

DJIBOUTI 2015 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 until the signing of a framework agreement between the government and opposition in December 2014. International observers from the African Union, the Intergovernmental Authority on Development, 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 serious human rights problem was the government's abridgement of the right of citizens to choose 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, 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.

On December 21, the National Police clashed with civilians after police attempted to break up a large group of people who gathered for an annual religious ceremony in the Djibouti City neighborhood of Balbala. According to the government, ceremony participants were armed with knives and refused to disperse. Military forces then arrived on the scene to assist the police, and a violent confrontation ensued. Each side claimed that the other initiated the violence. The government publicly announced that seven people had died. The political opposition and domestic human rights organizations stated that as many as 30 people died from injuries sustained during the incident.

Authorities took no known action to investigate reported cases of arbitrary or unlawful killings from previous years or to punish suspected perpetrators. Impunity was a problem.

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 security forces beat detainees. In contrast with 2014, no detainees died as a result of their injuries.

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

On December 21, security forces entered a private residence where opposition leaders had gathered. According to opposition members, security forces beat opposition leader Abdourahman Mohamed Guelleh before transporting him to a local police station. According to opposition members, security forces shot several other opposition leaders with nonlethal weapons. Three opposition figures remained hospitalized for several days. The government claimed incidental shrapnel from a tear gas canister caused their injuries.

On July 14, authorities reportedly arrested and detained 10 young opposition supporters in the Dikhil Region after they protested against the president running for a fourth term by writing graffiti on the walls of public buildings. According to local journalists and human rights groups, the 10 were taken from their homes in the early morning and detained in Dikhil after being punched and kicked by security force members. Several were held for two days in Dikhil and then released. Others were brought to Djibouti City and held for several additional days. Security authorities allegedly beat those opposition supporters in detention in Djibouti City. After a judge ordered their release, authorities kept the opposition members in jail for an additional three days. None of the individuals were provided access to a lawyer.

Prison and Detention Center Conditions

While there were some improvements during the year, 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 were 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 police and gendarmes abused prisoners during the year.

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 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 opposition supporters from the rest of the prison population and provided inadequate conditions for their incarceration.

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. Prison officials reported significantly reduced numbers of tuberculosis cases compared with previous years.

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 irregular migrants and prisoners of war, the government used Nagad Detention Facility in previous years as a temporary holding place for civilians arrested during political demonstrations. There were no such reports during the year, however.

No statistics were available on the number of overall prisoner and detainee deaths during the year, but prison officials stated no deaths from any cause had occurred during the year at Gabode Prison.

Administration: 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.

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 and Gabode prison quarterly and conduct visits to individual detainees.

Improvements: Prison officials improved food quality and access to potable water. They offered basic education courses for minors and provided access to television for all prisoners. During the year a nongovernmental organization (NGO) refurbished Gabode prison's main mosque, including installation of air conditioning.

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 and the army and National Gendarmerie under the Ministry of Defense. 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 are responsible for security within Djibouti City and have 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 but also has the responsibility of protecting critical infrastructure within the city, such as at the international airport. 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. 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 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 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 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 August 30, National Security Service officials arrested Faycal Mohamed Hadi, opposition figure and former secretary general of the Chamber of Commerce. Security officials confiscated Hadi's personal documents and electronics and held him in custody for 24 hours without charge before releasing him.

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.

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 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 presiding judge receives assistance from three lay assessors, who are not members of the bench but are 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 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. 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

There were arbitrary arrests of opposition supporters. For example, on September 18, gendarmes arrested approximately 50 opposition supporters after they participated in a protest in Dikhil. While the majority of these individuals were released several days later, six persons remained in prison until they were brought in front of a judge on October 5. During this period the six opposition supporters were reportedly denied any visitation rights, including access to a lawyer. One of the detainees was acquitted, while the other five each received a suspended sentence of one year. The five detainees who received a suspended sentence were held in Gabode prison an additional week after their sentencing until their release on October 11.

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 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.

Government critics claimed security personnel punished family members of opposition members arrested July 14 (see section 1.c.) by damaging their business properties.

There were reports throughout the year municipal authorities in Djibouti City 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 and 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 May authorities arrested university professor Ismail Hassan Djilal after he posted an article critical of the government on a social media site. Djilal spent one night in custody and was then released. Shortly after this incident, Djilal was fired by presidential decree from his position at the university for “serious misconduct.”

Press and Media 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. When an opposition political group launched a new print journal in September, opposition supporters visited the Ministry of Justice to register the publication officially as required by law, but government officials refused to document the publication formally in its official log. The government, however, did not interfere with the subsequent distribution of the publication to the public via small vendors.

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 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. In January, 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. Several months later, he received a letter stating the Ministry of Communication's commission had not been fully established and could not grant rights to a radio station.

Violence and Harassment: The government arrested and harassed journalists.

