freely and were often targets of government harassment and intimidation.

In August, the National Assembly launched a campaign to highlight the importance of human rights. Some members of the National Assembly issued messages on how they intend to further human rights in their constituencies.

Government Human Rights Bodies: The government's human rights organization CNDH was formed to serve as a watchdog for human rights abuses. Its members included technical experts, representatives of civil society and labor unions, religious groups, the legal community, the Ombudsperson's Office, and the National Assembly. By law the commission is a permanent institution with staff and regional offices. Staff were trained and assigned to regional facilities. The CNDH had limited independence as its reports were vetted by the government before being published. The CNDH last produced an annual report in 2019.

The Ombudsperson's Office holds responsibilities that include mediation between the government and citizens on topics such as land titles, issuance of national identity cards, and claims for unpaid wages. Written records of the ombudsperson's activities were sparse, and it was unclear what actions the organization took to promote human rights.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law includes sentences of up to 20 years' imprisonment for rape of women or men but does not address spousal rape. The law prohibits "torture and barbaric acts" against a spouse, specifying penalties of up to 20 years' imprisonment. The law specifically enumerates protection against domestic violence, harmful cultural practices, sexual harassment, and discrimination. The government enforced these laws effectively.

The government continued to address problems of gender-based violence. The National Union of Djiboutian Women (UNFD), a nonprofit organization chaired by the first lady, worked with the government to empower and protect women from violence. UNFD's Cellule d'Ecoute (Listening Committee) addressed gender-based violence against women and girls and worked in partnership with the Ministries of Health, Justice, Defense, Women and Family, Interior, and Islamic and Cultural Affairs. The committee referred cases of abuse to the Ministry of Justice and divorce cases to the

council on sharia. In 2021, the Cellule d'Ecoute recorded 1,263 reports of acts of gender-based violence, including 375 cases of physical abuse, 411 cases of psychological abuse, 16 cases of sexual assault, four cases of rape, one case of FGM/C, and one case of forced marriage.

The National Gendarmerie had a special unit for cases of gender-based violence. Nonetheless, officials at the Ministry of Justice reported survivors of rape and domestic violence often avoided the formal court system in favor of settlements between families. The government maintained a support fund for survivors of violence and integrated care centers to provide them with medical care and psychosocial support.

UNFD placed a full-time staff member in each refugee settlement to provide support for domestic violence survivors in these communities.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C, but rates remained high. The government enforced the law when cases were reported to authorities. In 2012, the UN Population Fund completed the most recent comprehensive study of FGM/C in the country. It stated that 78.4 percent of girls and women older than 15 had been subjected to FGM/C, a drop from previous studies that put the rate at more than 90 percent. A 2019 preliminary study from the Ministry of Women showed a significant decrease of the FGM/C prevalence rate for girls from birth through age 10, from 94 percent in 1994 to 21.2 percent in 2019. According to the study, the prevalence rate remained higher in rural than in urban areas, with 37.9 percent and 13.2 percent prevalence rates in those areas, respectively. In 2021, the Cellule D'Ecoute documented one case of FGM/C reported through its hotline.

The law sets the punishment of FGM/C at five years' imprisonment and a substantial fine, and NGOs may file charges on behalf of victims. The law also provides for up to one year's imprisonment and a substantial fine for anyone failing to report a completed or planned FGM/C to the proper authorities.

The government was supportive of efforts by international and national NGOs to provide training and education concerning the harmful effects of FGM/C. Additionally, the country's religious leaders took a stance against FGM/C, declaring the belief that the practice "purifies young girls" had no basis in Islam. Despite the government's efforts, major obstacles included high rates of illiteracy, difficulty of enforcement, and deep-seated societal traditions.

Sexual Harassment: The law prohibits sexual harassment. Anecdotal information suggested such harassment continued, and victims were reluctant to report cases. Although the government made statements to underscore harassment is illegal, it did not effectively enforce the law.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. In rural areas, however, individuals were subject to the pressures of tradition, religion, and custom.

Women could obtain birth control without the consent of their husbands or male partners. Sixteen percent of women of reproductive age used modern methods for family planning. As a matter of law, the government offered access to sexual and reproductive health services for survivors of sexual violence, including emergency contraception, but there was no information available on survivor use of reproductive health information or health facilities.

