



# 2013 Country Reports on Human Rights Practices - Djibouti

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## EXECUTIVE SUMMARY

Djibouti is a republic with a strong elected president and a weak legislature. In 2010 parliament amended the constitution to remove term limits, facilitating the April 2011 reelection of President Ismail Omar Guelleh for a third term. While legislative elections held February 22 included participation by opposition parties for the first time in 10 years, the opposition rejected the vote as flawed, and disputes over official results fueled months of protest. Opposition leaders boycotted the National Assembly and formed a shadow parliament. International observers from the African Union, the Intergovernmental Authority on Development, the Organization of Islamic Cooperation, and the Arab League characterized the elections as free and fair, an assessment disputed both domestically and internationally. Authorities maintained effective control over security forces. Security forces committed human rights abuses.

Disputes over official results fueled months of protest by opposition leaders and supporters. The government's use of excessive force to disperse demonstrators resulted in numerous injuries. Authorities arrested and imprisoned opposition leaders and hundreds of opposition members.

The most serious human rights problem was the government's abridgement of the right of citizens to change or significantly influence their government. The government did so by harassing, abusing, and detaining government critics; denying the population access to independent sources of information; and restricting freedom of speech and assembly.

Other human rights problems included the use of excessive force, including torture; harsh prison conditions; arbitrary arrest and prolonged pretrial detention; denial of fair public trial; interference with privacy rights; restrictions on freedom of association; lack of protection for refugees;

corruption; discrimination against women; female genital mutilation/cutting (FGM/C); trafficking in persons; discrimination against persons with disabilities; and government denial of worker rights.

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

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

### **a. Arbitrary or Unlawful Deprivation of Life**

There were reports that the government or its agents committed arbitrary or unlawful killings. The gendarmerie is responsible for investigating such killings. Security force use of excessive force, including torture, resulted in deaths, according to the World Organization Against Torture.

On June 20, the World Organization Against Torture reported the June arrest and fatal beating of Sahal Ali Youssouf by a group of individuals that allegedly included police. According to information that appeared on social media, five individuals in both police uniforms and civilian clothes stopped Youssouf near the Djibouti Hotel and put him into a police vehicle. Witnesses alleged the same vehicle deposited Youssouf in the Carton neighborhood of Djibouti City alive but in critical condition. Youssouf allegedly died from his injuries hours later at Peltier Hospital in Djibouti City. Witnesses who saw the body described black marks on the skin and cuts on the soles of the feet. The gendarmerie was investigating the death at year's end.

Results of an official investigation were unavailable regarding a 2012 incident in which police detained and beat a man who subsequently died from his injuries at the Central Police Station in Djibouti City. According to the Belgium-based opposition website La Voix de Djibouti, police tortured the man. The State Prosecutor's Office and the National Human Rights Commission stated that police took the victim, who had mental disabilities, into police custody at the request of his family.

There also was no information available on the investigation into the December 2012 killing of a demonstrator by members of the Mobile Gendarmerie Squadron in Obock.

### **b. Disappearance**

There were no reports of politically motivated disappearances.

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

The constitution and law prohibit such practices; however, there were reports that security forces beat and tortured detainees, some of whom died as a result of their injuries (see section 1.a.).

According to the local nongovernmental organization (NGO) Djiboutian Observatory for the Promotion of Democracy and Human Rights, the Documentation and Security Service (SDS) arrested Mohamed Daher Robleh in July and held him for six days at the SDS building without contact with an attorney or family members. The SDS summoned and detained Robleh at its

headquarters again on July 11 and 13. Following his release, he reported to the observatory that SDS agents beat him with wooden and plastic sticks on the ears, head, arms, legs, and feet; threatened his life; and kept him awake for days. According to Robleh, a presidential decree in September revoked his citizenship (see section 2.d.).

### *Prison and Detention Center Conditions*

While there have been some improvements in recent years, prison conditions remained harsh. The country has one central prison – Gabode – in the capital and a second, smaller regional prison in Obock, as well as a number of small jails supervised by local police or gendarmes. These jails served as holding cells before detainees moved to the central prison. Nagad Detention Facility primarily held undocumented immigrants, but it was not part of the prison system. There were reports that police and gendarmes abused and tortured prisoners during the year (see section 1.a.).

*Physical Conditions:* Gabode Prison in Djibouti City had a maximum capacity of 350 inmates but often held 550, approximately 30 of whom were female. Conditions of detention for women were similar to those of men, although less crowded. There were generally fewer than 20 juvenile prisoners. Authorities allowed young children of female prisoners to stay with their mothers. Due to space constraints, authorities did not always hold pretrial detainees separately from convicted prisoners, nor were violent offenders separated from nonviolent offenders. Authorities separated political prisoners from the rest of the prison population but provided under adequate conditions for their incarceration.

