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Country Report on Human Rights Practices 2017 - Djibouti

EXECUTIVE SUMMARY

Djibouti is a republic with a strong elected president and a weak legislature. In April 2016 President Ismail Omar Guelleh was re-elected for a fourth term. International observers from the African Union, Intergovernmental Authority on Development (IGAD), and Arab League characterized the election as “peaceful,” “calm,” and “sufficiently free and transparent” but they noted irregularities. Most opposition groups did not characterize the elections as free and fair. Opposition parties participated in 2013 legislative elections for the first time in 10 years; perceived flaws in the vote fueled months of protest and an opposition boycott of the National Assembly that lasted until the signing of a framework agreement with the government in 2014. International observers from the African Union, IGAD, the Organization of Islamic Cooperation, and the Arab League characterized the 2013 elections as free and fair, an assessment disputed both domestically and by some other international observers.

Civilian authorities maintained effective control over security forces.

The most significant human rights issues included use of excessive force, including torture; harsh prison conditions; arbitrary arrests and prolonged pretrial detention; denial of fair public trials; interference with privacy rights; harassing, abusing, and detaining government critics; restrictions on freedoms of speech, assembly, association, and religion; government abridgement of the ability of citizens to choose or influence significantly their government; government corruption; violence against women and children with inadequate government action for prosecution and accountability; female genital mutilation/cutting (FGM/C); trafficking in persons; and restrictions on worker rights, and child labor.

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.

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

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

There were reports the government or its agents committed arbitrary or unlawful killings. According to political opposition members and domestic human rights organizations, security force use of excessive force resulted in deaths.

According to human rights groups, on May 28, Djibouti Port security personnel beat a dockworker who subsequently died on June 11 from injuries sustained during his arrest. In late March security personnel in Djibouti City reportedly strangled to death an urban Ethiopian refugee, Mohamoud Mohamed Kamil.

In 2015 the government investigated law enforcement officials and civilians allegedly responsible for killing as many as 30 persons gathering for a religious ceremony. The government did not find any law enforcement officials responsible for the deaths; several civilian cases related to the same incident remained pending.

Authorities seldom took known actions to investigate reported cases of arbitrary or unlawful killings from previous years or to try suspected perpetrators.

The government prioritized investigating and arresting alleged members of a rebel group after accusing the group of an April attack on two vehicles in the North.

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

The constitution and law prohibit such practices; however, there were reports security forces beat and tortured detainees.

Security forces arrested and abused journalists, demonstrators, and opposition members.

On March 8, domestic human rights groups alleged that Documentation and Security Service (SDS) personnel beat and tortured cartoonist Idriss Hassan Mohamed, breaking one of his legs, for Facebook posts criticizing the government.

Prison and Detention Center Conditions

International organizations reported prison conditions remained harsh. 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 central prison. The Nagad Detention Facility, operated by police, primarily held irregular migrants and was not part of the prison system. There were reports police and gendarmes abused prisoners.

Physical Conditions: Gabode Prison had a maximum intended capacity of 350 inmates but often held more than 600, approximately 30 of whom were women. Conditions of detention for women were similar to those for men, although less crowded. There were generally fewer than 30 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 always separated from nonviolent offenders. Authorities separated opposition supporters from the rest of the prison population and reportedly provided them with worse incarceration conditions than those for other prisoners. Authorities reportedly provided poor lighting and heating, limited potable water and ventilation, and inhuman sanitation conditions for the prison population.

Prisoners with mental disabilities, who constituted a growing percentage of the prison population, did not receive adequate care. They were kept in the infirmary, although separately from seriously ill prisoners.

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. Prisoners were fed, but not on a regular basis.

Conditions at the 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 irregular migrants and prisoners of war, the government used the Nagad Detention Facility as a temporary holding place for civilians arrested during political demonstrations or engaged in political activity.

No public statistics were available on the number of overall prisoner and detainee deaths. On August 2, after seven years in prison, Mohamed Ahmed, also known as Jabha, who was accused of being a member of a rebel group, died in prison after government officials reportedly refused to provide him medical support.

