

DJIBOUTI 2014 HUMAN RIGHTS REPORT

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 2011 re-election of President Ismail Omar Guelleh for a third term. While legislative elections held in February 2013 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.

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 suppressing the opposition and refusing to allow several opposition groups to form legally recognized political parties; 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 and religion; lack of protection for refugees; corruption; discrimination and violence 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.

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. According to political opposition members and domestic human rights organizations, security force use of excessive force resulted in deaths.

For example, on June 27, police allegedly detained an unidentified man following a police raid in Balbala after Friday prayers. Police reportedly sought the man's brother, a militant member of the opposition group Union for National Salvation (USN). The man allegedly died due to injuries sustained during his interrogation. According to opposition members, the man was neither a militant nor a member of the USN.

Impunity was a problem. Results of an official investigation were unavailable regarding a 2013 incident in which police reportedly detained and beat Sahal Ali Youssef, who subsequently died from his injuries at Peltier Hospital in Djibouti City. Authorities took no known action against suspected perpetrators.

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 detainees, some of whom died from their injuries.

Security forces arrested and abused journalists, demonstrators, and opposition members. For example, on August 8, authorities arrested, detained, and beat USN member Mohamed Ibrahim Waiss, a journalist with the Belgium-based website *La Voix de Djibouti*, while he was covering a USN demonstration, accusing him of incitement and publishing false news. According to local journalists, authorities denied medical treatment to Waiss, who suffered injuries to his eyes and back from the beating. Although the law requires that a detainee be brought before a judge within 48 hours, Waiss did not appear before a judge until six days after his detention. Police also allegedly denied him access to his lawyer during the first four days of his detention. On August 21, the court released Waiss. The Committee to Protect Journalists characterized the arrest as “the latest example of the government’s zero-tolerance approach to criticism.”

Prison and Detention Center Conditions

While there were some improvements in recent years, 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 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, operated by police, primarily held irregular migrants and was not part of the prison system. There were reports that police and gendarmes abused prisoners during the year.

Physical Conditions: Gabode Prison in Djibouti City had a maximum capacity of 350 inmates but often held more than 600, approximately 35 of whom were women. Conditions of detention for women were similar to those of 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 political prisoners from the rest of the prison population but provided inadequate 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. Two medical staff members visited the prison four times a week. 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, 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. There were fewer than 10 HIV-positive prisoners; they 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.

For example, in June security forces arrested numerous demonstrators who were protesting the closure of a mosque and detained them in Nagad Detention Facility. While authorities released many detainees immediately, others were held for four days without charge. Authorities denied access to medical care to demonstrators injured by security forces during arrest.

No statistics were available on the number of prisoner deaths during the year, but there were two accidental deaths in Gabode Prison--one from electrocution and one from excessive heat.

Administration: The prison had written 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 officials carried out in cases they deemed credible. Authorities permitted prisoners to receive visitors on Fridays, while pretrial detainees received visitors on Mondays. In the past all detainees were permitted religious observance regardless of faith. Authorities, however, prevented three imams who were imprisoned for political speech from attending the mosque at the prison where they were being held.

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 to individual detainees.

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 an elite Republican

Guard that protects the president. The National Police are responsible for security within Djibouti City and at border crossing points. The National Gendarmerie is responsible for all security outside of Djibouti City but also has some responsibilities within the capital, such as at airports. The army is responsible for defense of the national borders.

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. Although formal complaints of misconduct were filed during the year, authorities did not try police for misconduct. 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. Authorities may hold detainees 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, 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, demonstrators, and religious leaders, often without warrants.

For example, on January 16, human rights organizations reported security forces arrested more than 40 individuals, including USN leaders and opposition demonstrators, who were celebrating the first anniversary of the creation of the

opposition coalition. According to reports from the International Federation for Human Rights, clashes between detainees and the police resulted in injuries to members of both sides. Authorities briefly held detainees in the Nagad Detention Facility.

Pretrial Detention: Lengthy pretrial detention was a problem, and approximately half 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.

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.