Inmates in Gabode had access to potable water and sanitary facilities and received three meals a day, with meat served on alternate days. Prisoners' families could bring food to the prison each day. The prison had an infirmary, and medication was available. A medical doctor was available on Sundays and Wednesdays, and four other medical staff members were at the prison. Prisoners with serious health problems received treatment at the main Djibouti City public hospital. Authorities held seriously ill prisoners separately and segregated prisoners with communicable diseases from prisoners with other health problems. Prisoners with mental health problems, however, did not receive adequate care. There were 20 HIV-positive prisoners who received treatment from a specialized center under the ministry of health. During the prisoner intake process, prison officials tested for and documented serious health conditions. Conditions in jails, which held detainees until their summary release or transfer to the central prison, were poor. Jails had no formal system to feed or segregate prisoners and did not provide medical services.

Conditions at Nagad Detention Facility were poor, although detainees had access to potable water, food, and medical treatment. Authorities deported most detainees within 24 hours of arrest. While normally used for prisoners of war and irregular migrants, the government used Nagad Detention Facility as a temporary holding place for civilians arrested during political demonstrations. Both police and opposition members reported injuries resulting from a clash at Nagad in June. The incident followed a demonstration at which police arrested more than 100 opposition supporters. Opposition members alleged they were detained for more than 10 hours without food or potable water, clubbed by police, and tear gassed. According to police, opposition detainees became violent after making unreasonable demands.

*Administration:* The prison had both written and electronic procedures to track prisoner names, thumbprints, and dates of detention and release. Statistics were updated daily and included age,

gender, citizenship, legal status, and cellblock assignment. While the law provides for alternative sentencing of nonviolent offenders, this did not occur. There was no prison ombudsman, but prisoners and detainees could submit complaints through prison authorities to judicial officials to request investigation of inhumane conditions, which authorities did in cases they deemed credible. Authorities permitted prisoners and detainees visitors each Friday afternoon and religious observance regardless of religion.

*Independent Monitoring:* The government granted prison access to foreign embassies and the International Committee of the Red Cross (ICRC). Authorities allowed ICRC regional representatives based in Nairobi to visit Nagad Detention Facility quarterly and conduct visits. A small group of prisoners of war, captured during the 2008 border skirmish with Eritrea, received quarterly visits from ICRC staff.

*Improvements:* The government took minor steps to improve prison conditions, including the procurement of a facility-wide computer server and a small, motorized water pump to increase potable water storage capacity at Gabode Prison.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention; however, the government did not respect these prohibitions.

##### *Role of the Police and Security Apparatus*

Security forces include the National Police 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 are responsible for internal security and border control. The National Gendarmerie is responsible for external security but also has some domestic responsibilities.

Security forces were generally effective, although corruption was a problem in all three services, particularly in the lower ranks where wages were low. The gendarmerie is responsible for investigating allegations of police misconduct, and the Ministry of Justice is responsible for prosecution, but no allegations of police misconduct came to trial during the year. Impunity was a serious problem.

The National Police had a Human Rights Office and integrated human rights education into the police academy curriculum.

##### *Arrest Procedures and Treatment of Detainees*

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 government generally did not respect the law, especially in rural areas. Detainees may be held another 48 hours with the prior approval of the public prosecutor. The law provides that law enforcement promptly notify detainees of the charges against them, although there were delays. The law requires that all persons, including those charged with political or national security offenses, are tried within eight months of arraignment; however, the government did not respect this right. 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, which generally occurred, although there were exceptions. In criminal cases the state provides attorneys for detainees who cannot afford legal representation. In instances of unlawful detention, detainees could get court-ordered release but not compensation.

*Arbitrary Arrest:* During the year government officials arbitrarily arrested hundreds of persons, including journalists, opposition members, demonstrators, and religious leaders, often without warrants.

For example, on June 23, security forces arrested more than 100 Union for National Salvation (USN) demonstrators who had gathered at the Supreme Court in support of three political prisoners who were sentenced in April to two years' imprisonment for their participation in postelection demonstrations. Authorities released the majority of detainees the following morning; those remaining were released within the week. There were reports that many detainees did not receive water, food, and medical care and that many were physically abused. Family members and friends who tried to visit reportedly were denied access by police, and their property, including personal vehicles, was confiscated but subsequently returned.

*Pretrial Detention:* Lengthy pretrial detention was a problem, and approximately half of the prison population was in pretrial detention. Statistics were unavailable, and prisoners often waited two, three, or more years for their trials to begin. Judicial inefficiency contributed to the problem.