Administration: Officials investigated reports of cases of inhuman conditions that they deemed credible. The government-sponsored National Commission for Human Rights in August conducted a tour of the prisons but did not release a report.

Independent Monitoring: The government granted prison access to foreign embassies and the International Committee of the Red Cross (ICRC) only for cases of foreign citizens detained in the prisons. The government refused access to foreign embassy representatives to monitor prisons. Authorities allowed ICRC regional representatives based in Nairobi to visit the Nagad Detention Facility and the Gabode Prison quarterly and to conduct visits to individual detainees.

Improvements: In June an international organization led a fundraiser, including the participation of government officials, to provide hygiene kits to incarcerated women.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, but 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 the Coast Guard under the Ministry of Transport. An elite Republican Guard unit protects the president and reports directly to the presidency. A separate National Security Service also reports directly to the presidency. 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. The National Gendarmerie is responsible for all security outside of Djibouti City and is responsible for protecting critical infrastructure within the city, such as at the international airport. The army is responsible for defense of the national borders. The Coast Guard enforces maritime laws, including interdicting pirates, smugglers, traffickers, and irregular migrants.

Security forces were generally effective, although corruption was a problem in all services, particularly in the lower ranks where wages were low. Each security force has a unit responsible for investigating allegations of misconduct, and the Ministry of Justice is responsible for prosecution. No known formal complaints of misconduct were filed during the year. Authorities took no known action to investigate complaints of misconduct from previous years. Impunity was a serious problem.

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

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 another 48 hours with the prior approval of the public prosecutor. The law provides that law enforcement authorities should 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, be tried within eight months of arraignment, although 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 journalists, opposition members, academics, and demonstrators, often without warrants.

For example, on January 19, gendarmes arrested former minister of education Adawa Hassan Ali Gaanta for posting on Facebook that he wanted to host a conference on Afar federalism. A week before his arrest, gendarmes reportedly entered his house, confiscating his computers, telephones, and other electronic devices.

Pretrial Detention: Lengthy pretrial detention was a problem, and approximately 20 percent of the prison population was in pretrial detention. Prisoners often waited two, three, or more years for their trials to begin. Judicial inefficiency and a lack of experienced legal staff contributed to the problem.

Security officials allegedly held Abdo Mohamed Ismail for two months in pretrial detention. According to human rights groups, Ismail had no court hearing and died in prison on June 25.

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 often did not respect constitutional provisions for a fair trial.

Authorities held Mohamed Ahmed (Jabha) in pretrial detention from June 2010 until October 2016. That month the Court of Criminal Appeal dismissed Jabha’s case for lack of evidence. Despite the court ruling, authorities appealed the decision. Prime Minister Abdoukader Kamil Mohamed stated at a National Assembly session that Jabha would remain in jail as long as he was prime minister. On June 18, the Criminal Court sentenced Jabha to 15 years’ imprisonment. On August 2, he passed away in prison (see section 1.c.).

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 the accused is innocent until proven guilty, but trials did not proceed in accordance with the presumption of innocence. Trials generally were public. A presiding judge and two associate judges hear cases. Three lay assessors, who are not members of the bench but are considered sufficiently knowledgeable to comprehend court proceedings, assist the presiding judge. 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 selected from voter registration lists. The law provides that detainees be notified promptly and in detail of the charges against them. Although the law requires the state to provide detainees with free interpretation when needed, such services were not always made available. Detainees have the right to prompt access to an attorney of their choice. Defendants have the right to be present, consult with an attorney in a timely manner, confront witnesses, present witnesses and evidence on their own behalf, and generally have adequate time and facilities to prepare a defense. 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 not to be compelled to testify or confess guilt. Defendants have the right of appeal, although the appeals process was lengthy. The law extends these rights to all citizens.

Traditional law often applied in cases involving conflict resolution and victim compensation. Traditional law stipulates that compensation be paid to the victim's family for crimes such as killing 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 rights of victims. Families often pressured victims to abide by such rulings.

