

# DJIBOUTI 2021 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Djibouti is a republic with a strong elected president and a weak legislature. The country 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 April he was re-elected for a fifth term. International observers from the African Union, Intergovernmental Authority on Development, and Arab League characterized the election as free and fair, noting the peaceful and calm atmosphere, but suggested improvements to civil society participation and voter education. Opposition parties boycotted the election, claiming that President Guelleh held too much power, and the only other candidate was a political neophyte who claimed that the government's refusal to provide security hampered his campaign. Limited space for credible political opposition called into question the fairness of the election but the outcome was not disputed. 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 was shared by the 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 and reports to the Ministry of the Interior. The National Gendarmerie is responsible for all security outside of Djibouti City, as well as protecting critical infrastructure within the city, such as the international airport, and reports to the minister of defense. 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 credible reports of: cruel, inhuman, or degrading treatment or punishment by the government; arbitrary arrest or detention; arbitrary or unlawful interference with privacy; punishment of family members for offenses allegedly committed by an individual; serious restrictions on free expression and media, including unjustified arrests or prosecutions against journalists, censorship, and the existence of criminal libel laws; serious restrictions on internet freedom; substantial interference with the freedom of peaceful assembly and freedom of association including overly restrictive laws on the organization, funding, or operations of nongovernmental organizations and civil society organizations; trafficking in persons; and the worst forms of child labor.

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

## **Section 1. Respect for the Integrity of the Person**

### **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.

Five individuals died during a week of civil unrest at the beginning of August. Civil society actors blamed police using live ammunition for at least some of the deaths. The National Commission of Human Rights (CNDH) investigated the occurrence but did not conclude that law enforcement entities caused the deaths.

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 10, Ethiopia extradited an online activist to the country to stand trial for murder. He was kept in an unknown place for two weeks before being sentenced to prison.

### **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 example. On March 17, police arrested seven members of an opposition political party for participating in an illegal demonstration to protest the president's campaign for a fifth term. The head of the party reported that police beat one of the party's female members while in detention at the Central Police Station, before releasing all seven of them without charge.

#### **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, due to COVID-19, it was used as a pre-trial holding facility to mitigate overcrowding in the regular prisons, although overcrowding remained a problem according to the CNDH in November.

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.

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

While prisoners were regularly fed, medical services and living conditions were poor. The prisons suffered from poor lighting, inadequate sanitation, and other deficient environmental conditions. Potable water and ventilation were limited.

**Administration:** The CNDH 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.

**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.

**Improvements:** As part of the country's independence celebration in June, the president granted early release to 277 inmates involved in minor felonies to reduce overcrowding.

#### **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 for 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.

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.

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

On January 15, police arrested two opposition party members for organizing protests without a permit. They were prevented from seeing family or legal counsel during their detention, before being released on February 3 without a trial. On June 13, police arrested the former head of the state-run newspaper reportedly for criticizing a dinner hosted by the president to celebrate his election to a fifth term. He was held for five days, then released by the court with a warning.

**Pretrial Detention:** Lengthy pretrial detention was a problem. Prisoners often waited two 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, 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 requires detainees be notified promptly and in detail of the charges against them. Although the law requires the state to provide detainees with free interpretation when needed, such services were not always made available. Detainees have the right to prompt access to an attorney of their choice. Defendants have the right to be present, consult with an attorney in a timely manner, confront witnesses, present witnesses and evidence on their behalf, and generally have adequate time and facilities to prepare a defense. Authorities generally respected these rights. Indigents 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 to appeal, although the appeals process was lengthy.

Traditional law is 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 topics 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, journalists, and bloggers (see sections

1.d. - Arbitrary Arrest or Detention, and 2.a. - Violence and Harassment).

### **Civil Judicial Procedures and Remedies**

In cases of human rights abuses, individuals could address correspondence to the CNDH. On a variety of matters, individuals could also seek assistance from the Ombudsman's Office, which often helped resolve administrative disputes among government branches. Individuals 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 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.

There were reports the government punished family members for offenses allegedly committed by their relatives.

On January 16, four elders from Tadjourah were arrested due to their family ties to members of an armed group that allegedly attacked a gendarmerie squad in Tadjourah, resulting in one death. The Gendarmerie released three of the elders a week later and the fourth in November.

On August 26, police arrested two relatives of members of an armed rebel group that allegedly carried out an attack at Lac Assal. They remained in custody as of December.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The constitution and law allow for freedom of expression, including for members

of the press and other media, provided the exercise of these freedoms complies with the law and respects “the honor of others.” The government did not respect these rights. The law provides prison sentences for media offenses.