#### **e. Denial of Fair Public Trial**

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

#### *Trial Procedures*

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

The law states that the accused is innocent until proven guilty; however, trials did not proceed in accordance with the presumption of innocence. Trials generally were 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 considered sufficiently knowledgeable to comprehend court proceedings. The government chooses lay assessors from the public. In criminal cases the court consists of the presiding judge of the court of appeal, two lay assessors, and four jurors who are selected from voter registration lists. The law provides that detainees be notified promptly of the charges against them. Although the law does not provide interpretation free of charge, it was available. 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. 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. Authorities generally respected these rights. The indigent have a right to legal counsel in criminal and civil matters but sometimes did not have legal representation. Defendants have the right of appeal. The law extends these rights to all citizens.

Traditional law often applied in cases involving conflict resolution and victim compensation. Traditional law stipulates that a price be paid to the victim's family for crimes such as murder and rape. Most parties preferred traditional court rulings for sensitive issues such as rape, where a peaceful consensus among those involved was valued over the individual rights of the victim, who often received pressure from family to abide by traditional court rulings.

### *Political Prisoners and Detainees*

In the month following the February legislative elections, domestic and international opposition sources estimated more than 40 prisoners were serving sentences for opposition political activity during the elections; the same sources estimated security forces detained approximately 300 persons in military facilities, all but 10 of whom were subsequently released. These prisoners included USN candidates Dirir Said Iyeh, Moussa Houssein, Idriss Aden; USN Communications Director Maydane Abdallah Okieh; pro-opposition religious leaders Abdourahman Souleiman Bachir, Abdourahman Barkat God, Guirreh Meidal Guelleh; and others.

Police arrested multiple times USN spokesperson and de facto opposition leader Daher Ahmed Farah. Charges against him included "collusion with a foreign power," "inciting violence and civil unrest," and "noncompliance with a judicial order." Authorities held Farah and other prisoners in Gabode Prison under conditions slightly better than the general prison population and permitted them visitors, including from international humanitarian organizations. The government denied the existence of political prisoners.

### *Civil Judicial Procedures and Remedies*

In cases of human rights violations, citizens could 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. Citizens could also appeal decisions to the African Court on Human and Peoples' Rights. The government did not always comply with decisions and recommendations of these bodies pertaining to human rights.

### **f. Arbitrary 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 that authorities 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. The government also demolished without due process hundreds of illegal shops, stalls, and eateries.

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. The Ministry of Education placed an opposition candidate for the February legislative elections on probation shortly after she launched her campaign and reassigned some pro-opposition teachers to schools outside the capital.

As part of the "Djibouti Clean City" campaign, in August municipal authorities sent bulldozers to demolish hundreds of commercial structures that had been constructed without permits. Authorities posted police in targeted neighborhoods to prevent owners of illegal businesses from returning.

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

### **a. Freedom of Speech and Press**

The constitution and law allow for freedom of speech and press, provided such freedoms comply with the law and respect "the honor of others." The government did not respect these rights. The law provides prison sentences for media offenses.

*Freedom of Speech:* While individuals often expressed themselves freely in society, individuals who criticized the government publicly or privately could face reprisals. Plainclothes security agents in mosques monitored the content of sermons during Friday prayers. There were reports that police detained imams following sermons with political or social justice themes.

*Press Freedoms:* There were no privately owned or independent newspapers in the country. Printing facilities for mass media were government owned, which created obstacles for those wishing to publish criticism of the government. The principal newspaper, *La Nation*, maintained a monopoly on domestic news.

The government allowed each registered political party to publish a public journal or newspaper, although the 2007 ban on the opposition political party newsletter *Le Renouveau* remained in effect. The opposition National Democratic Party regularly published the political newsletter *La Republique*. Other parties published papers sporadically. Opposition political groups and civil society activists circulated newsletters and other materials critical of the government.

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.

In 1992 the Ministry of Communication created a commission to distribute licenses to nongovernment entities wishing to operate media outlets. In 2012 the commission accepted its first application for licensing, but it remained pending at year's end, and the commission did not issue any other licenses.

*Violence and Harassment:* The government arrested and harassed journalists.

For example, on May 19, authorities arrested and detained USN member and *La Voix de Djibouti* journalist Maydaneh Abdallah Okieh for insulting a police officer. On May 28, the court sentenced Okieh to 45 days' imprisonment and a 200,000 Djiboutian francs (DFJ) (\$1,130) fine after he posted photographs on his Facebook page of police breaking up an opposition demonstration; he was also ordered to pay two million DFJ (\$11,300) in damages. During the appeal process in June, the court increased Okieh's sentence to five months. Following the wave of election protests in late February,

Okieh spent 45 days in prison on charges of inciting violence and civil unrest and participating in an illegal demonstration. While in detention, police reportedly slapped Okieh on the hands and face. The international NGO Reporters Without Borders (RSF) characterized Okieh's case as "typical of the way the government hounds critics, including journalists, media employees, social networkers and opposition activists." In October authorities released Okieh from prison.