Political Prisoners and Detainees

There were arbitrary arrests of opposition supporters. For example, between March 13 and 22, SDS personnel arrested 19 members of the Movement for the Democratic Renewal and Development (MRD) after the MRD started soliciting funds for entrepreneurial activities among members. Nine of 19 MRD members had a court hearing, with authorities convicting four of “illegal political activities,” since the MRD is a banned party. Authorities released the remaining MRD members. SDS personnel reportedly confiscated MRD members' funds and did not return them.

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 those bodies' decisions and recommendations pertaining to human rights.

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.

The government monitored digital communications intended to be private and punished their authors (see section 2.a., Internet Freedom).

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.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution and law allow for freedom of expression, including for the press, 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. Plainclothes security agents in mosques monitored the content of sermons during Friday prayers.

In separate instances in June and July, SDS personnel reportedly arrested Chehem Abdoukader Chehem (Renard), Omar Mahamoud (Zohra), and Mahmoud Ali for posting their plays criticizing the government on Facebook. Authorities dismissed their cases on August 8.

Press and Media Freedom: 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. In late October the managing director and several journalists of *La Nation* were fired for republishing an article that included a quotation critical of President Guelleh.

Opposition political groups and civil society activists circulated newsletters and other materials that criticized the government via email and social media sites.

On March 19, SDS personnel reportedly arrested Djiboutian Human Rights League President Omar Ali Ewado, detaining him for one week for republishing an international press release condemning the Turkish president’s mass firing of teachers. Authorities dismissed his case but seized his laptop.

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.

Twenty-five years ago the Ministry of Communication created the Communication Commission to distribute licenses to nongovernmental entities wishing to operate media outlets. In 2012 the ministry accepted its first application for licensing, but the application remained pending at year’s end. In 2015 Maydaneh Abdallah Okieh--a journalist with radio station La Voix de Djibouti--submitted a request to the Ministry of Communication for approval to operate a radio station. He subsequently received a letter stating the ministry’s commission had not been fully established and could not

grant rights to operate a radio station. On January 11, the minister of communication held a ceremony to formalize the commission. The commission did not report approving any new media outlets.

Violence and Harassment: The government arrested and harassed journalists.

Censorship or Content Restrictions: Media law and the government’s harassment and detention of journalists resulted in widespread self-censorship. Some opposition members used pseudonyms to publish articles.

Circulation of a new newspaper requires authorization from the Communication Commission, which requires agreement from the National Security Service. The National Security Service reportedly investigated funding sources and the newspaper staff’s political affiliations.

Libel/Slander Laws: The government used laws against slander to restrict public discussion.

Internet Freedom

There were few government restrictions on access to the internet, although the government monitored social networks to ensure there were no planned demonstrations or overly critical views of the government.

Djibouti Telecom, the state-owned internet provider, reportedly continued to block access to websites of the Association for Respect for Human Rights in Djibouti and La Voix de Djibouti, which often criticized the government. According to the International Telecommunication Union, approximately 13 percent of the population used the internet in 2016.

Academic Freedom and Cultural Events

There were government restrictions on academic and cultural events. For example, the government restricted research in the country’s North for security reasons.

b. Freedoms of Peaceful Assembly and Association

The government restricted freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

Although the constitution provides for freedom of assembly, the government restricted this right. The Ministry of Interior requires permits for peaceful assemblies. The ministry allowed opposition groups to host events and rallies. Security authorities occasionally restricted this right.

For example, on September 12, security personnel reportedly stopped the MRD's 25th anniversary celebration, launching tear gas into the crowd after MRD members allegedly threw rocks at them. In ending the celebration, security personnel reportedly injured several MRD members, including National Assembly member Doualeh Egueh Ofleh. In addition security personnel allegedly confiscated more than 60,000 Djiboutian francs (DJF) (\$339), three projectors, a telephone, and other equipment.

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. Nevertheless, the ministry ignored the petitions of some groups (see section 5). The government harassed and intimidated opposition parties, human rights groups, and labor unions.

c. Freedom of Religion

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

d. Freedom of Movement

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 collaborated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in expanding protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern.