UNICEF's 2017 statistics, the latest available data, indicated a maternal death rate of 248 deaths per 100,000 live births, with rates higher outside of Djibouti City, especially in makeshift urban developments around the city and in rural areas where malnutrition was high. A lack of facilities impacted access to skilled health personnel. Skilled health personnel attended 28.6 percent of births between 2006 and 2014; more recent statistics for health personnel attendance were unavailable. Home births were the norm in rural areas. There were no social, legal, or cultural barriers related to menstruation or access to menstruation hygiene, and they had a limited impact on women and girls' ability to participate in society, particularly education. Pregnancy or motherhood status did not represent a barrier to girls' education.

Discrimination: The constitution provides for equal treatment of citizens regardless of gender, but women experienced legal discrimination in areas such as marriage, divorce, and inheritance. Harassment and discrimination resulted in a secondary role for women in public life and fewer employment opportunities in the formal sector. The government made women's empowerment one of its top priorities as illustrated by increasing the number of women in high-profile government positions.

Systemic Racial or Ethnic Violence and Discrimination

The governing coalition included representatives of all the country's major clans and ethnic groups, with minority groups also represented in senior positions. Nonetheless, there was discrimination based on ethnicity in employment and job advancement. The Somali Issas, the majority ethnic group, controlled the ruling party, the Union for a Presidential Majority, and shared political power with the Afar ethnic group. There were multiple rival subclans, and discrimination based on ethnicity and clan affiliation remained a factor in business and politics.

Children

Birth Registration: Citizenship derives from a child's parents. The government encouraged prompt registration of births, but confusion regarding the process sometimes left children without proper documentation. Lack of birth registration did not result in denial of most public services but prevented some youth from completing higher-level studies and adults from voting.

Education: Although primary education is compulsory, only an estimated 75 percent of children were enrolled in school. Primary and middle schools were tuition free, but other expenses were often prohibitive for poor families. There was no significant difference between boys and girls in school enrollment, attendance, and completion.

Child Abuse: The law prohibits child abuse. Child abuse existed but was not frequently reported or prosecuted.

Child, Early, and Forced Marriage: Although the law fixes the minimum legal age of marriage at 18, it provides that "marriage of minors who have not reached the legal age of majority is subject to the consent of their guardians." Child, early, and forced marriage occasionally occurred in rural areas. The Ministry for the Promotion of Women and Family Planning, as well as UNFD, worked with women's groups throughout the country to protect the rights of girls, including the right to decide when and whom to marry.

Sexual Exploitation of Children: The law provides for three years' imprisonment and a substantial fine for the commercial sexual exploitation of children. The law does not specifically prohibit statutory

rape, and there is no legal minimum age of consent. The sale, manufacture, or distribution of all pornography, including child pornography, is prohibited, punishable by one year's imprisonment and a substantial fine. The government enforced these laws effectively.

The law criminalizes sex trafficking and labor trafficking. The law considers child sex trafficking as an aggravating circumstance for which the penalties significantly increased. The law was enforced.

Displaced Children: There was a significant population of unaccompanied migrant children due to the country's location as a transit point for migrants, especially from Ethiopia, who sought to transit to Yemen and ultimately to the Arabian Peninsula. An NGO operated the only facility in the country caring for these unaccompanied migrant children.

On June 20, Prime Minister Mohamed and the minister of women and families inaugurated a shelter for vulnerable children and migrants in Djibouti City. In addition to assisting the vulnerable migrant population, the shelter was planned to be a formal point of entry and referral for identified trafficking victims while providing shelter, food, and medical and psychological support.

Antisemitism

Observers estimated the Jewish community at fewer than 30 persons, the majority of whom were foreign military members stationed in the country. There were no reports of antisemitic acts. The indigenous Jewish community emigrated to Israel in 1947 during the French colonial period.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: The law does not explicitly criminalize lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) status or sexual conduct between consenting adults. Nonetheless, LGBTQI+ status and conduct were considered taboo.

