

DJIBOUTI 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Djibouti is a republic with a strong elected president and a weak legislature. Djibouti has a multiparty political system in which parties must be registered and recognized by the ruling authorities. President Ismail Omar Guelleh has served as president since 1999. In 2016 he was re-elected for a fourth term. International observers from the African Union, Intergovernmental Authority on Development, and Arab League characterized the election as “peaceful,” “calm,” and “sufficiently free and transparent” but noted restrictive voter registration laws, voter intimidation, inadequate ballot security, and lack of opposition observers. Most opposition groups did not characterize the elections as free and fair. Legislative elections were held in 2018 but were boycotted by most opposition parties, which stated the government failed to honor a 2015 agreement to install an independent electoral commission to manage and oversee elections. International observers from the African Union, the Intergovernmental Authority on Development, the Organization of Islamic Cooperation, and the Arab League characterized the 2018 legislative elections as “free, just, and fair,” an assessment disputed by opposition leaders. Political power is shared by Djibouti’s two largest ethnic groups, the Somali-Issas and Afars.

The National Police is responsible for security within Djibouti City and has primary control over immigration and customs procedures for all land border-crossing points. The National Gendarmerie is responsible for all security outside of Djibouti City and is responsible for protecting critical infrastructure within the city, such as the international airport. The leadership of both entities reports to the minister of interior. The National Service of Documentation and Security operates as a law enforcement and intelligence agency. It reports directly to the Presidency. Civilian authorities maintained effective control over security forces. Members of the security forces committed some abuses.

Significant human rights issues included: unlawful or arbitrary killings including extrajudicial killings; cases of cruel, inhuman, or degrading treatment or punishment by the government; harsh and life-threatening prison conditions;

DJIBOUTI

arbitrary arrest or detention; arbitrary or unlawful interference with privacy; serious restrictions on free expression, the press, and the internet, including violence, threats of violence, or unjustified arrests or prosecutions against journalists, censorship, site blocking, and the existence of criminal libel laws; substantial interference with the freedom of peaceful assembly and freedom of association; and the worst forms of child labor committed throughout the country.

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

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

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

There were reports that the government or its agents committed arbitrary or unlawful killings.

On July 23, according to a domestic human rights group, state security forces in Djibouti City destroyed a shantytown in the neighborhood of Arhiba, an area mostly inhabited by the Afar ethnic group, one of the two largest ethnic groups that share political power. The security forces severely injured five persons, and one of the victims subsequently died of his injuries. The government did not publish information regarding the incident or indicate any intent to investigate.

During the year authorities did not take known action to investigate reported cases of arbitrary or unlawful killings from previous years or to put suspected perpetrators on trial.

b. Disappearance

Authorities arrested and held journalists and political dissidents in unknown locations.

On April 22, air force pilot Lieutenant Fouad Youssouf Ali was arrested after

DJIBOUTI

circulating videos critical of President Ismail Omar Guelleh's government and fleeing the country on March 27 in a military aircraft that the government alleges he was attempting to steal. Lieutenant Fouad's whereabouts were unknown until May when his lawyer stated that he was detained in Gabode Prison.

Authorities arrested and hid the whereabouts of several journalists covering the story. The disappearances were for a short duration apparently intended to cause emotional distress for the journalists and their family members.

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

The constitution and law prohibit such practices, but there were reports that government officials employed them. Security forces arrested and abused journalists and opposition members.

There were numerous reported abuses similar to the following examples. On April 22, air force Lieutenant Fouad Youssouf Ali circulated videos on social media critical of the government and fled the country in a military plane, which he then crashed. He was extradited back to the country from Ethiopia and held in detention at Gabode Prison under charges of treason and theft of a military airplane. His lawyer received access to him on May 13, weeks after his arrest. His lawyer stated that his client was in poor health and detained in filthy and inhuman cell conditions. On June 3, Lieutenant Fouad released a video of his detention conditions, showing a dirty, windowless isolation cell, largely taken up by a latrine, and revealed a severe skin condition resulting from prison conditions. His descriptions of degrading and inhuman treatment led to social unrest when the video went viral on social media. It triggered protests and confrontations between protesters and law enforcement, resulting in civilian arrests and injuries. Many of those arrested complained of torture and detention in filthy conditions.