On January 5, President Guelleh signed and promulgated a comprehensive refugee law, providing for refugees' rights to health, education, and work.

Abuse of Migrants, Refugees, and Stateless Persons: The government maintained an increased police presence at the Ali Addeh refugee camp following the 2014 attack on La Chaumiere restaurant. Separately, gendarmes maintained a presence at the Markazi refugee camp. With the passage of a refugee law, authorities expanded legal protections for refugees.

Refugees, however, reported abuse and attacks to the National Office for Assistance to Refugees and Populations Affected by Disaster (ONARS) and UNHCR. With the support of the local National Union of Djiboutian Women (UNFD), mobile courts traveled to the largest camp, Ali Addeh, to hear the backlog of pending cases. During the year the UNFD also placed a full-time staff member in all refugee camps to provide support for domestic violence victims. Cases of domestic violence were reported, although the status of subsequent investigations was unknown. Impunity remained a problem.

The government detained and deported large numbers of irregular migrants, primarily from Ethiopia. The government sometimes gave individual irregular migrants the opportunity to claim asylum status, after which the National Eligibility Commission (NEC) was supposed to determine their status. The commission did not meet during the year. More than 8,500 asylum seekers awaited decisions on their asylum claims.

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

Foreign Travel: Citizens and opposition members reported immigration officials prevented them from boarding international flights.

Protection of Refugees

Refoulement: The government did not routinely grant refugee or asylum status to groups other than southern Somalis and--beginning in 2015--Yemenis. A backlog in asylum status determinations put individuals waiting for their screening at risk of expulsion to countries where they might be threatened. After the 2014 attack on La Chaumiere Restaurant by suicide bombers from Somalia, authorities closed the border with Somalia to refugees and stopped new registration and refugee status determination processes. Although the border remained officially closed during 2015, UNHCR reported the government allowed new arrivals into the country. The government also resumed the refugee status determination process in 2015, hosting several sessions of the NEC each month thereafter.

With the government focusing on communal and regional elections and working on implementing decrees for the new refugee law, the NEC did not meet during the year.

The government also began a partnership with the International Organization for Migration (IOM) during the year to vet migrants for indicators of trafficking.

In late October the minister of health signed a convention with the IOM to incorporate migrants into the national health system.

Access to Asylum: The law provides for the granting of asylum or refugee status. Asylum seekers from southern Somalia and Yemen were, *prima facie*, considered eligible for asylum or refugee status. All other asylum claims must be reviewed by the NEC, which falls under the Ministry of Interior and consists of staff from ONARS and several ministries; UNHCR participates as an observer.

According to UNHCR the country hosted more than 27,750 refugees and asylum seekers, primarily from south and central Somalia, Ethiopia, and Eritrea. In two refugee camps in the southern region of Ali Sabieh, the country hosted more than 20,500 refugees and asylum seekers. An additional estimated 4,800 refugees from Ethiopia, Yemen, Somalia, and other countries lived in urban areas, primarily in Djibouti City. Due to Ethiopia's instability in late 2016, Djibouti permitted more than 7,000 Ethiopians, particularly those from the Oromia, to register as asylum seekers.

In the past most new Somali refugees arrived at the Ali Addeh camp, which reached maximum capacity several years ago. In 2012 UNHCR and ONARS reopened a second camp at Holl-Holl to reduce congestion. In January, UNHCR and ONARS completed a validation census of refugees in camps and in Djibouti City and identified those who arrived after 2009 for voluntary relocation to the new camp.

The country also continued to host refugees fleeing violence in Yemen. ONARS and UNHCR registered approximately 6,000 refugees from Yemen, at least 2,800 of whom lived in a refugee camp in the northern region of Obock.

Due to the unresolved conflict begun in 2008 between Djibouti and Eritrea and Eritrea's mandatory national service program, which includes military service, the government considered Eritrean detainees as deserters from the Eritrean military rather than refugees.