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

On January 13, eight young men published a video online expressing their dissatisfaction with their political representatives, and, by extension, the president’s plans to run for a fifth term. They were arrested and detained for one week, then freed with a warning.

On June 9, authorities detained Walid Hassan, a blogger, for eight days in an undisclosed location before sentencing him to jail for defamation.

**Freedom of Expression for Members of the Press and Other 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 Communication Commission, a branch of the Ministry of Communication, started issuing licenses to political parties and private citizens aligned with the government, allowing them to operate social media accounts. The commission also issued identification cards to progovernment journalists. Political parties, journalists, and private citizens critical of the government were not issued licenses and identifications cards, which limited their ability to express themselves freely online. Foreign media outlets and journalists, including BBC and al-Jazeera, were not required to obtain a domestic license. They registered directly with the Ministry of Communication.



**Violence and Harassment:** The government harassed journalists. Several citizen journalists were arrested for posting pictures of protests or comments against the government.

On August 2, police arrested BBC stringer Mahamoud Osman Boulhan in Ali-Sabieh. Police detained him for three days, allegedly for his reports on civil unrest, and released him without bringing him before a judge or filing charges.

**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.

### **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 the government 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, a local nongovernmental organization (NGO), and independent streaming platform *Voice of Djibouti*, which criticized the government.

In August civil unrest involving confrontations between the Afar and Somali Issa ethnic groups broke out in the capital city spurred by events in Ethiopia. The government reportedly blocked access to Facebook via cellular data. As of December the block was still in place.

### **Academic Freedom and Cultural Events**

There were no reports of government restrictions on academic and cultural events.

## **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 assemblies. Between January and April, the opposition political party Rally for Democratic Action and Ecological Development (RADDE) applied for such permits to protest the president's decision to run for a fifth term. The government denied those permits and RADDE held several unauthorized demonstrations. Throughout this period leaders were periodically detained for organizing protests without permits, despite requesting them.

### **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 (see sections 3 and 7.a.).

## **c. Freedom of Religion**

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

## **d. Freedom of Movement and the Right to Leave the Country**

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 the north of the country remained under military control.

**Foreign Travel:** On September 12, the Index on Censorship, a British

organization supporting freedom of expression worldwide, included Kadar Abdi Ibrahim on a shortlist for an award for his activities as a journalist. Ibrahim was also the secretary-general of a (non-recognized) opposition party. He could not travel to participate in the ceremony, as the government seized his passport in 2017.

### **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 providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, and stateless persons, as well as other persons of concern. By law refugees have the same rights to public services and employment as citizens, and the government actively implemented this law.

**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. Since November 2020, Tigrayans from Ethiopia are also considered prima facie 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 claimed discrimination in the refugee status determination process, citing lengthy delays. The NEC hears 10 cases in each month's session, but up to 10,000 asylum seekers await status determination.

**Refoulement:** In June the government returned three Somalis upon the request of the Somali government without having verified their refugee status. In May the government cooperated with Ethiopia to extradite three Tigrayans, including refoulement of two registered refugees (similarly without verifying their status due

to an internal communications breakdown), citing Ethiopia's allegation they had ties to the Tigray People's Liberation Front.

**Temporary Protection:** The government provided temporary protection to a limited number of individuals who may not qualify as refugees, primarily unaccompanied minor migrants who were enrolled in a program of voluntary return to their country of origin.

### **Section 3. Freedom to Participate in the Political Process**

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. The government, however, deprived many citizens of this ability by suppressing the opposition and refusing to allow several opposition groups to form legally recognized political parties. The formal structures of representative government and electoral processes had little relevance to the real distribution and exercise of power.

#### **Elections and Political Participation**

**Recent Elections:** On April 9, President Ismail Omar Guelleh was re-elected for a fifth term in the first round of voting with 97.3 percent of the vote. Independent candidate Zakaria Ismail Farah received the remaining 2.7 percent of the vote. Farah claimed that unequal treatment and lack of provision of security hampered his campaign. Opposition political groups boycotted the election, stating the process was fraudulent. After the election opposition members noted irregularities, including alleging authorities stuffed ballot boxes. Most opposition leaders called the election results illegitimate.

International election observers from the Intergovernmental Authority on Development (IGAD), the African Union (AU), and the Organization of Islamic Cooperation (OIC) declared the elections free and fair, noted the peaceful conduct of the elections, and commented that polling stations were organized satisfactorily. Limited space for credible political opposition called into question the fairness of the election but the outcome was not disputed. Observers recommended that additional measures be taken to educate the public and electoral commission

members on their respective rights and responsibilities, as well as to encourage civil society participation and increase the secrecy of the ballot.