Houssein Ahmed Farah, an opposition activist and journalist who was released from prison in November 2012 after being detained without charge for three months, was rearrested and imprisoned repeatedly during the year, according to the RSF. On August 14, authorities released Farah after he was held since July 2 on a charge of refusing to comply with a judicial order. The RSF characterized the judicial proceedings against Farah as politically motivated, arbitrary, and unjust.

*Censorship or Content Restrictions:* The country's media and slander laws and the government's harassment and detention of journalists resulted in widespread self-censorship.

*Libel Laws/National Security:* The government cited national security to suppress criticism and arrested, detained, and imprisoned journalists during the year.

Circulation of a new newspaper requires authorization from the Communication Commission, which requires agreement from the National Security Service following an investigation.

#### *Internet Freedom*

There were few government restrictions on access to the internet; however, the government closely monitored social networks to ensure that there were no planned demonstrations or overly critical views of the government. For example, following the February 22 legislative elections, citizens with personally identifiable Facebook profiles who posted antigovernment or pro-opposition messages on the site received house calls from police.

Djibouti Telecom, the state-owned internet provider, reportedly continued to block access to the websites of the Association for Respect of Human Rights in Djibouti and *La Voix de Djibouti*, which often criticized the government. *La Voix de Djibouti* cannot be accessed from within the country; however, the RSF created a mirror site to circumvent this censorship. According to International Telecommunication Union statistics, approximately 8 percent of the population had access to the internet.

#### *Academic Freedom and Cultural Events*

There were no government restrictions on academic freedom or cultural events, and teachers could speak and conduct research without restriction, provided they did not violate sedition laws.

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

#### *Freedom of Assembly*

Although the constitution provides for freedom of assembly, the government severely restricted this right. The Ministry of Interior requires permits for peaceful assemblies but denied permits to



opposition groups. Despite restrictions, large opposition rallies occurred throughout the year and resulted in the arrest and detention of hundreds of demonstrators. Police use of excessive force to quell demonstrations resulted in injuries.

For example, on February 25, security forces arrested hundreds of demonstrators who gathered to protest the results of the February 22 election. Police used tear gas and nightsticks to disperse demonstrators, and police arrested and detained hundreds in Nagad Detention Facility.

Security forces also disrupted opposition meetings in private homes and arrested party leaders (see section 3).

### *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; however, the Ministry of Interior ignored the petitions of some groups and revoked permits for others during the year. The government harassed and intimidated opposition parties, human rights groups, and labor unions (see sections 1.c., 3, 5, and 7.a.).

### **c. Freedom of Religion**

See the Department of State's [\*International Religious Freedom Report\*](#).

### **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.

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

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

*Foreign Travel:* Opposition members reported immigration officials prevented them from boarding international flights. The National Human Rights Commission mediated a resolution to the problem.

*Citizenship:* In September opposition websites reported a presidential decree stripping Mohamed Daher Robleh of his Djiboutian nationality. In July SDS agents allegedly detained and tortured Robleh regarding his activities with the Muslim community organization *Association Amal* (see section 1.c). Opposition websites alleged the decree was political, rather than related to security.

### *Internally Displaced Persons (IDPs)*

As in previous years, sustained drought and shrinking livestock populations prompted an exodus from rural areas. Many affected individuals and families relocated to an area on the outskirts of Djibouti City. Numerous families displaced in 2008 because of a border dispute between Djibouti and Eritrea continued to live in the Khor area south of their original homes.

The government used 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.

### *Protection of Refugees*

*Access to Asylum:* The law provides for the granting of asylum or refugee status. Only asylum seekers from southern Somalia are granted prima facie status. All other asylum claims must be reviewed by the National Eligibility Commission, which falls under the Ministry of Interior and consists of UNHCR and ONARS staff.

The country hosted approximately 22,000 refugees and asylum seekers primarily from south and central Somalia and Ethiopia.

During the year approximately 200 Somalis arrived in the country each month, representing a major decrease from 2012, when approximately 400 refugees arrived each month. New arrivals originated from south and central Somalia and reported continuous and targeted violence.

In the past most new refugees arrived at the Ali Addeh camp, which reached maximum capacity several years ago. To reduce congestion the UNHCR and ONARS reopened a second camp at Holl-Holl in 2012. A validation census of refugees in existing camps and in the city identified those who arrived after 2009 for relocation to the new camp, which continued during the year. Organizational difficulties and resource constraints prevented ONARS and the UNHCR from providing adequate service to refugees, including the prompt processing of refugee claims.