Violence against LGBTQI+ Persons: There was a societal pattern of discrimination against LGBTQI+ persons, although no official cases of violence were available for citation. Social and religious intolerance of LGBTQI+ status was so pervasive that LGBTQI+ persons feared social shunning and extreme discrimination from family members or the community if their sexual orientation were to be disclosed.

Discrimination: There was a societal pattern of discrimination against LGBTQI+ persons, although no official cases were available for citation.

Availability of Legal Gender Recognition: Legal gender recognition, by which a government allows individuals to change their gender identity marker on legal and identifying documents to bring them into alignment with their gender identity, was not available.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: Although no official cases were available for citation, strong societal taboos against

LGBTQI+ conduct or identity made it difficult to accurately assess the scope or nature of such practices, or whether they took place at all.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: There were no LGBTQI+ specific groups among the country's fledgling civil society organizations, and strong social discrimination made it difficult for LGBTQI+ persons to assemble, associate, or express themselves freely and publicly.

Persons with Disabilities

Persons with disabilities could not routinely access education, health services, public buildings, and transportation on an equal basis with others. The government did not mandate access to government services and accessibility to buildings for persons with disabilities, and buildings were often inaccessible. The law provides persons with disabilities access to health care and education, but it was not effectively enforced. Although the government did not always provide information and communication on disability concerns in accessible formats, the CNDH and the Ministry of Justice began implementing mandatory sign language interpretation for deaf persons during judicial proceedings.

The constitution does not prohibit discrimination against persons with disabilities. The government's National Agency of Handicapped Persons is responsible for protecting the rights of persons with disabilities and improving their access to social services and employment. Authorities held prisoners with mental disabilities separately from other pretrial detainees and convicted prisoners and provided some psychological treatment or monitoring. Families could request confinement in prison for relatives with mental disabilities who had not been convicted of any crime but were considered a danger to themselves or those around them. Aside from psychiatric services administered to prisoners with mental disabilities in Gabode Prison, there were no mental disability treatment facilities and only one practicing psychiatrist in the country.

The agency conducted awareness-raising campaigns, coordinated with NGOs to organize seminars and other events, and encouraged social service providers to improve their systems to serve persons with disabilities better.

Other Societal Violence or Discrimination

There were no reported cases of violence or discrimination against persons with HIV and AIDS, although stigma against individuals with the disease was widespread.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution and law provide for the right of workers to form and join independent unions with limitations that fell significantly short of international standards for trade unions, including the requirement for obtaining prior authorization from the Ministry of Labor. The law provides the right to strike after giving advance notification, allows collective bargaining, and fixes the basic conditions for adherence to collective agreements. The law prohibits antiunion discrimination and requires employers to reinstate workers fired for union activities. The economic free zones (EFZs) operate under different rules, and labor law provides workers fewer rights in the EFZs.

The law provides for the suspension of the employment contract when a worker holds office in a trade union. The law also prohibits membership in a trade union if an individual has prior convictions, regardless of whether the conviction is prejudicial to the integrity required to exercise union office. The law provides the president with broad discretionary power to prohibit or restrict severely the right of civil servants to strike based on an extensive list of “essential services” that may exceed the limits of international standards.

The procedure for trade union registration is lengthy and complicated, allowing the Ministry of Labor virtually unchecked discretionary authority over registration. The government also requires unions to repeat this approval process following any changes to union leadership or union statutes, meaning each time there is a union election, the union must reregister with the government.

The government neither enforced nor complied with applicable law, including the law on antiunion discrimination. The government did not levy penalties commensurate with those for other laws involving denials of civil rights, such as discrimination.

The government harassed and intimidated labor unions, and limited their ability to register members, thus compromising the ability of labor groups to operate. The government did not allow the country’s two independent labor unions to register as official labor unions. Two government-backed labor unions with the same names as the independent labor unions, sometimes known as “clones,” served as the primary collective bargaining mechanisms for many workers. Members of the government had close ties to the legal labor unions. Only members of government-approved labor unions attended international and regional labor meetings with the imprimatur of the government. Independent union leaders stated the government suppressed independent representative unions by tacitly discouraging labor meetings.