During the year the government continued to facilitate resettlement of 266 Eritreans from who had been placed in the Ali Addeh refugee camp.

Employment: Scarce resources and employment opportunities limited local integration of refugees. Under the new refugee law, documented refugees are allowed to work without a work permit in contrast to previous years, and many (especially women) did so in jobs such as house cleaning, babysitting, or construction. The law provides little recourse to challenge working conditions or seek fair payment for labor.

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 had better access to potable water than the Ali Addeh camp. The government continued to issue birth certificates to children born in the Ali Addeh and Holl-Holl refugee camps.

The Markazi camp provided Yemeni refugees with basic services such as water, food, shelter, and medical services. The government issued birth certificates to children born in the Markazi refugee camp. ONARS and UNHCR also began issuing identification cards to Yemeni refugees.

For the first time, for the 2017-18 academic year, the government provided a new Ministry of Education-accredited English curriculum for first grade refugee youth. Previously UNHCR provided refugees in the Ali Addeh and Holl-Holl refugee camps with a Kenya-adapted curriculum taught in English and French that was not recognized by Kenyan and Djiboutian authorities. On August 28, the minister of education and a UNHCR representative signed a memorandum of understanding on refugee education.

Refugees in the Markazi camp had access to instruction based on a Yemeni and Saudi curriculum taught in Arabic.

Durable Solutions: In conjunction with the IOM, the government continued to support vocational training for young refugees. These training programs resulted in a small number of refugees finding local employment.

Temporary Protection: The government provided temporary protection to a limited number of individuals who may not qualify as refugees. Authorities often jailed irregular migrants identified as economic migrants attempting to transit the country to enter 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. The IOM and the minister of health signed a convention in late October to have three doctors and three nurses stationed across the country to support migrants and citizens. The Coast Guard also agreed to host a migrant shelter in Khor Angar in the North.

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 2016 the Constitutional Council proclaimed the official and final results of the 2016 presidential election and confirmed the re-election of President Ismail Omar Guelleh for a fourth term in the first round of voting. The Constitutional Council certified that Guelleh was re-elected president with 111,389 of 127,933 votes cast, giving him 87.7 percent of the vote. Two opposition and three independent candidates shared the rest of the votes. One opposition group boycotted the election, stating the process was fraudulent. After the election opposition members noted irregularities, including alleging authorities unfairly ejected opposition delegates from polling stations, precluding them from observing the vote tallying. Most opposition leaders called the election results illegitimate.

International observers from the African Union, Intergovernmental Authority on Development (IGAD), and Arab League characterized the 2016 presidential election as “peaceful,” “calm,” and “sufficiently free and transparent” but noted irregularities. For example, international observers stated the Union for a Presidential Majority (UMP) coalition continued to provide campaign paraphernalia after the campaign period closed, including on the day of the election. Some polling station workers also wore shirts and paraphernalia supporting the UMP. The African Union made a list of 13 recommendations, including the need for an independent electoral commission in charge of overseeing the election process and the counting of votes. The executive branch selected the members of the National Independent Electoral Commission (CENI).

In contrast to the presidential election, the 2013 legislative elections resulted in a narrow victory for the ruling UMP coalition. According to official results, the Union for National Salvation opposition coalition received 10 seats in the 65-member National Assembly. International observers from the African Union, IGAD, the Organization of Islamic Cooperation, and the Arab League characterized the election as free and fair, an assessment that domestic and international nongovernmental organizations (NGOs) criticized.

There was limited progress on implementing the 2014 framework agreement prior to the 2016 presidential election. Nevertheless, following the 2016 election, National Assembly opposition leaders and UMP leaders resumed their discussions, as reflected in an October 2016 open debate on government policies.

Political Parties and Political Participation: The government beat, harassed, and excluded some opposition leaders. The government also restricted the operations of opposition parties. According to Freedom House, opposition parties were “disadvantaged by electoral rules and the government’s abuse of the administrative apparatus.”