The government allowed the UNHCR to screen and resettle Eritrean detainees imprisoned at Nagad Detention Facility. Due to the unresolved 2008 conflict between Djibouti and Eritrea and the mandatory military conscription policy of the Eritrean government, Djibouti considered Eritrean detainees as deserters from the Eritrean military rather than refugees. Authorities moved these individuals to Nagad Detention Facility within 24 hours of arrest.

*Refoulement:* The government did not routinely grant refugee or asylum status to groups other than southern Somalis, and a backlog in refugee status determinations put individuals waiting for their screening at risk of expulsion to countries where they might be threatened. There were occasional cases in which the government returned migrants to their home country without the benefit of a refugee status determination. Most of these cases involved Ethiopian nationals, whom government officials categorically identified as economic migrants. The government, working with the International Organization for Migration (IOM) and the ICRC, continued its efforts to differentiate refugees from illegal immigrants. A lack of staff and other resources limited the success of the vetting, particularly in light of the record number of migrants transiting the country en route to Yemen.

*Refugee Abuse:* There were only three police officers and no permanent courts to protect refugee camps and their surrounding communities; impunity was a problem. Whether abuse or attacks were perpetrated by other refugees, members of neighboring communities, local officials, or the police, the nearly 22,000 refugees in camps had little redress. Camp staff reported numerous unsubstantiated accusations of abuse by local officials. The government promised to send a magistrate each month to the largest camp, Ali Addeh, to hear the backlog of pending cases, but such visits were sporadic.

The government occasionally detained and deported large numbers of illegal migrants. The government gave these migrants the opportunity to claim refugee status, and those who did were referred for a status determination to the National Eligibility Commission, which had not met in years. Although the commission resumed its activities in August, there was a serious backlog of individuals at risk of expulsion.

*Employment:* Scarce resources and employment opportunities limited overall opportunities for the local integration of refugees. Documented refugees were permitted to work, and many (especially women) did so in low-wage jobs such as house cleaning, babysitting, or construction. There was little recourse to challenge poor working conditions or ensure fair payment for labor. Refugees had access to primary schools in the camps where instruction was in English and Somali. They were eligible to attend French-language public secondary school outside the camps but rarely did so because of the language barrier. A limited number of spots in public Somali-language technical schools became available to refugees.

*Access to Basic Services:* The Ali Addeh camp was overcrowded, and basic services such as potable water were inadequate. The Holl-Holl camp was not overcrowded, and the transfer of refugees from Ali Addeh camp to Holl-Holl camp continued. The government issued its first-ever birth certificates to children born in refugee camps during the year.

*Temporary Protection:* The government provided temporary protection to a limited number of individuals who may not qualify as refugees. Authorities jailed illegal migrants identified as economic migrants attempting to transit the country en route to Yemen and returned them to their countries of origin. The government worked with the IOM to provide adequate health services to these migrants while they awaited deportation.

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### **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, but the government deprived many citizens of this right 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:* On February 22, legislative elections resulted in a narrow victory for the ruling Union for the Presidential Majority coalition. According to official results, the USN opposition

coalition received 10 seats in the 65-member National Assembly. Although the election was the first contested parliamentary vote since 2003, opposition parties alleged the vote was rigged and that there were incidences of ballot stuffing and double voting. In contrast to previous years, the government did not release full results by individual polling station, lending credibility to the opposition claim that the USN won the majority of votes in Djibouti City, where the majority of the country's population is concentrated. Police and gendarmerie were present throughout the capital and outside most polling stations to check identity cards and manage the flow of voters into the polling stations. International observers from the African Union, the Intergovernmental Authority on Development, the Organization of Islam Cooperation, and the Arab League characterized the election as free and fair, an assessment that domestic and international NGOs criticized.

Opposition leaders and supporters continued to protest the election results in the months after the election using both the legal system and illegal street protests; opposition leaders boycotted the National Assembly and formed a shadow parliament. The government repressed opposition demonstrations, arrested hundreds of activists, and initiated legal proceedings against many opposition leaders.

*Political Parties:* The government harassed and excluded opposition leaders, restricted the operations of opposition parties, and denied opposition groups permits to organize protests (see section 2.b.). According to Freedom House, opposition parties were also "disadvantaged by electoral rules and the government's abuse of the administrative apparatus."

For example, on June 1 and 2, in Balbala Warabaley, security forces arrested seven opposition leaders and 18 activists during internal policy meetings being conducted in private homes. Among those arrested were USN president Ahmed Yusuf Houmed; Omar Elmi Khaireh, president of the opposition Center for United Democrats; and Ali Mohamed Ali, head of the opposition Republican Alliance for Development. On June 3, authorities released all 18 detainees.