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, 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. 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 and in detail of the charges against them. Although the law requires the state must provide detainees interpretation services when needed free of charge, these services were not always made 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, present witnesses and evidence on their own behalf, and generally have adequate time and facilities to prepare a defense. They have the right to access government-held evidence. 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 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 rights of victims. Families often pressured victims to abide by traditional court rulings.

Political Prisoners and Detainees

The country held approximately 10 political prisoners, but authorities released all before year's end.

On May 22, police arrested USN spokesperson and opposition leader Daher Ahmed Farah on charges of "child endangerment" and "exploitation of a minor." Although a judge dismissed the charges on June 10 for lack of evidence, prison officials held Farah in Gabode Prison for 10 more days. According to a domestic human rights organization, the trial "had only one objective: to keep Daher Ahmed Farah in prison arbitrarily." In 2013 Farah was charged with "collusion with a foreign power," "inciting violence and civil unrest," and "noncompliance with a judicial order." These charges were pending appeal at year's end.

On August 27, pro-opposition religious leaders Abdourahman Souleiman Bachir, Abdourahman Barkat God, and Guirreh Medial Guelleh were released after 18 months in Gabode Prison. In 2013 the three were charged with inciting violence and civil unrest and participating in an illegal demonstration.

Authorities held political prisoners in Gabode Prison under conditions slightly better than those of the general prison population and permitted them visitors, including from international humanitarian organizations.

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 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. According to a domestic human rights organization, in April the government dismissed more than 60 teachers because of their alleged connection to the political opposition.

Unlike in the previous year, there were no reports that municipal authorities in Djibouti demolished commercial structures constructed without permits.

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: Individuals who criticized the government publicly or privately could face reprisals. Plainclothes security agents in mosques monitored the content of sermons during Friday prayers. A July 2014 decree implementing a 2013 law grants the Ministry of Islamic Affairs increased oversight of mosques during Friday prayers and imam selection, including reviewing sermon topics. The Ministry of Islamic Affairs reportedly used the law, which aims to eliminate

political activity from mosques, to arrest and replace imams and to close some mosques temporarily.

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.

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

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 nongovernmental entities wishing to operate media outlets. In 2012 the commission accepted its first application for licensing, but the application remained pending at year's end, and the commission did not issue any other licenses.

Violence and Harassment: The government arrested, beat, and harassed journalists.

According to the World Organization Against Torture, on January 26, police arrested and beat Maydaneh Abdallah Okieh, a journalist with *La Voix de Djibouti*. Okieh, who was detained while covering the release from detention of human rights activist Zakaria Abdillahi, was held without charge for two days in a cell at the Research and Documentation Section (SRD) of the same gendarmerie facility where Abdillahi had been held (see section 5). On March 9, Okieh was again arrested after he reported on the March 4 violent dispersal by police of a USN meeting. After appearing before a judge, he spent 20 days in Gabode prison on charges of "participating in an illegal demonstration" and "inciting youth violence," but authorities released him due to lack of evidence. Abdillahi filed two complaints against police--one on his own behalf and one on behalf of Okieh. No inquiry or investigation was conducted into either case by year's end. In 2013 Okieh was detained for "insulting a police officer" and "defaming the police" after

he posted photographs on his Facebook page that showed police dispersing an opposition protest.

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.

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

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.

For example, in May the minister of communication reportedly fired the president of the Djiboutian Press Union, Kenedid Ibrahim Houssein, after he posted remarks on his Facebook page about the lack of press freedom on International Day of Freedom of the Press.

Unlike in the previous year, however, citizens with personally identifiable Facebook profiles who posted antigovernment or pro-opposition messages on the site did not receive 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. According to International Telecommunication Union statistics, approximately 10 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. 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 dozens of demonstrators. Police use of excessive force to quell demonstrations resulted in injuries. For example, on May 12, during a USN gathering in Arhiba, police fired on the crowd at close range, seriously injuring Kako Houmed Kako, a youth activist. Police reportedly injured two other USN members, including Hasna Hassan Houmed, whose arms were broken during the ensuing clash between police and opposition members.

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 and revoked permits for others. In late 2013 the government closed two Islamic nongovernmental organizations (NGOs), Al Bir and Al Amal, and seized their assets. 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/j/drl/irf/rpt/.