For example, on May 18, police arrested Maydaneh Abdallah Okieh and detained him overnight at the Hayableh Police Station, accusing him of failing to pay up to two million Djiboutian francs (DJF) (\$11,300) in fines for charges brought against him in 2014. When he was brought to a court, the judge reportedly criticized the police for detaining him and ordered Maydaneh to pay a substantially lower sum to a bailiff. Okieh was then released.

Censorship or Content Restrictions: Media 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. The

National Security Service reportedly investigates 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.

For example, in May authorities arrested university professor Ismail Hassan Djilal after he posted an article critical of the government on a social media site. Shortly after this incident, Djilal was fired from his position by presidential decree.

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 the International Telecommunication Union, 10.71 percent of the population used 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 restricted this right. The Ministry of Interior requires permits for peaceful assemblies. In contrast with the previous year, the Ministry of Interior allowed opposition groups to host events and rallies. Security authorities occasionally restricted this right.

For example, on September 12, opposition leaders gathered at a private residence in the city of Wea. More than two dozen police officers entered the residence after

the meeting began and barred both opposition supporters from entering the private residence and opposition leaders from leaving.

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/.

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 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. In contrast with the previous year, however, opposition members were given their passports back after several days and permitted to travel.

For example, on July 25, immigration officials stopped Djama Amareh Meidal, a member of the Union for National Salvation opposition coalition, from boarding an international flight. Officials at the airport seized his passport without explanation.

Government officials returned his passport within a week, and Meidal was able to depart the country.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status. Asylum seekers from southern Somalia and Yemen 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 staff from UNHCR and the government's National Office for Assistance to Refugees and Populations Affected by Disaster (ONARS).

According to UNHCR the country hosted approximately 13,000 refugees and asylum seekers, primarily from south and central Somalia and Ethiopia, in two refugee camps in the southern region of Ali Sabieh. An additional 2,800 individuals from Somalia and Ethiopia lived in urban areas, primarily in Djibouti City.

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

The country also began hosting refugees fleeing violence in Yemen starting in March. ONARS and UNHCR registered approximately 6,000 refugees coming from Yemen, at least 2,800 of whom were hosted in a refugee camp in the northern region of Obock.

Organizational difficulties and resource constraints prevented ONARS and UNHCR from providing adequate services to refugees in all camps and in Djibouti City, including the prompt processing of refugee claims.

Due to the unresolved conflict begun in 2008 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 UNHCR to screen and resettle more than 200 Eritrean detainees imprisoned at Nagad in the United States, Canada, and Europe. In 2014 authorities released the

approximately 200 remaining Eritreans from Nagad Detention Facility and placed them in the Ali Addeh refugee camp. During the year the government continued to facilitate resettlement of this remaining group.

Refoulement: The government did not routinely grant refugee or asylum status to groups other than southern Somalis and--beginning in March--Yemenis. A backlog in refugee status determinations put individuals waiting for their screening at risk of expulsion to countries where they might be threatened. In 2014 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 and stopped the new registration and refugee status determination processes. Although the border remained officially closed during the year, UNHCR reported the government allowed new arrivals into the country. The government also resumed the refugee status determination process in June, hosting several sessions of the National Eligibility Commission each month thereafter.

There were numerous instances in which the government returned irregular migrants to their home country without giving them the benefit of a refugee status determination. Most of these cases involved Ethiopian nationals, whom government officials categorically identified as economic migrants. The government, working with the International Organization for Migration (IOM), 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 large number of irregular migrants transiting the country to Yemen.

Refugee Abuse: 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. 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 police, the nearly 15,000 refugees in camps had little redress. Camp staff reported 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. Three cases of rape were reported, although the status of any subsequent investigations was unknown. Impunity remained a problem.

The government detained and deported large numbers of irregular migrants. The government sometimes gave individual irregular migrants the opportunity to claim refugee status, after which the National Eligibility Commission was supposed to determine their status. The commission resumed its activities and conducted several sessions each month beginning in June. A serious backlog of cases remained, however.

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 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. ONARS and UNHCR completed a refugee verification exercise in January, which allowed ONARS and UNHCR officials to issue identification cards to all refugees more than 15 years old in the two refugee camps. UNHCR and ONARS resumed resettlement activities, which had been on hold since 2012.

ONARS and UNHCR established the Markazi refugee camp in May after Yemenis began arriving in Djibouti following the eruption of violence in Yemen. 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.

Refugees in the Ali Addeh and Holl-Holl camps had access to primary schools in the camps, where instruction was based on a Kenyan-adapted curriculum taught in English and French. Neither Kenyan nor Djiboutian authorities officially recognized the curriculum. Refugees 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. Refugees in Markazi camp had access to instruction based on a Yemeni curriculum taught in Arabic.

Durable Solutions: In conjunction with the IOM, the government supported vocational training for young refugees. This training program 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.

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 based on universal and equal suffrage, 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 2013 legislative elections resulted in a narrow victory for the ruling Union for the Presidential Majority coalition. According to official results, the Union for National Salvation (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 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 the USN won the majority of votes in Djibouti City, where the majority of the 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. In December 2014 the government and opposition political parties signed a framework agreement that paved the way for eight opposition members of parliament to take their seats in the National Assembly. The framework agreement highlighted a number of areas for political reform, including the creation of an independent electoral commission and a political party statute legalizing opposition political parties. At year's end negotiations on the framework agreement had stalled between the government and political opposition.