On July 15, Charmake Said Darar, a journalist from the *Voice of Djibouti*, one of the country's only independent streaming platforms, was arrested after covering the case of Lieutenant Fouad and taking pictures of demonstrations in Djibouti City. On his first night in custody, he was handcuffed for several hours with his hands behind his back. He did not eat for four days, either as a protest against his

DJIBOUTI

detention or due to fear of being poisoned. Darar's house was searched, his family complained of being intimidated and harassed, and his personal and work equipment including his identification documents were taken. On August 4, Darar was released without being charged, but some of his belongings remained in the custody of law enforcement.

Prison and Detention Center Conditions

International organizations and national human rights organizations reported prison conditions remained harsh. The country had one central prison, Gabode, in the capital and a second, smaller regional prison in Obock, as well as small jails supervised by local police or gendarmes. These jails often served as holding cells before detainees were moved to the Gabode Central Prison.

The Nagad Detention Facility, operated by police, primarily held migrants and was not part of the prison system; however, during the year the facility served as a detention facility for individuals arrested for their participation in demonstrations in support of Lieutenant Fouad. Due to COVID-19, the government shifted migrants from the Nagad Detention Facility to the newly established Ar-Aoussa Camp in the Ali-Sabieh Region. The migrants were tested for COVID-19 and then deported back to their home countries (mostly Ethiopia).

There were reports that police and gendarmes abused prisoners.

Physical Conditions: The prisons exceeded their original planned capacity by almost double. Due to space constraints, there was no formal system to segregate pretrial detainees from convicted prisoners, nor were violent offenders always separated from nonviolent offenders. Authorities occasionally segregated opposition supporters.

While prisoners were regularly fed, medical services and their living conditions were poor. The prisons suffered from poor lighting, inadequate sanitation, and other deficient environmental conditions. Potable water and ventilation were limited. During the COVID-19 pandemic, the president allowed the early release of 400 inmates involved in minor felonies to reduce overcrowding.

Conditions in Gabode Prison for women were similar to those for men, although

DJIBOUTI

less crowded. Authorities allowed young children to stay with their mothers. The head of the prison initiated, in collaboration with a local association, sewing training for women. Prisoners with mental disabilities represented a growing percentage of the prison population. They were kept in the infirmary, where they regularly received adequate care, including access to psychiatric services through the national health system. These prisoners were segregated from prisoners with serious communicable diseases.

Administration: The National Commission of Human Rights (CNDH) is a government institution with limited independence and a mandate to investigate human rights violations and abuses. It visits state prisons and other law enforcement detention facilities annually but does not make its report public until vetted by the government, sometimes a year later. In reaction to the public outcry and protests in support of Lieutenant Fouad (see section 1.c), the commission made an additional visit to Gabode Prison and released a government-approved report stating it found no inhuman, cruel, or degrading treatment at the prison.

Independent Monitoring: Authorities allowed International Committee of the Red Cross representatives to visit the Nagad Detention Facility and the Gabode Prison quarterly to assess general prison conditions. The government did not allow diplomatic representatives to visit Gabode Prison.

d. Arbitrary Arrest or Detention

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

Arrest Procedures and Treatment of Detainees

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

DJIBOUTI

August 19, teacher and activist Moumin Waberi Miguil was detained without a warrant by the gendarmerie and held for four days and released without charge.

The law requires that all persons, including those charged with political or national security offenses, be tried within eight months of arraignment, but the government did not respect this right. 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 be granted court-ordered release but no compensation.

Certain National Police precincts underwent a records digitalization process intended to track arrestees from arrest through judicial proceedings. Phased-in implementation at all precincts continued during the year. The system was expected to decrease time in detention, accurately track violations of the detention law, and increase law enforcement and judicial transparency.

Arbitrary Arrest: There were reports of security officials arbitrarily arresting journalists, bloggers, opposition members, and demonstrators.

On January 22, Vice President Mahamoud Mohamed Daher of the opposition Movement for Democratic Renewal and Development was arrested. Daher is of advanced age and in poor health. He was released two days later without charge.