Collective bargaining sometimes occurred and usually resulted in quick agreements. The tripartite National Council on Work, Employment, and Professional Training, which included representatives from labor, employers, and government, examined all collective bargaining agreements and played an advisory role in their negotiation and application.

b. Prohibition of Forced or Compulsory Labor

The law prohibits and criminalizes all forms of forced or compulsory labor, but the government did not effectively enforce the law. The law strengthens the tools available to prosecutors to convict and imprison human traffickers. The law prescribes penalties that are commensurate with those for analogous serious crimes such as kidnapping (see section 6, Children).

Local and migrant women and children were vulnerable to forced labor, including domestic servitude, forced begging, and peddling in Djibouti City and along the trucking corridor to Ethiopia. See also the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

See the Department of Labor’s *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

d. Discrimination with Respect to Employment and Occupation

The constitution provides for equal treatment of citizens regardless of gender or other distinctions, but custom and traditional societal discrimination resulted in a secondary role for women in public life and fewer employment opportunities in the formal sector. There was also discrimination based on ethnicity in employment and job advancement. Penalties for violations of labor laws were commensurate with those of similar violations, such as fraud. Most labor violations were settled through mediation by labor inspectors between the employer and the employee.

The law addresses discrimination against women in the workplace. Legal restrictions for women include limitations on employment in occupations requiring certain levels of physical strength. The government promoted women-led small businesses, including through expanded access to microcredit.

A presidential decree requires women to hold at least 25 percent of all high-level public service positions, although the government has not implemented the decree. A decree adopted on the proposal of the ministers of labor and of health, at the suggestion of the National Council for Labor, Employment, and Vocational Training, determines the jobs and categories of businesses prohibited for women, pregnant women, and young persons, and the age limit to which the ban applies.

There is no law prohibiting discriminatory hiring practices based on disability, sexual orientation, gender identity, HIV and AIDS, or other communicable disease status. The Labor Inspectorate did not adequately carry out inspections for discrimination. According to disability advocates, there were not enough employment opportunities for persons with disabilities, and legal protections and access for such individuals were inadequate. The law does not require equal pay for equal work.

e. Acceptable Conditions of Work

Wage and Hour Laws: The national minimum wage for the public sector was above the World Bank poverty income level. The law does not mandate a minimum wage for the private sector, but it provides that minimum wages be established by common agreement between employers and employees. The legal workweek is 40 hours over five days, a limit that applies to workers regardless of gender or nationality. The law mandates a weekly rest period of 48 consecutive hours and the provision of overtime pay at an increased rate fixed by agreement or collective bargaining. The law states that combined regular and overtime hours may not exceed 60 hours per week and 12 hours per day. Penalties for abuses were commensurate with those for similar crimes, such as fraud. The law provides for paid holidays.

Occupational Safety and Health: The government sets appropriate occupational safety and health (OSH) standards that cover the country's main industries.

Wage, Hour, and OSH Enforcement: The Ministry of Labor is responsible for enforcing OSH standards, wages, and work hours; however, enforcement was ineffective. Responsibility for identifying unsafe situations remains with OSH experts and not the worker. The law does not provide workers the right to remove themselves from a hazardous workplace without jeopardizing their employment. Penalties for violations of the law were commensurate with those for crimes such as negligence.

Migrants were particularly vulnerable to hazardous working conditions, particularly in the construction sector and at ports. Hazards included improper safety equipment and inadequate safety training. According to the Labor Inspectorate, workers typically reported improper termination, not abuses of

safety standards. The most common remedy for violations was for the labor inspector to visit the offending business and explain how to correct the violation. If the business corrected the violation, there was no penalty.

Informal Sector: There was a large informal sector but no credible data on the number of workers employed there. Much of the labor market was in the informal sector. By law migrant workers who obtain residency and work permits enjoy the same legal protections and working conditions as citizens, although the law was unevenly enforced.

ecoi.net description:

Annual report on human rights in 2022

Country:

Djibouti

Source:

[USDOS – US Department of State](#) (Author)

Original link:

<https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/djibouti/>

Document type:

Periodical Report

Language:

English

Published:

20 March 2023

Available on ecoi.net since:

20 April 2023

Document ID:

2089472

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Documentation (ACCORD)

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ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