International observers from the AU, IGAD, Arab League, and OIC 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.

**Political Parties and Political Participation:** As in previous years, the Ministry of Interior refused to recognize opposition political parties Movement for Democracy and Liberty (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. 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.

**Participation of Women and Members of Minority Groups:** No laws limit the participation of women and members of minority or other disadvantaged 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.).

## **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 often 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.

## **Section 5. Governmental Posture Towards 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 matters 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.

**Government Human Rights Bodies:** The government's human rights organization CNDH was formed to serve as a watchdog for human rights abuses. Its members include 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. Staff were trained and assigned to regional facilities. The CNDH had limited independence as its reports were vetted by the government before being published. The CNDH last produced an annual report in 2019.

During the year CNDH signed several memoranda of understanding on cooperation in the field of human rights with the national police, the coast guard and three local civil society organizations.

The Ombudsman's Office holds responsibilities that include mediation between the government and citizens on topics 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 they took to promote human rights.

## Section 6. Discrimination and Societal Abuses

### Women

**Rape and Domestic Violence:** The law includes sentences of up to 20 years' imprisonment for 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. The 2020 Protection Law specifically enumerates protection against domestic violence, harmful cultural practices, sexual harassment, and discrimination.

The government continued to address problems of gender-based violence. The National Union of Djiboutian Women (UNFD), a nonprofit organization chaired by the first lady, worked with the government to empower and protect women from violence. UNFD's *Cellule d'Ecoute* (Listening Committee) addressed violence against women and girls, and worked in partnership with the Ministries of Health, Justice, Defense, Women and Family, Interior, and Islamic and Cultural Affairs. The committee referred cases of abuse to the Ministry of Justice and divorce cases to the council on sharia.

The National Gendarmerie has a special unit for cases of gender-based violence. Nonetheless, officials at the Ministry of Justice reported survivors of rape and domestic violence often avoided the formal court system in favor of settlements between families. The Protection Law created a support fund for survivors of violence and integrated care centers to provide them with medical care and psychosocial support.

The government prosecuted one high-profile case of domestic violence in July which resulted in the death of the victim. The assailant awaited trial in jail while an instruction judge investigated the case. Criminal sessions are held twice per year.

UNFD placed a full-time staff member in all refugee settlements to provide support for domestic violence survivors in these communities.

**Female Genital Mutilation/Cutting (FGM/C):** The law prohibits FGM/C, but rates remained high. In 2012 the UN Population Fund 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 age 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 the punishment 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 failing to report a completed or planned FGM/C to the proper authorities.

The government took measures to address the problem. In July authorities successfully prosecuted an FGM/C case. The mother and the perpetrator were sentenced to six months of preventive detention and were released on bail. With no facility to appropriately care for their minor children, authorities released them. The government was 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 the belief that the practice "purifies young girls" has no basis in Islam. Despite the government's efforts, major obstacles included 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 women's empowerment one of its top priorities as illustrated by increasing the number of women in high-profile government positions.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Particularly in the rural areas, individuals were subject to the pressures of tradition, religion, and custom. Women could obtain birth control without the consent of their husbands or male partners. Sixteen percent of women of reproductive age



used modern methods for family planning. The government offered access to sexual and reproductive health services for survivors of sexual violence, however, there was no data available on victims' use of reproductive health information or health facilities.

Statistics indicated a high maternal death rate of 248 deaths per 100,000 live births. This statistic increased outside of Djibouti City, especially in makeshift urban developments around the city and in rural areas where malnutrition was high. A lack of facilities impacted access to skilled health attendance. Skilled health personnel attended 28.6 percent of births between 2006 and 2014; more recent statistics for health personnel attendance were unavailable. Home births were the norm in rural areas.

**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.).

## **Systemic Racial or Ethnic Violence and Discrimination**

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, the Union for a Presidential Majority, and shared political power with the Afar ethnic group. There were multiple rival subclans, and discrimination based on ethnicity and clan affiliation remained a factor in business and politics.

## **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 75

percent of children were enrolled in school. Primary and middle schools 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 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, punishable by one year’s imprisonment and a substantial fine.

The law criminalizes sex trafficking and labor trafficking. The law considered child sex trafficking as an aggravating circumstance for which the penalties significantly increased.