On February 23, according to a public statement issued by opposition party the Rally for Democratic Action and Ecological Development (RADDE), one of its leading members in the Ali-Sabieh Region, Abdillahi Osman Samrieh, was arrested for communicating with Radio Boukao, an online streaming platform. He was released a week later without charge.

On March 3, police arrested Hassan Mohamed Hassan--also known as Dileita Tourab--a member of the opposition Republican Alliance for Democracy party. After being accosted in front of his residence by four unidentified members of police, Hassan was sequestered in an unknown location for more than 48 hours, before being brought before a judge and then moved to Gabode for pretrial detention. On March 30, the judge ordered his release without charge. On May 3,

DJIBOUTI

police officers arrested Charmake Said Darar, a *Voice of Djibouti* correspondent, for taking pictures during a small demonstration in Balbala in front of the residence of Lieutenant Fouad.

Between June 7 and June 10, police detained Mohamed Ibrahim Wais and Kassim Nouh Abar of *Voice of Djibouti* who were reporting on the case of Lieutenant Fouad. They were held for three days and released without charge.

Pretrial Detention: Lengthy pretrial detention was a problem. 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.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: After release, detainees may challenge the lawfulness of their detention. Due to mistrust of the judicial procedure and fear of retaliation, very few pursued this recourse.

e. Denial of Fair Public Trial

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

Trial Procedures

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

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

The law states the accused is innocent until proven guilty. Trials generally were public. A presiding judge and two associate judges hear cases. Three lay assessors, who are not members of the bench but are considered sufficiently knowledgeable to comprehend court proceedings, assist the presiding judge. The government chooses lay assessors from the public. In criminal cases the court consists of the presiding judge of the Court of Appeals, two lay assessors, and four jurors selected from voter registration lists. The law provides detainees be notified

DJIBOUTI

promptly and in detail of the charges against them. Although the law requires the state to provide detainees with free interpretation when needed, such services were not always made available. Detainees have the right to prompt access to an attorney of their choice. Defendants have the right to be present, consult with an attorney in a timely manner, confront witnesses, present witnesses and evidence on their own behalf, and generally have adequate time and facilities to prepare a defense. Authorities generally respected these rights. The indigent have a right to legal counsel in criminal and civil matters but sometimes did not have legal representation. Defendants have the right not to be compelled to testify or confess guilt. Defendants have the right of appeal, although the appeals process was lengthy. The law extends these rights to all citizens.

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

Political Prisoners and Detainees

There were no reports of political prisoners or detainees; however, there were arbitrary arrests of opposition supporters (see section 1.d.).

Civil Judicial Procedures and Remedies

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

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

Although the constitution and law prohibit such actions, the government did not respect these prohibitions. The law requires authorities to obtain a warrant before

DJIBOUTI

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.

There were reports the government punished family members for offenses allegedly committed by their relatives. For example, on April 10, Samira Djama, the wife of air force pilot Lieutenant Fouad, was detained with two of her teenage children and 15 other family members. She was repeatedly questioned regarding her husband's whereabouts and then released a week later. On August 8, the government ordered Qatar Airways not to transport Fouad's brother from Montreal, Canada, to Djibouti City.

Section 2. Respect for Civil Liberties, Including

a. Freedom of Expression, Including for the Press

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

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

For example, on March 18, Houssein Gannito, an independent blogger from the northern region of Obock, posted messages criticizing the government. He was arrested and released without charge three days later. In June police detained Mohamed Ibrahim Wais, Kassim Nough Abar, and Charmake Said Darar for reporting on the case of Lieutenant Fouad on the streaming platform *Voice of Djibouti*.

DJIBOUTI

On August 16, the gendarmerie arrested Corporal Abdi Ibrahim Ougas after he posted a viral video message complaining that he had not received a paycheck for three months. The gendarmerie searched his house, and he was later released without charge.

On February 23, Abdillahi Osman Samrieh was arrested for his connection with an online streaming platform, Radio Boukao.

On April 23, 10 youths from the Obock region were arrested after communicating with Radio Boukao. They were released a week later.