As in previous years, the Ministry of Interior refused to recognize three opposition political parties, although they continued to operate: the Movement for Development and Liberty, the Movement for Democratic Renewal, and the Rally for Democratic Action and Ecological Development.

Participation of Women and Minorities: No laws limit participation of women and members of minorities in the political process, and they did participate. Djibouti elected its first female mayor in the communal election.

Women held eight of 65 seats in the National Assembly, and there were three women in the 23-member cabinet. The president of the Supreme Court, who by law acts as the country’s president in case of the latter’s death or incapacitation, was a woman. Custom and traditional societal discrimination resulted in a secondary role for women in public life.

For the 2016 presidential election, CENI had no female members. According to the African Union’s observation mission, women represented 12 percent of personnel working at polling stations and on average 10 percent of delegates for each candidate.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, but the government did not implement the law 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.

Corruption: No known high-level civil servants were disciplined for corruption. The government ceased an initiative begun in 2012 to rotate accountants among government offices as a check on corruption. The law requires the court and Inspectorate General to report annually, but both entities lacked resources, and reporting seldom occurred.

Financial Disclosure: Public officials are subject to financial disclosure law, but they usually did not abide by the law.

Section 5. Governmental Attitude Regarding 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. They regularly cooperated with local associations offering training and education to citizens on human rights issues such as women’s rights. Many of these associations had leaders who were also key officials of the government. Nevertheless, local human rights groups that covered politically sensitive matters did not operate freely and were often targets of government harassment and intimidation.

Following the death of human rights activist Jean Paul Noel Abdi in 2012, a group of civil servants from various ministries created the Djiboutian Observatory for the Promotion of Democracy and Human Rights. Although the organization applied for association status in 2012, 2013, 2014, and 2015, the Ministry of Interior had not granted the group formal status by year’s end.

The United Nations or Other International Bodies: According to human rights groups, on October 5, airport officials refused to permit the president of the Francophone Union Committee for Education and Training to enter the country for the World Day of Teachers, despite his having a visa to enter.

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. By law the commission is a permanent institution with staff and regional offices. The commission last produced an annual report in 2013 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 human rights training workshops and visits by regional and international human rights representatives, such as the chairperson of the African Commission on Human and Peoples’ Rights.

A government ombudsman holds responsibilities that include mediation between the government and citizens on issues such as land titles, issuance 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.

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

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.

Domestic violence against women was common. While the law does not specifically prohibit domestic violence, it prohibits “torture and barbaric acts” against a spouse and specifies penalties of up to 20 years’ imprisonment for perpetrators. Police rarely intervened in domestic violence incidents.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C, but it was a problem. According to a 2012 Ministry of Health survey, 78 percent of girls and women between the ages of 15 and 49 had undergone FGM/C. According to UNFD, infibulation, the most extreme form of FGM/C, with a prevalence rate of 67.2 percent, continued, although with declining frequency. The law sets punishment for FGM/C at five years’ imprisonment and a fine of one million DJF (\$5,650) and NGOs may file charges on behalf of victims. In late 2014 the government convicted two women for the first time on charges of committing FGM/C. Both women, one the excisor (cutter) and the other the mother of the victim, received six-month suspended sentences. This was reportedly the only conviction. The law also 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 had punished no one under this statute by year’s end.

The government continued efforts to end FGM/C with a high-profile national publicity campaign, public support from the president’s wife and other prominent women, and outreach to Muslim religious leaders.

For more information, see:

<https://data.unicef.org/resources/female-genital-mutilation-cutting-country-profiles/>
(<https://data.unicef.org/resources/female-genital-mutilation-cutting-country-profiles/>)

Sexual Harassment: The law does not prohibit sexual harassment, and anecdotal information suggested such harassment was widespread.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/ (<http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/>).

Discrimination: The constitution provides for equal treatment of citizens without distinction concerning gender, but custom and traditional societal discrimination resulted in a secondary role for women in public life and fewer employment opportunities in the formal sector. In accordance with sharia, men inherit a larger proportion of estates than do women. The government continued to promote female leadership in the small business sector, including through expanded access to microcredit.