The popular opposition group Movement for Development and Liberty lost a Supreme Court case challenging the Ministry of Interior's refusal to allow the group to operate as a political party. The group's three most prominent members – religious leaders Abdourahman Souleiman Bachir, Abdourahman Barkat God, and Guirreh Meidal Guelleh – were imprisoned following the elections on charges of inciting violence and civil unrest and participating in an illegal demonstration (see section 1.e.).

*Participation of Women and Minorities:* The February legislative elections brought two more women into the National Assembly, raising to nine the number of female parliamentarians in the 65-seat body. Following the most recent cabinet reshuffle in April, there were three women in the 23-member cabinet. 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 (27 members), 43 percent Afar (28 members), and 16 percent representatives of smaller minority groups. Elected from a single list, the legislature's members reflected the governing coalition's intent to ensure balance. The cabinet was similarly balanced: there were 11 Issas, eight Afars including the prime minister and the foreign minister, and four members of minority groups. Some Afars continued to claim they were not as well represented at lower levels of government.

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## **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for official corruption; however, the government did not implement such laws effectively, and officials engaged in corrupt practices with impunity. According to the World Bank's most recent Worldwide Governance Indicators, government corruption was a serious problem. There were reports of government corruption during the year.

*Corruption:* The government internally disciplined high-level civil servants for corruption; however, there were no legal charges or media coverage. The government continued an initiative begun in 2012 to rotate accountants between government offices as a check on corruption. A Court of Accounts, considered the supreme state financial control body, and the State Inspectorate General (IG) were responsible for combating corruption and conducting public expenditure audits to promote transparency. The law requires the court and the IG to report annually, but both entities lacked resources, and reporting seldom occurred. Radio Television Djibouti continued to broadcast twice a week in four languages anticorruption public service announcements developed in conjunction with the IG.

*Whistleblower Protection:* The law provides that police officers who receive complaints and denunciations must inform the public prosecutor and open an investigation; however, the law does not provide protection to public or private employees making these disclosures.

*Financial Disclosure:* Public officials were not subject to financial disclosure laws.

*Public Access to Information:* 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.

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## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations 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 officials regularly cooperated with local NGOs offering training and education to citizens on human rights issues such as women's rights. Many domestic NGOs had leaders who were also key officials of the government.

Following the death of human rights activist Jean Paul Noel Abdi in May 2012, a group of civil servants from diverse ministries created the Djiboutian Observatory for the Promotion of Democracy and Human Rights. By year's end the ministry of interior had not responded to the group's application for NGO status.

*Government Human Rights Bodies:* The government's National Human Rights Commission included technical experts, representatives of civil society and labor, religious groups, the legal

community, the ombudsman's office, and the national assembly. The commission met regularly, produced an annual report, and occasionally commented on cases of concern. State-run media featured prominent coverage of the commission's activities throughout the year, which included participation in the Universal Periodic Review at the UN.

A government ombudsman holds responsibilities that include mediation between the government and citizens on issues such as land titles, issuances of national identity cards, and claims for unpaid wages. Written records of the ombudsman's activities were sparse, and it was unclear what actions he took during the year to promote human rights.

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## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The constitution and law prohibit discrimination on the basis of race, gender, or language; however, the government did not enforce the law effectively. The constitution does not directly address discrimination based on disability, social status, sexual orientation, or gender identity.

### **Women**

*Rape and Domestic Violence:* The law includes sentences of up to 20 years' imprisonment for rape but does not address spousal rape. The government did not enforce the law effectively. Families of the victim and the perpetrator usually settled rape cases informally. Rape cases rarely were reported to law enforcement officials, and reliable statistics were not available.

Domestic violence against women was common, 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 for perpetrators. Families and clans, rather than courts, handled cases of violence against women. Police rarely intervened in domestic violence incidents, and the media reported only the most extreme cases, usually involving death of the victim.

The National Union of Djiboutian Women operated a walk-in counseling center (Cellule d'Ecoute) that provided services and referrals for men and women. Of the 1,575 persons assisted in 2012, approximately 8 percent were victims of domestic violence. The counseling center maintained similar stations in the Ali Addeh and Holl-Holl refugee camps.

*Sexual Harassment:* The law does not prohibit sexual harassment. Statistics were not available, but anecdotal information suggested such harassment was widespread, although seldom reported.

*Reproductive Rights:* The government recognized the right of citizens to decide freely and responsibly the number, spacing, and timing of their children and to do so free from discrimination, coercion, and violence. Clinics under the ministry of health operated freely in disseminating information on family planning. There were no restrictions on the right to access contraceptives, and a 2012 ministry of health report estimated that 22 percent of women of reproductive age used modern contraceptives. Misinformation about contraceptives, combined with a cultural preference for large families (between five and eight children), discouraged the use of contraceptives,

especially in rural areas. Moreover, the lack of medical facilities outside Djibouti City meant that contraceptives were difficult to obtain.