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

The government owned the only radio and television stations, operated by Radio Television Djibouti. The official media generally did not criticize government leaders or policy, and opposition access to radio and television time remained limited. Foreign media broadcast throughout the country, and cable news and other programming were available via satellite.

The National Communications Commission, under the Ministry of Communication, issues licenses to private citizens and political parties wishing to operate media outlets and social media accounts in the country. This procedure discourages the freedom of expression on social media. In 2019 the Facebook page *Djib-Live*, which provides news, commentary, and entertainment, was the first private entity in the country to receive a license. The private entertainment Facebook page *Buuti.tv* also received a license in 2019. In 2018 the privately owned weekly journal *Le Renard* applied for a license but was rejected. *Le Renard* appealed the decision, but in July the courts rejected the appeal. Foreign media outlets and journalists, including BBC and Al Jazeera, are not required to obtain a domestic license. They register directly with the Ministry of Communication.

Violence and Harassment: The government harassed journalists. During the year several citizen journalists were arrested for posting pictures of protests or

DJIBOUTI

comments against the government (see section 1.d.). Many of them were apprehended for illegal reporting on social media or through online streaming platforms such as Radio Boukao and Sahan TV.

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

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

Actions to Expand Freedom of Expression, Including for Media: In May the Djiboutian Journalists' Association celebrated World Press Freedom Day by organizing an award for journalism. The prize was awarded to a journalist from the state-owned radio and television station.

Internet Freedom

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

Djibouti Telecom, the state-owned internet provider, blocked access to websites of the Association for Respect for Human Rights in Djibouti and independent streaming platform *Voice of Djibouti*, which criticized the government.

Academic Freedom and Cultural Events

There were government restrictions on academic and cultural events. Civil society groups alleged several high-ranking officials occasionally cancelled academic conferences that might portray the government unfavorably.

DJIBOUTI

b. Freedoms of Peaceful Assembly and Association

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

Freedom of Peaceful Assembly

Although the constitution provides for freedom of assembly, the government restricted this right. The Ministry of Interior requires permits for peaceful assemblies. The opposition political party RADDE submitted an official request to hold a peaceful demonstration on April 16 to protest soaring food staple prices. The Ministry of Interior rejected the request citing the need to avoid public disorder.

In March women in Balbala, a poor district on the outskirts of Djibouti City, demonstrated to protest inadequate food distribution. They were arrested, detained for one week, and released without charge.

On June 4 and 5, protests erupted in Djibouti City and in the Ali-Sabieh Region after Lieutenant Fouad released videos describing his harsh detention conditions. More than 100 demonstrators were detained, and some were charged with vandalism and the destruction of private property.

Freedom of Association

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

c. Freedom of Religion

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

DJIBOUTI

d. Freedom of Movement

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

In-country Movement: Due to the continuing border dispute with Eritrea, certain areas in northern Djibouti remained under military control. Travel was prohibited between prefectures during the COVID-19 lockdown period as a pandemic control measure.

Foreign Travel: Citizens, including opposition members, reported immigration officials refused to renew their passports. The airport was closed to commercial passenger flights for four months as a pandemic control measure.

For the third consecutive year, opposition leader Kadar Abdi Ibrahim, secretary general of the Movement for Democracy and Liberty (MoDeL) opposition party, claimed the government withheld his passport.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

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

Access to Asylum: The law provides for granting asylum or refugee status. Asylum seekers from southern Somalia and Yemen were prima facie considered eligible for asylum or refugee status. The National Office for Assistance to Refugees and Disaster Victims (ONARS) and UNHCR issued identification cards to Yemeni refugees. The National Eligibility Commission (NEC), which falls under the Ministry of Interior and consists of staff from ONARS and several ministries, must review all other asylum claims; UNHCR participates as an observer. Ethiopian and Eritrean asylum seekers reported discrimination in the

DJIBOUTI

refugee status determination process.

The government reconfigured the NEC and held monthly meetings in accordance with the law; however, the strict confinement measures during COVID-19 halted NEC activities in refugee villages. Nearly 10,000 persons were awaiting refugee status determination.