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

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

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, often seizing their passports and holding them indefinitely.

For example, on August 15, immigration officials stopped Farah Abdillahi Miguil, president of the Djiboutian Observatory for the Promotion of Democracy and Human Rights (ODDH), from boarding an international flight. Immigration officials at the airport seized his passport without explanation.

Citizenship: In 2013 the government stripped Mohamed Daher Robleh of his Djiboutian nationality. According to a domestic human rights organization, the government refused to issue passports to his minor children, who remained in Djibouti but wished to join him abroad. In August the government finally issued travel documents allowing the children to reunite with Robleh in Turkey.

Internally Displaced Persons (IDPs)

The UNHCR and the government's National Office for Assistance to Refugees and Populations Affected by Disaster (ONARS) assisted numerous IDPs who were displaced as a result of drought or the 2008 border dispute with Eritrea. These individuals were resettled, and the government no longer recognized the presence of IDPs.

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 the UNHCR and ONARS staff.

According to the UNHCR, the country hosted approximately 24,500 refugees and asylum seekers, primarily from south and central Somalia and Ethiopia.

During the year approximately 100 Somalis arrived in the country each month, representing a major decrease from 2013, when an estimated 200 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 continued and identified those who arrived after 2009 for voluntary relocation to the new camp. Approximately 4,000 refugees lived in Djibouti City. Organizational difficulties and resource constraints prevented ONARS and the UNHCR from providing adequate services to refugees in both camps and in Djibouti City, including the prompt processing of refugee claims.

Due to the unresolved 2008 conflict between Djibouti and Eritrea and the mandatory military conscription policy of the Eritrean government, the government considered Eritrean detainees as deserters from the Eritrean military rather than refugees. Beginning in 2011, however, the government allowed the UNHCR to screen and resettle more than 200 Eritrean detainees imprisoned at Nagad in the United States, Canada, and Europe. In April authorities released the approximately 200 remaining Eritreans from Nagad Detention Facility and placed them in the Ali Addeh refugee camp.

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. On May 24, two suicide bombers from Somalia attacked La Chaumiere restaurant in Djibouti's city center, killing one victim and severely injuring others. Al-Shabaab claimed responsibility for this attack. After the attack government authorities officially closed the border with Somalia. The government stopped the new registration and refugee status determination processes, although the UNHCR reported that the government allowed new arrivals into the country.

There were occasional cases in which the government returned irregular 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, continued its efforts to differentiate refugees from irregular migrants. A lack of staff and other resources, however, impeded accurate vetting, particularly in light of the record number of irregular migrants transiting the country to Yemen.

Refugee Abuse: The government increased police presence at the Ali Addeh refugee camp from six to more than 30 police officers following the May 24 attack on La Chaumiere restaurant. Refugees had limited legal protections, since there were no permanent courts within the camps. Whether abuse or attacks were perpetrated by other refugees, members of neighboring communities, local officials, or the police, the nearly 25,000 refugees in camps had little redress. Camp staff reported numerous accusations of abuse by local officials. 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, but such visits were sporadic. Although impunity remained a problem, the UNFD reported that eight rape cases resulted in convictions during the year and that the perpetrators remained in prison.

The government occasionally detained and deported large numbers of irregular migrants. The government gave these individuals the opportunity to claim refugee status, after which the National Eligibility Commission was supposed to determine their status. Prior to its last meeting in February, however, the commission had been inactive for several years, resulting in a serious backlog of individuals at risk of expulsion.

Employment: Scarce resources and employment opportunities limited 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.

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 continued to issue birth certificates to children born in refugee camps, although ONARS continued to delay a verification exercise of the existing refugee database. While awaiting this exercise, ONARS officials issued only a limited number of identification cards and put on hold resettlement cases.

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 technical schools became available to refugees.

Temporary Protection: The government provided temporary protection to a limited number of individuals who may not qualify as refugees. Authorities 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 International Organization for Migration to provide adequate health services to these migrants while they awaited deportation.