The government provided childbirth services, and 71 percent of births were in a hospital or clinic, according to a 2012 study by the ministry of health. The same study reported that 88 percent of women received appropriate prenatal care, although there was a large disparity between women in the capital and in the rural areas; 53 percent of women received postpartum care. The UN Population Fund estimated the maternal mortality rate in 2011 at 300 deaths per 100,000 live births. The lack of facilities outside the capital and overall dearth of services contributed to poor maternal health outcomes.

*Discrimination:* The constitution provides for equal treatment of citizens without distinction regarding gender, but 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. Women did not possess the same legal rights as men, and the law does not require equal pay for equal work. In accordance with Sharia, men inherit a larger proportion of estates than do women. 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 continued to promote female leadership in the small business sector, including through expanded access to microcredit.

A presidential decree requires women to hold at least 20 percent of all high-level public service positions, and the government enforced the law. The Ministry for the Promotion of Women and Family Planning is responsible for promoting the rights of women and conducted awareness-raising events and workshops during the year to combat discrimination.

*Birth Registration:* Citizenship derives from a child's parents. The government continued to encourage the immediate registration of births, and most births in Djibouti City were registered quickly. By contrast, births in rural areas often were registered late or not at all. The birth registration fee of 2,000 DJF (\$11.30) deterred some parents from registering births. Lack of birth registration did not result in denial of public services, but lack of such documentation prevented adults from voting.

*Education:* Primary education was compulsory. Primary and middle school were tuition free, 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.

*Child Abuse:* Child abuse existed but was not frequently reported or prosecuted.

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

*Harmful Traditional Practices:* According to a 2012 UN Children's Fund estimate, 78 percent of women between the ages of 15 and 49 had undergone FGM/C; in 2006 the figure was 93 percent.

Infibulation, the most extreme form of FGM/C, continued to be practiced, although with declining frequency. The law punishes FGM/C by five years' imprisonment and a fine of one million DJF (\$5,650), and NGOs could file charges on behalf of victims; however, the government had 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 (\$565) for anyone convicted of failing to report a completed or planned FGM/C to the proper authorities; however, the government has punished no one under this statute.

The government continued efforts to end FGM/C with a high-profile national publicity campaign, public support from the first lady and other prominent women, and outreach to Muslim religious leaders. The media featured frequent and prominent coverage of events organized to educate the public on the negative consequences of FGM/C. According to government ministries, NGOs, and informal conversations with women, efforts by the Union of Djiboutian Women and other groups to educate women were reportedly effective in lessening the incidence of FGM/C in the capital and changing perception of the practice.

*Sexual Exploitation of Children:* The law provides for three years' imprisonment and a fine of one million DJF (\$5,650) for the commercial 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 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 (\$1,130).

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 were subject 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.

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

## **Anti-Semitism**

While exact numbers were not available, the Jewish community was estimated at fewer than 30 persons, the majority of whom were foreign military members stationed in the country. There were no reports of anti-Semitic acts.

## **Trafficking in Persons**

See the Department of State's [Trafficking in Persons Report](#).

## **Persons with Disabilities**

The constitution does not prohibit discrimination against persons with disabilities, although the labor code prohibits discrimination in employment against such persons. Both the Ministry of National Solidarity and the Ministry for the Promotion of Women and Family Planning had responsibility specifically to protect the rights of such persons; however, the law was not enforced. The government did not mandate accessibility to buildings or government services for persons with



disabilities, and such buildings were often inaccessible. Persons with disabilities had access to health care and education, including primary, secondary, and higher education. Persons with disabilities had access to health care and education, including primary, secondary, and higher education.

Authorities held prisoners with mental disabilities in separate cells. They received minimal psychological treatment or monitoring. Families could request to have mentally ill relatives confined in prison. Results of an official investigation were unavailable regarding a 2012 incident in which police detained and beat a man with mental disabilities, who subsequently died from his injuries at the Central Police Station in Djibouti City (see section 1.c.).

Societal discrimination against persons with disabilities occurred. The National Human Rights Commission conducted awareness raising campaigns, and 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, and the government marginalized the minority Afar peoples. Discrimination based on ethnicity and clan affiliation remained a factor in business and politics.

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

The law criminalizes consensual same-sex sexual conduct. No antidiscrimination law exists to protect lesbian, gay, bisexual, and transgender (LGBT) individuals. There were no reported incidents of societal violence or discrimination based on gender identity or sexual orientation. Societal norms do not allow for the public discussion of homosexuality, and LGBT persons generally did not openly acknowledge their sexual orientation. There were no known LGBT organizations.