Despite government efforts to keep at-risk children off the streets, migrant and local children in Djibouti City were vulnerable to sex trafficking. Children also remained vulnerable to sex trafficking in bars, clubs, and illicit brothels. Traffickers exploited local and migrant unaccompanied minors in sex trafficking in Djibouti City, the trucking corridor to Ethiopia, and Obock, the main departure and arrival point for Yemen.

**Displaced Children:** There was a significant population of migrant children due to the country’s location as a transit point for migrants, especially from Ethiopia, who sought to transit to Yemen and ultimately to the Arabian Peninsula. An NGO

operates the only facility in the country caring for these unaccompanied minor migrants.

**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. The 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. 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 effectively enforced.

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. Aside from psychiatric services

administered to prisoners with mental disabilities in Gabode, there were no mental health treatment facilities and only one practicing psychiatrist in the country.

The agency 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.

## **HIV and AIDS Social Stigma**

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

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

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

## **Section 7. Worker Rights**

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

The constitution and law provide for the right of workers to form and join independent unions with limitations that fell significantly short of international standards for trade unions, including the requirement for obtaining 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 law provides for the suspension of the employment contract when a worker holds office in a trade union. 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 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 government neither enforced nor complied with applicable law, including the law on antiunion discrimination. The government did not levy penalties commensurate with those for other laws involving denials of civil rights, such as discrimination.

In June the government arrested two members of a government-approved labor union for organizing an unapproved extraordinary congress of the union to replace the union president, who had served beyond his three-year mandate.

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, which included representatives from labor, employers, and government, examined all collective bargaining agreements and played an advisory role in their negotiation and application.

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

The law prohibits and criminalizes all forms of forced or compulsory labor, but the government did not effectively enforce the law. The law strengthens tools available to prosecutors to convict and imprison traffickers. It was not clear whether the law prescribes penalties that were commensurate with those for other analogous, serious crimes such as kidnapping (see section 6, Children).

Local and migrant women and children were vulnerable to forced labor, including domestic servitude, forced begging, and peddling, in Djibouti City and along the trucking corridor to Ethiopia. Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

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

The law does not prohibit or criminalize the worst forms of child labor. Child labor, including the worst forms, occurred throughout the country. The law prohibits all employment of children younger than age 16 and contains provisions prohibiting dangerous work for minors. The law places limitations on working more than 40 hours a week and working at night. Government enforcement of the law was ineffective. Penalties for violations were not commensurate with those for other analogous, serious crimes, such as kidnapping. The Ministry of Labor is responsible for monitoring workplaces and preventing child labor; however, a shortage of labor inspectors and vehicles impeded investigations of child labor. Although inspectors focused on the formal economy, labor inspectors recognized that most child labor took place in the informal sector.

According to the law, children are strictly prohibited from employment in domestic jobs, hotels, and bars and drinking places, except jobs related to catering only. Children were engaged in the sale of the narcotic *khat*, 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. Labor inspectors also noted an increase in children working in construction. Parents or other adult relatives forced unaccompanied minors to work, including begging. Children were also coerced to commit petty crimes, such as theft.

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**

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. Penalties for violations of labor laws were commensurate to those of similar violations, such as fraud. Most labor violations were settled through mediations by labor inspectors between the employer and the employee. There was also discrimination based on ethnicity in employment and job advancement.

The Protection Law addressed discrimination against women in the workplace. Legal restrictions for women included limitations on employment in occupations requiring certain levels of physical strength. 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. A decree adopted on the proposal of the ministers 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 is no law prohibiting discriminatory hiring practices based on disability, sexual orientation, gender identity, HIV and AIDS, or other communicable disease

status. The Labor Inspectorate did not adequately carry out inspections for discrimination. 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.

### **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** 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, 79 percent of the population were living in relative poverty. The legal workweek is 40 hours over five days, a limit that applies to workers regardless of gender or nationality. The law mandates a weekly rest period of 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. Penalties for abuses were commensurate with those for similar crimes, such as fraud. The law provides for paid holidays.

**Occupational Safety and Health:** The government sets occupational safety and health (OSH) standards that cover the country's main industries. The Ministry of Labor is responsible for enforcing OSH standards, wages, and work hours; however, enforcement was ineffective. Responsibility for identifying unsafe situations remains with OSH experts and not the worker. The law does not provide workers the right to remove themselves from a hazardous workplace without jeopardizing their employment. Penalties for violations of the law were commensurate with those for crimes such as negligence.

**Informal Sector:** There was a large informal sector but no credible data on the number of workers employed there. Much of the labor market was in the informal sector. By law migrant workers who obtain residency and work permits enjoy the same legal protections and working conditions as citizens, although the law was unevenly enforced.



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. 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.