Employment: Scarce resources and employment opportunities limited local integration of refugees. Many, especially in the Yemeni refugee community, worked in restaurants, as daily manual laborers, fishers, and street vendors. By law documented refugees may work without a work permit in contrast to previous years, and many (especially women) did so in jobs such as house cleaning, childcare, or construction. The law provides little recourse to challenge working conditions or seek fair payment for labor.

In conjunction with the Ministry of National Education and UNHCR, the government supported vocational training for refugees. Implementation of the UNHCR Comprehensive Refugee Response Framework was stalled due to COVID-19 restrictions.

Temporary Protection: The government provided temporary protection to a limited number of individuals who may not qualify as refugees. Authorities often temporarily jailed economic migrants, primarily from Ethiopia, attempting to transit the country, on the way to Gulf countries via Yemen, before deporting them. The government worked with the International Organization for Migration to provide health services to those migrants deemed “vulnerable” while they awaited deportation or voluntary return. The minister of health stationed two doctors in the country (one in the north and one in the south) specifically to support migrants. The Coast Guard operated a migrant transit center in Khor Angar that functioned as a first response center for migrants stranded at sea.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and

DJIBOUTI

equal suffrage. The government, however, deprived many citizens of this ability by suppressing the opposition and refusing to allow several opposition groups to form legally recognized political parties. The formal structures of representative government and electoral processes had little relevance to the real distribution and exercise of power.

Elections and Political Participation

Recent Elections: In 2016 the Constitutional Council proclaimed the official and final results of that year's presidential election and confirmed the re-election of President Ismail Omar Guelleh of the Union for a Presidential Majority (UMP) for a fourth term in the first round of voting. The Constitutional Council certified Guelleh was re-elected president with 87.7 percent of the vote. Two opposition and three independent candidates shared the rest of the votes. One opposition group boycotted the election, stating the process was fraudulent. After the election opposition members noted irregularities, including alleging authorities unfairly ejected opposition delegates from polling stations, precluding them from observing the vote tallying. Most opposition leaders called the election results illegitimate.

International observers from the African Union (AU), Intergovernmental Authority on Development (IGAD), and Arab League characterized the 2016 presidential election as "peaceful," "calm," and "sufficiently free and transparent" but noted irregularities. International observers reported the UMP coalition continued to provide campaign paraphernalia after the campaign period closed, including on the day of the election. Some polling station workers also wore shirts and paraphernalia supporting the UMP. The executive branch selected the members of the National Independent Electoral Commission.

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

DJIBOUTI

Political Parties and Political Participation: State security forces reportedly beat, harassed, and excluded some opposition leaders. The government also restricted the operations of opposition parties.

As in previous years, the Ministry of Interior refused to recognize the opposition political parties MoDeL and RADDE, although they continued to operate. Members of those political parties and other opposition members were routinely arrested and detained (see section 1.d.). Senior government officials alleged MoDeL was affiliated with the Muslim Brotherhood organization.

Participation of Women and Members of Minority Groups: No laws limit participation of women and members of minority groups in the political process. While women did participate, they did not account for 25 percent of political candidates and election administration officials as required by law (see section 7.d.). International observers documented only 11 percent of election administration officials were women and that only 8 percent of candidates were women.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, but the government did not implement the law effectively, and officials engaged in corrupt practices with impunity. According to the World Bank's most recent *Worldwide Governance Indicators*, government corruption was a serious problem.

Corruption: No known high-level civil servants were disciplined for corruption. Officials often engaged in corrupt practices with impunity. For example, an official from the president's privately funded IOG Foundation was accused of extorting money from 200 families to finance public housing that was never constructed. The official was a close associate of the president's wife. He absconded to Somaliland and only a low-level clerk was tried for the crime.

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

DJIBOUTI

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

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

Eight years after a group of civil servants from various ministries created the Djiboutian Observatory for the Promotion of Democracy and Human Rights (ODDH), the Ministry of Interior had not granted the group formal status by year's end. Due to government pressure, the president of ODDH was fired from his job as a public school teacher in 2018. Additionally, the leader of the Djibouti Human Rights League reported harassment targeting him and his family.