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

The constitution and law provide citizens the ability to change their government through free and fair elections, but the government 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 February 2013 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. The election was the first contested parliamentary vote since 2003, but opposition parties alleged the vote was rigged and that there were incidents of ballot stuffing and double voting. In contrast with 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 Islamic Cooperation, and the Arab League characterized the election as free and fair, an assessment that domestic and international NGOs criticized.

In the months after the election, opposition leaders used both the legal system and illegal street protests to contest the election results. 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. Throughout the year leaders and supporters continued to protest the election results.

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

For example, on January 16, security forces arrested seven senior USN leaders during a celebration commemorating the first anniversary of the creation of the opposition coalition. Among those arrested were Daher Ahmed Farah, president of the Movement for Democratic Renewal (MRD); Abatte Ebo Abdou, vice president of the Movement for Development and Liberty (Model); Ahmed Youssouf Houmed, president of the Republican Alliance for Development; Ismail Guedi Hared, president of the Union for Democracy and Justice; Omar Elmi Kaireh, president of the Unified Democratic Center; and Mohamed Daoud Chechem, president of the Djiboutian Party for Development. After being held at Nagad Detention Facility, they were released later in the day without being given a reason for their detention.

The Ministry of Interior continued to bar Model, the MRD, and the Rally for Democratic Action and Ecological Development as political parties. On August 27, authorities released Model’s three most prominent members--religious leaders Abdourahman Souleiman Bachir, Abdourahman Barkat God, and Guirreh Meidal Guelleh--after 18 months in Gabode Prison. Authorities had charged them with inciting violence and civil unrest and participating in an illegal demonstration.

Participation of Women and Minorities: Women held seven 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.

The legislature included members of all clans. Membership was approximately 47 percent Issa (27 members), 40 percent Afar (23 members), and 13 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.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, but 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, although there were no legal charges or media coverage. The government continued an initiative begun in 2012 to rotate accountants among government offices as a check on corruption. The Court of Accounts, 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.

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.

Some government officials blocked the publication of study results that might have reflected poorly on the government's performance, especially studies in which results could be compared with those of other countries.

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 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 who covered politically sensitive matters did not operate freely and were often the target of government harassment and intimidation.

For example, on January 23, gendarmes in Ali Sabieh arrested Zakaria Abdillahi, a lawyer and president of the Djiboutian League for Human Rights, along with two of his friends, his driver, and two USN officials whom Abdillahi was visiting. Authorities released the two officials the same day, but Abdillahi, his two friends, and his driver were detained at an SRD facility without access to their families, a doctor, or a lawyer. On January 24, Abdillahi, who said he received numerous death threats before his arrest, began a hunger strike to protest his detention. Commenting on the case, the president of the International Federation for Human Rights stated, "By imprisoning Mr. Zakaria Abdillahi, the Djiboutian authorities seek to neutralize one of the few independent lawyers and defenders in the country." Authorities did not formally charge Abdillahi and his associates and released them within days of their arrest. Abdillahi subsequently filed a complaint against police, which had not conducted any inquiry or investigation by year's end.

Following the death of human rights activist Jean Paul Noel Abdi in 2012, a group of civil servants from diverse ministries created the ODDH. Although the organization applied for NGO status in 2013, the Ministry of Interior had not granted the group formal status by year's end. Immigration authorities also stopped the group's president from traveling abroad.

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 two or three times a year, 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 the Universal Periodic Review at the United Nations.

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.

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

The constitution and law prohibit discrimination on the basis of race, gender, or language. Nevertheless, 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 using the traditional justice system. Women rarely reported rape cases 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. Rather than the courts, families and clans 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) in Djibouti City that provided services and referrals for men and women. The counseling center maintained similar stations in the Ali Addeh and Holl-Holl refugee camps.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C, but it was a problem (see section 6, Children).

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; to have

the means to do so; and to attain the highest standard of reproductive health, 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 survey 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. The lack of medical facilities outside Djibouti City meant that contraceptives were difficult to obtain. Nevertheless, the Ministry for the Promotion of Women was recently renamed the Ministry for the Promotion of Women and Family Planning to reflect its mandate to encourage family planning.

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 rural areas, 53 percent of women received postpartum care. The UN Population Fund estimated the maternal mortality rate in 2012 at 383 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 concerning 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 (see section 7.d.). 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, although the government has never implemented the decree. 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.