### **Other Societal Violence or Discrimination**

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

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## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The constitution and law provide for the right to form and join independent unions, with prior authorization from the Ministry of Labor. The law provides the right to strike after providing advance notification. The labor code 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 law and government practice limited these rights in several ways. The procedure for trade union registration, according to the International Labor Organization, is lengthy and complicated, allowing the Ministry of Labor virtually unchecked discretionary authority over registration. The government also requires unions to resubmit to this approval process for any changes to union leadership or union statutes. The law provides for the suspension of the employment contract when a worker holds trade union office. The law also prohibits access to any trade union because of any conviction (whether or not the conviction is prejudicial to the integrity required to exercise union office). The law provides the president with broad discretionary power to prohibit or severely restrict the right of civil servants to strike, based on an extensive list of "essential services" that may exceed the limits of international standards. In addition, workers in the export processing zones are not covered by the labor code.

The government neither enforced nor complied with applicable laws, including the law on antiunion discrimination. The resources provided to enforce the laws, including for inspections, were inadequate. The Labor Inspectorate added a new inspector in March, bringing the total number of inspectors to four; however, the inspectorate did not have sufficient resources or authorities to conduct regular preventive inspections or to pursue enforcement of previous cases. The available remedies and penalties for violations were not sufficient to deter violations, particularly given the lack of enforcement.

The government also limited labor organizations' ability to register participants, thus compromising the ability of labor groups to operate. The two civil, nongovernmental labor unions each had a government-appointed counterpart, which union leaders referred to as "shadow unions." Union leaders alleged that the government suppressed independent representative unions by tacitly discouraging labor meetings and encouraging government-sponsored shadow unions. The government did not recognize the civil, nongovernmental labor unions, and only members of the government-approved labor unions attended international and regional labor meetings with the imprimatur of the government. The Labor Union of Djibouti continued to operate as a civil-organized union without government recognition.

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

Workers exercised the right to strike and occasionally disregarded the requirement for advance notification of strikes. Djiboutian contract workers at a foreign military installation at Camp Lemonnier went on strike in June following the Base Operating Support contract turnover to a new contractor. Under the new contract, the company proposed eliminating positions and cutting salaries. Senior government officials – including several cabinet ministers – took the lead in negotiations with the contractor and the foreign government. The local employee association was not engaged directly in the negotiations, although the government did informally consult with the association. The negotiations resulted in all Djiboutian employees keeping their jobs.

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.

There were no reports that employers refused to bargain with unions chosen by workers or that employers avoided hiring workers with bargaining rights.

#### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor; however, enforcement was not effective in eliminating and preventing forced labor. Some Djiboutians and migrants in Djibouti were subjected to conditions of forced labor, including as domestic servants in Djibouti City and the Ethiopia-Djibouti trucking corridor. Street children, including Djiboutian children, were forced by their parents or other adult relatives to beg. Children also were vulnerable to forced labor as domestic servants and coerced to commit petty crimes, such as theft (see section 7.c.).

Also see the Department of State's [\*Trafficking in Persons Report\*](#).

#### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits all labor by, and employment of, children under age 16. Government enforcement of child labor legislation was ineffective. The Ministry of Labor is responsible for monitoring workplaces and preventing child labor; however, a shortage of labor inspectors, vehicles, and other resources impeded investigations of child labor. There was no government program to enforce the work of inspectors.

Child labor, including the worst forms of child labor, existed throughout the country. Children were engaged in the sale of the 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. Children of both sexes worked as domestic servants.

Also see the Department of Labor's [\*Findings on the Worst Forms of Child Labor\*](#).

#### **d. Acceptable Conditions of Work**

The national minimum wage was 35,000 DFJ (\$198) per month for public sector workers. The law does not mandate a minimum wage for the private sector. The law provides that minimum wages be established by common agreement between employers and employees. According to the government statistics office, 79 percent of the population lived in relative poverty. The legal workweek is 48 hours in generally six days, a limit that 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 it limits compulsory overtime to a maximum of five hours per week. The law provides for paid holidays. The government sets occupational safety and health standards. There are no laws or regulations permitting workers to refuse to carry out dangerous work assignments without jeopardizing their continued employment.

The ministry of labor is responsible for enforcing occupational health and safety standards, wages, and work hours; however, resources allotted to enforcement were insufficient, and enforcement was ineffective. Data on inspections was unavailable. Workers across all industries or sectors sometimes faced hazardous working conditions, particularly in the construction sector. Workers rarely protested due to fear that others willing to accept the risks would replace them. According to the Labor Inspectorate, workers typically came forward to report abuses only after they had been fired. Credible data on workplace fatalities and accidents were not available.