Government Human Rights Bodies: The government's human rights organization CNDH was formed to serve as a watchdog for human rights abuses. It includes technical experts, representatives of civil society and labor unions, religious groups, the legal community, the Ombudsman's Office, and the National Assembly. By law the commission is a permanent institution with staff and regional offices. The commission, in collaboration with the nongovernmental organization (NGO) Better Migration Management, opened an office in the region to raise human rights issues in partnership with the regional leaders. Staff were trained and assigned to regional facilities. The CNDH has limited independence as its reports are vetted by the government prior to being published. It last produced an annual report in 2017.

A government ombudsman holds responsibilities that include mediation between

DJIBOUTI

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

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

Women

Rape and Domestic Violence: The law includes sentences of up to 20 years' imprisonment for conviction of rape but does not address spousal rape. The law prohibits "torture and barbaric acts" against a spouse, specifying penalties of up to 20 years' imprisonment for convicted perpetrators. A law passed in February allows for the protection and care of women and children who are victims of violence (Protection Law), and specifically enumerates protection against domestic violence, harmful cultural practices, sexual harassment, and discrimination. The law instructs ministries and public institutions to take all necessary measures to prevent and combat violence against women and children, including "economic violence," such as any discrimination that would lead to preventing a woman's economic or financial development.

The government made significant efforts to address the problems of violence against women. The National Union of Djiboutian Women (UNFD), a nonprofit organization for the empowerment of women, chaired by the first lady, was actively working with the government to improve the lives of women. UNFD's *Cellule d'Ecoute* (Listening Committee) addresses issues of violence against women and girls and works in partnership with the ministries of health, justice, defense, women and family, interior, and Islamic and cultural affairs. This committee refers cases to the Ministry of Justice when abuse is violent or to the council on sharia for divorce proceedings.

The National Gendarmerie has a special unit for cases of gender-based violence. During the year it noted and addressed an increase of domestic violence during the COVID-19 confinement and quarantine requirements. Officials at the Ministry of

DJIBOUTI

Justice reported victims of rape and domestic violence often avoided the formal court system in favor of settlements between families. Through the Protection Law, however, the government made strides to address the issue including by creating a support fund for victims of violence and creating integrated care centers that provide medical care and psychosocial support.

International media reported cases of domestic violence in refugee villages, although the status of subsequent investigations was unknown. UNFD placed a full-time staff member in all refugee settlements to provide support for domestic violence victims.

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

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

The government took measures to address the problem. On October 25, authorities enforced the first-ever FGM/C case of a 10-year-old victim. The mother and the professional cutter were both arrested and brought before a judge, who issued them a warning and mandated that they each serve six months of detention if they were to reoffend. The government is supportive of efforts by international and national NGOs to provide training and education concerning the harmful effects of FGM/C. Additionally, the country's religious leaders took a stance against FGM/C, declaring that the belief that the rationale "purifies young girls" has no basis in

DJIBOUTI

Islam. Despite the government's efforts, major obstacles include high rates of illiteracy, difficulty of enforcement, and deep-seated societal traditions.

Sexual Harassment: The Protection Law prohibits sexual harassment. Anecdotal information suggested such harassment continued, but the government made the empowerment of women one of its top priorities.

Reproductive Rights: Individuals have the legal right to decide the number, spacing, and timing of their children. In practice, particularly in the rural areas, individuals were subject to the pressures of tradition, religion, and custom. Individuals have the right to manage reproductive health and to have access information and birth control. No discrimination, coercion, or violence was reported at health centers and birth-control dispensaries. Women could obtain birth control without the consent of their husbands or male partners. No legal, social, or cultural barriers affected access to skilled health attendance during pregnancy, but there was a lack of facilities.

The government offered access to sexual and reproductive health services for survivors of sexual violence, including survivors of conflict-related sexual violence; however, there was no data available on victims' use of reproductive health information or health facilities.

Statistics from 2017 indicated a high maternal death rate of 383 deaths per 100,000 live births. Home births were the norm in rural areas. According to the UNFPA, the fertility rate per woman was 2.6. Sixteen percent of women of reproductive age used modern methods for family planning. Skilled health personnel attended 28.6 percent of births between 2006 and 2014; more recent statistics for health personnel attendance were unavailable.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Discrimination: The constitution provides for equal treatment of citizens regardless of gender, but custom and traditional societal discrimination resulted in a secondary role for women in public life and fewer employment opportunities in the formal sector (see section 7.d.).