A presidential decree requires that women hold at least 20 percent of all high-level public service positions, although the government has never implemented the decree.

Children

Birth Registration: Citizenship derives from a child’s parents. The government continued to encourage the immediate registration of births, but confusion over the process sometimes resulted in children without proper documentation. Lack of birth registration did not result in denial of public services but did prevent youth from completing their higher studies and adults from voting. For additional information, see Appendix C.

Education: Although primary education is compulsory, only an estimated three of every four children reportedly were enrolled in school. Primary and middle school are tuition free, but other expenses could be prohibitive for poor families.

Child Abuse: Child abuse existed but was not frequently reported or prosecuted, and the government made only limited efforts to combat it.

Early and Forced 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. 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. For additional information, see Appendix C.

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 prohibited and violations are punishable with a year in prison and a fine of up to 200,000 DJF (\$1,130).

The government also passed and promulgated a new anti-trafficking-in-persons (TIP) law in 2016, which prohibits trafficking and outlines definitions distinguishing trafficking and smuggling. The law provides language that the “means” element generally needed to prosecute TIP cases is not required when the victim is a child.

Despite government efforts to keep at-risk children off the streets and to warn businesses against permitting children to enter bars and clubs, children were vulnerable to prostitution on the streets and in brothels.

Displaced Children: Statistics about children living on the streets and unaccompanied migrant children were unavailable, although NGOs reported an increasing number of unaccompanied minors living in Djibouti City or traveling through the country en route to the Middle East.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html (<https://travel.state.gov/content/childabduction/en/legal/compliance.html>).

Anti-Semitism

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 anti-Semitic acts.

Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/ (<http://www.state.gov/j/tip/rls/tiprpt/>).

Persons with Disabilities

The constitution does not prohibit discrimination against persons with disabilities, although the law prohibits such discrimination in employment (see section 7.d.). Both the Ministry of National Solidarity and the Ministry for the Promotion of Women and Family Planning have responsibility specifically to protect the rights of persons with disabilities. Nevertheless, the law was not enforced. 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 the law was not enforced.

Authorities held prisoners with mental disabilities separately from other pretrial detainees and convicted prisoners. They received minimal psychological treatment or monitoring. Families could request confinement in prison for relatives with mental disabilities who had not been convicted of any crime, but who were considered a danger to themselves or those around them. There were no mental health treatment facilities and only one practicing psychiatrist in the country.

Government agencies 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.

The state secretary for social affairs completed a census to document the number of persons with disabilities in the country.

National/Racial/Ethnic Minorities

The governing coalition included all of the country’s major clans and ethnic groups, with minority groups also represented in senior positions. Nonetheless, there continued to be discrimination based on ethnicity in employment and job advancement (see section 7.d.). Somali Issas, the majority ethnic group, controlled the ruling party and dominated the civil service and security services. Discrimination based on ethnicity and clan affiliation remained a factor in business and politics.

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

The law does not directly criminalize consensual same-sex sexual conduct, but authorities prosecuted the public display of same-sex sexual conduct under laws prohibiting attacks on “good morals.” No antidiscrimination law exists to protect lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals. There were no reported incidents of societal violence or discrimination based on gender identity or sexual orientation, although LGBTI persons generally did not openly acknowledge their sexual orientation or gender identity. There were no known LGBTI organizations.

HIV and AIDS Social Stigma

There were no reported cases of violence or discrimination against persons with HIV/AIDS, although stigma against individuals with the disease was widespread. Several local associations worked in collaboration with the government to combat social discrimination. In April the National Assembly and UNAIDS signed a memorandum of understanding to work on raising awareness of the rights of those living with HIV/AIDS and to fight against HIV/AIDS.

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 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 does not apply in the EFZs.