Political Parties and Political Participation: The government beat, harassed, and excluded some opposition leaders (see section 1.c.). The government also restricted the operations of opposition parties. According to Freedom House, opposition parties were also “disadvantaged by electoral rules and the government’s abuse of the administrative apparatus.”

For example, on August 25, opposition leaders organized a meeting for female supporters in Djibouti City. Security officials reportedly ordered city bus drivers not to transport women to the meeting location. Police also reportedly stopped several buses full of female opposition supporters, redirecting them to a local police station for several hours before ultimately releasing them.

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

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. Custom and traditional societal discrimination resulted in a secondary role for women in public life.

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: 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 the Inspectorate General to report annually, but both entities lacked resources, and reporting seldom occurred.

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 continued to block 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 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 diverse ministries created the Djiboutian Observatory for the Promotion of Democracy and Human Rights. Although the organization applied for association status in 2012, 2013, and 2014, the Ministry of Interior had not granted the group formal status by year's end.

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. A 2014 law made the commission a permanent institution with increased staffing 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

The constitution and law prohibit discrimination based on race, gender, or language. Nevertheless, the government did not enforce the law effectively. The constitution does not directly address discrimination based on religion, political opinion, national origin or citizenship, social origin, age, disability, social status, sexual orientation, gender identity, HIV-positive status, or status of other communicable diseases.

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 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 UNFD operated a walk-in counseling center (Cellule d'Ecoute) in Djibouti City that provided services and referrals for women and men. With the support of UNHCR, the UNFD also provided legal assistance to victims of sexual or gender-based violence in the refugee camps.

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 years 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. In late 2014 the government convicted two women for the first time on charges of committing FGM/C. Both women--one the excisor (cutter), the other the mother of the victim--received six-month suspended sentences. 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.

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 UNFD and other groups to educate women were reportedly effective in lessening the incidence of FGM/C in the capital, changing perceptions of the practice, and empowering young girls themselves to say no to FGM/C.

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: Couples have the right to decide the number, spacing, and timing of their children; manage their reproductive health; and have access to the information and means to do so, free from discrimination, coercion, or 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 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, where the coverage was only 12.9 percent.

The government provided childbirth services. Ninety-eight percent of childbirths in urban areas took place in health facilities, while 53 percent of childbirths in rural areas did, according to a 2012 Djibouti Family Health Survey (DFHS) study. The same study reported 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, down from 546 in 2002. 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. 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 that women 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, but confusion over the process sometimes resulted in children going without proper documentation. While most births in Djibouti City were ultimately registered, births in rural areas

often were registered late or not at all. The birth registration fee of 2,000 DJF (\$11.30) deterred some parents from registering births. Lack of birth registration did not result in denial of public services, but lack of such documentation prevented youth from completing their higher studies and adults from voting.

Education: Although primary education is compulsory, only an estimated 60 percent of children reportedly were enrolled in school. 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): See information for girls under 18 years old in women’s section above.

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 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 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.

Displaced Children: More than 8,500 children under the age of 18 years lived as registered refugees or asylum seekers in refugee camps or as urban refugees. Statistics on children living on the streets and on 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.

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 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; however, the law was not enforced. The law does not prohibit discrimination against persons with disabilities in air travel and other transportation.

Authorities held prisoners with mental disabilities separately from other pretrial detainees and convicted prisoners. They received minimal psychological treatment or monitoring. Families could request to have relatives with mental disabilities who had not been convicted of any crime, but who were considered a danger to

themselves or those around them, 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 people. 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 this was likely due to victims being unwilling to report such abuse. Societal norms do not allow for the public discussion of homosexuality, and 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.

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 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 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. 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 given the lack of enforcement.

The government also limited labor organizations’ ability to register participants, thus compromising the ability of labor groups to operate. The government did not recognize the two independent labor unions or allow them to register as official

labor unions. The government backed two other labor unions with the same names as the independent labor unions. 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 the 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 employers refused to bargain with unions 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 16 years of age. 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. Penalties were insufficient to deter violations.

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 law prohibits discrimination with respect to employment and occupation based on gender, age, race, color, social background, nationality or national ancestry, participation or nonparticipation in a trade union, or political and religious opinion. 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, gender identity, HIV-positive status, or having other communicable diseases.

The government did not effectively enforce applicable law. According to disability advocates, there were not enough employment opportunities for persons with disabilities, and legal protections 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. These laws were 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. 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 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, which cover the country's main industries.

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 one labor inspector and four controllers. The Labor Inspectorate conducted 30 inspections during the year based on complaints about illegal labor conditions and found labor law violations during all 30 inspections. Workers across all industries or sectors sometimes faced hazardous working conditions, particularly in the construction sector and at the ports. 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.