DJIBOUTI

Children

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

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

Child Abuse: Child abuse existed but was not frequently reported or prosecuted. The government sought to combat child abuse by establishing the National Commission for Youth and nominating a specialist judge to try cases involving child abuse.

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

Sexual Exploitation of Children: The law provides for three years' imprisonment and a substantial fine if convicted of the commercial exploitation of children. The law does not specifically prohibit statutory rape, and there is no legal minimum age of consent. The sale, manufacture, or distribution of all pornography, including child pornography, is prohibited, and are punishable by one year's imprisonment and a substantial fine.

The government in 2016 enacted a law against trafficking in persons (TIP) that prohibits human trafficking and outlines definitions distinguishing trafficking and smuggling. The law states that the "means" element (referring to force or other forms of coercion) generally needed to prosecute TIP cases is not required when the victim is a minor.

DJIBOUTI

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

Displaced Children: There is a significant population of migrant children due to the country's location as a transit point for migrants, especially from Ethiopia, who seek to transit to Yemen and ultimately to the Arabian Peninsula. An NGO operates the only facility in the country to look after these "street children."

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

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

Trafficking in Persons

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

Persons with Disabilities

The constitution does not prohibit discrimination against persons with disabilities. In 2018 the government created the National Agency of Handicapped Persons (ANPH). It has responsibility specifically to protect the rights of persons with disabilities and improve their access to social services and employment. The government did not mandate access to government services and accessibility to buildings for persons with disabilities, and buildings were often inaccessible. The law provides persons with disabilities access to health care and education, but it was not enforced.

DJIBOUTI

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

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

Members of National/Racial/Ethnic Minority Groups

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

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

The law does not explicitly criminalize lesbian, gay, bisexual, transgender, and intersex (LGBTI) status or sexual conduct between consenting adults. No antidiscrimination law exists to protect LGBTI individuals. There were no reported incidents of societal violence or discrimination based on sexual orientation, gender identity or expression, or sex characteristics, although LGBTI persons generally did not openly acknowledge their LGBTI status. There were no 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

DJIBOUTI

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 giving advance notification, allows collective bargaining, and fixes the basic conditions for adherence to collective agreements. The law prohibits antiunion discrimination and requires employers to reinstate workers fired for union activities. The economic free zones (EFZs) operate under different rules, and labor law provides workers fewer rights in the EFZs.

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

The law provides for the suspension of the employment contract when a worker holds trade union office. The law also prohibits membership in a trade union if an individual has prior convictions (whether or not the conviction is prejudicial to the integrity required to exercise union office). The law provides the president with broad discretionary power to prohibit or restrict severely the right of civil servants to strike, based on an extensive list of “essential services” that may exceed the limits of international standards.

The government neither enforced nor complied with applicable law, including the law on antiunion discrimination. Available remedies and penalties were not commensurate with those prescribed for comparable violations, particularly in view of the lack of enforcement. The country has a very poor track record on workers’ rights, with workers who seek trade union representation often subject to rights violations, as well as continuing repression against the leaders of trade unions. In 2019 railway workers employed by the China Civil Engineering Construction Company were suspended for several weeks following protests

DJIBOUTI

against low wages, insecure jobs, and poor working conditions, including a lack of drinking water, toilets, and accommodation.

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

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

b. Prohibition of Forced or Compulsory Labor

The 2016 Law No.133, On the Fight against Trafficking in Persons and Illicit Smuggling of Migrants (the antitrafficking law), prohibits all forms of forced or compulsory labor and strengthens tools available to prosecutors to convict and imprison traffickers (see section 6, Children). The law was not effectively enforced, and penalties were not commensurate with those prescribed for violations such as human trafficking or kidnapping.

Citizens and migrants were vulnerable to forced labor, including as domestic servants in Djibouti City and along the Ethiopia-Djibouti trucking corridor. Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

DJIBOUTI

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits all labor by, and employment of, children younger than age 16, but it does not specifically prohibit the worst forms of child labor. The law places limitations on working more than 48 hours a week and working at night.