Children

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 Djibouti francs (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 is compulsory. Primary and middle school are 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 in some regions.

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

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, 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.

Female Genital Mutilation/Cutting (FGM/C): 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; in 2006 the figure was 93 percent. Infibulation, the most extreme form of FGM/C, continued, although with declining frequency. The law punishes perpetration of 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 had 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 president's wife 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 perceptions 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 200,000 DJF (\$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 subjected 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

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/.

Persons with Disabilities

The constitution does not prohibit discrimination against persons with disabilities, although the labor code prohibits discrimination in employment against such

persons (see section 7.d.). 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. Nevertheless, the law was not enforced. The government did not mandate access to government services and accessibility to buildings for persons with disabilities, and such buildings were often inaccessible. The law provides persons with disabilities access to health care and education; however, the law was not enforced.

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. There were no mental health treatment facilities and only one practicing psychiatrist in the country.

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 (see section 7.d.). 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.

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, and transgender (LGBT) individuals. There were no reported incidents of societal violence or discrimination based on gender identity or sexual orientation, although this was likely due to victims being unwilling to report such abuse. Societal norms do not allow for the public discussion of

homosexuality, and LGBT persons generally did not openly acknowledge their sexual orientation or gender identity. There were no known LGBT organizations.

HIV and AIDS Social Stigma

There were no reported cases of violence or discrimination against persons with HIV/AIDS, although the stigma against individuals with the disease was widespread. Several local associations worked in collaboration with the government to combat social discrimination.

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.

These rights were limited 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 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 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.

The government neither enforced nor complied with applicable laws, including the law on antiunion discrimination. Resources provided to enforce the laws, including inspections, were inadequate. The Labor Inspectorate had insufficient resources to train inspectors, conduct regular preventive inspections, or pursue

enforcement of previous cases. Available remedies and penalties for violations were insufficient 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. Following a nationwide strike in 1997, the government deemed unions too powerful and sought to exert government control to weaken them. The government did so by co-opting the two central labor unions, the General Union of Djiboutian Workers and the Djiboutian Union of Workers, and installing government-backed individuals as union leaders. Employees in certain sectors--including teachers, construction workers, transport/logistics employees, and dockhands--rejected the government-backed leaders and elected their own leaders. The result was two branches of each union--an independent "legitimate" union and a government-supported "shadow union." The government did not recognize the two independent labor unions or allow them to register as official labor unions. Only members of government-approved labor unions attended international and regional labor meetings with the imprimatur of the government. Union leaders alleged that the government suppressed independent representative unions by tacitly discouraging labor meetings.

The government also did not include the civil unions in discussions and negotiations on the labor code. According to union representatives, the government drafted the labor code without input from workers and businesses.

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.

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 a two or more months for complex cases.

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. Employers subjected some citizens and migrants 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/.

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.

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* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment or Occupation

The labor code states that “no employer may take into account the gender, age, race, color, social background, nationality or national ancestry, participation or nonparticipation in a trade union, or opinions, particularly religious and political of the worker, to make his decisions concerning hiring, the execution and division of labor, vocational training, advancement, promotion, remuneration and other conditions of work, granting of welfare benefits, discipline or the cancellation of a

labor contract.” The Labor Inspectorate, however, lacked adequate resources to enforce the law effectively.

There is no law prohibiting discriminatory hiring practices based on disability, sexual orientation, or HIV-positive status. According to disability advocates, there were not enough employment opportunities for persons with disabilities, and legal protections for such individuals were inadequate.

By law foreign migrant workers who obtain residency and work permits enjoy the same legal protections and working conditions as citizens.

e. 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 over 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 at an increased rate fixed by agreement or collective bargaining. The labor code states that overtime hours cannot exceed 60 hours per week and 12 hours per day. The law provides for paid holidays. The government sets occupational safety and health standards.

There are no laws or regulations permitting 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 four labor inspectors. 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 reported abuses only after they had been fired. In most cases those

abuses were related to allegations of improper firing, not abuses of safety standards. Credible data on government actions to address workplace fatalities and accidents were not available.