These rights were restricted 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 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 law provides for the suspension of the employment contract when a worker holds trade union office. The law also prohibits membership in a trade union if an individual has prior convictions (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 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 government neither enforced nor complied with applicable law, including the law on antiunion discrimination. Resources provided to enforce the law, including inspections, were inadequate. The Labor Inspectorate had insufficient resources to train inspectors, conduct regular preventive inspections, or pursue enforcement of previous cases. 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 complied, there was no penalty. Available remedies and penalties for violations were insufficient to deter violations, particularly in view of the lack of enforcement.

The government also limited labor organizations’ ability to register participants, thus compromising the ability of labor groups to operate. The government continued not to recognize the two independent labor unions or allow them 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. Only members of government-approved labor unions attended international and regional labor meetings with the imprimatur of the government. Independent union leaders alleged the government suppressed independent representative unions by tacitly discouraging labor meetings.

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 government. Workers exercised the right to strike and occasionally disregarded the requirement for giving advance notification.

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. According to the inspectorate, these hearings could last anywhere from one day for simple disputes to two or more months for complex cases.

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

b. Prohibition of Forced or Compulsory Labor

In 2016 the government passed and promulgated a new TIP law. It prohibits all forms of forced or compulsory labor and strengthens tools available to prosecutors to convict and imprison traffickers (see section 6, Children). Prosecutors increasingly enforced the law, but law enforcement investigators had difficulties in identifying trafficking crimes. Nevertheless, law enforcement leadership sought out training for their respective investigative officers. On July 30, the Ministry of Justice led a roundtable for the World Day against Trafficking with representatives from relevant ministries, including law enforcement, and civil society.

Citizens and migrants were vulnerable to conditions of forced labor, including as domestic servants in Djibouti City and along the Ethiopia-Djibouti trucking corridor. Parents or other adult relatives forced street children, including citizen children, 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* at www.state.gov/j/tip/rls/tiprpt/ (<http://www.state.gov/j/tip/rls/tiprpt/>).

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits all labor by, and employment of, children under the age of 16. Government enforcement of the law 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. Penalties were insufficient to deter violations. No inspections were conducted in response to possible violations of the law. Inspections were carried out in the formal economy, although most child labor took place in the informal sector.

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, begging, 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* at www.dol.gov/ilab/reports/child-labor/findings/ (<http://www.dol.gov/ilab/reports/child-labor/findings/>).

d. Discrimination with Respect to Employment and Occupation

There is no law prohibiting discriminatory hiring practices based on disability, sexual orientation, gender identity, or HIV or other communicable disease status.

The government did not effectively enforce applicable law. The Labor Inspectorate lacked adequate resources to carry out inspections for discrimination in either the formal or informal sectors. 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 (see section 6).

By law foreign migrant workers who obtain residency and work permits enjoy the same legal protections and working conditions as citizens. The law was not enforced, and migrant workers experienced discrimination.

e. Acceptable Conditions of Work

The national minimum wage was 35,000 DJF (\$198) per month for public sector workers, compared to the World Bank poverty income level equivalent to 336 DJF (\$1.90) per day. 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. According to the government statistics office, 79 percent of the population lived in relative poverty.

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 24 consecutive hours and the provision of overtime pay at an increased rate fixed by agreement or collective bargaining. The law states overtime hours may not exceed 60 hours per week and 12 hours per day. The law provides for paid holidays. The government sets occupational safety and health standards, which cover the country’s main industries. The minimum wage, hours of work, and occupational safety and health standards were not effectively enforced, including in the informal economy.

No law or regulation permits workers to remove themselves from situations that endanger health or safety without jeopardizing continued employment.

There was a large informal sector but no credible data on the number of workers employed there.

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. The ministry employed one labor inspector and four controllers. The Labor Inspectorate conducted 30 inspections during the year based on complaints about illegal labor conditions and found law violations in every case. Because of lack of enforcement, penalties were insufficient to deter violations. Migrants were particularly vulnerable to labor violations. Workers across several industries or sectors sometimes faced hazardous working conditions, particularly in the construction sector and at ports. According to the Labor Inspectorate, workers typically reported abuses only after being fired. In most cases the claimed abuse was improper termination, not an abuse of safety standards. Data on workplace fatalities and accidents were not available.

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