Government enforcement of the law was ineffective, and penalties were insufficient to deter violations. The Ministry of Labor is responsible for monitoring workplaces and preventing child labor; however, a shortage of labor inspectors, vehicles, and other resources has impeded investigations of child labor. Inspections were carried out in the formal economy, although most child labor took place in the informal sector.

According to the law, children are strictly prohibited in domestic jobs, hotels, and bars and drinking places, with the exception of jobs related to catering only. Child labor, however, including the worst forms, occurred throughout the country. Children were engaged in the sale of the narcotic *chat*, which is legal. Family-owned businesses such as restaurants and small shops employed children during all hours. Children were involved in a range of activities such as shining shoes, washing and guarding cars, selling items, working as domestic servants, working in subsistence farming and with livestock, begging, and other activities in the informal sector. Parents or other adult relatives forced street children to work, including to beg. Children were also coerced to commit petty crimes, such as theft.

Children experienced physical, chemical, and psychological hazards while working. In 2019 the Ministry of Labor quadrupled the size of its labor inspectorate from five to 21 inspectors, and the country's police chief created a Brigade for Minors to handle crimes committed by minors as well as crimes committed against minors.

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

d. Discrimination with Respect to Employment and Occupation

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

DJIBOUTI

The constitution provides for equal treatment of citizens regardless of gender or other distinctions, but custom and traditional societal discrimination resulted in a secondary role for women in public life and fewer employment opportunities in the formal sector. A decree adopted on the proposal of the minister of labor and the minister of health, at the suggestion of the National Council for Labor, Employment, and Vocational Training, determines the jobs and categories of businesses prohibited for women, pregnant women, and young persons, and the age limit to which the ban applies. There were legal restrictions for women in employment, including limitations on employment in occupations requiring certain levels of physical strength. The Protection Law addressed discrimination against women in the workplace. The government promoted women-led small businesses, including through expanded access to microcredit.

A presidential decree requires women to hold at least 25 percent of all high-level public service positions, although the government has never implemented the decree.

The Labor Inspectorate did not adequately carry out inspections for discrimination despite an increase in the number of inspectors for the country. Much of the labor market is in the informal sector, and the capacity to reach rural regions is limited. According to disability advocates, there were not enough employment opportunities for persons with disabilities, and legal protections and access for such individuals were inadequate. The law does not require equal pay for equal work.

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

e. Acceptable Conditions of Work

The national minimum wage for the public sector was above the World Bank poverty income level. The law does not mandate a minimum wage for the private sector, but it provides that minimum wages be established by common agreement between employers and employees. According to the government statistics office, in 2017, those living in relative poverty constituted 79 percent of the population.

DJIBOUTI

The legal workweek is 48 hours over five days, a limit that applies to workers regardless of gender or nationality. The law mandates a weekly rest period of 48 consecutive hours and the provision of overtime pay at an increased rate fixed by agreement or collective bargaining. The law states that combined regular and overtime hours may not exceed 60 hours per week and 12 hours per day. The law provides for paid holidays. The government sets occupational safety and health (OSH) standards that cover the country's main industries. Minimum wage, hours of work, and OSH standards were not effectively enforced, including in the informal economy.

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

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

The Ministry of Labor is responsible for enforcing OSH standards, wages, and work hours; however, resources allotted to enforcement were insufficient, and enforcement was ineffective. The ministry did not employ a sufficient number of inspectors to deter violations. Penalties were commensurate with those prescribed for other violations.

The most common remedy for violations was for the labor inspector to visit the offending business and explain how to correct the violation. If the business corrected the violation, there was no penalty. At a 2019 conference on workplace injuries, the Ministry of Labor and Caisse Nationale de Securite Sociale, the country's social security administration, acknowledged concerns raised by local labor activists related to the government's lax enforcement of existing legislation to protect worker safety and accountability for abusive employers.

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

During the mandatory COVID-19 confinement period between March 23 and May

DJIBOUTI

17, the government issued a decree proscribing both public and private sector employers from letting employees go and requiring employers to pay employees a minimum portion of their salary.