



Freedom in the World 2014 - Djibouti

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2014 Scores

Status: Not Free

Freedom Rating (1 = best, 7 = worst): 5.5

Civil Liberties (1 = best, 7 = worst): 5

Political Rights (1 = best, 7 = worst): 6

OVERVIEW

President Ismail Omar Guelleh's administration continued to stifle political rights and civil liberties in 2013. A tense political climate following February 2013 legislative elections was characterized by opposition protests, the use of excessive force by police against demonstrators, the ongoing detention of independent journalists, and the pursuit of opposition figures.

In July, the European Parliament passed a resolution expressing strong concerns about the situation in Djibouti, citing various violations of freedom of expression and attempts to suppress opposition members and demonstrators. The resolution also placed pressure on the Djiboutian regime to begin negotiations with opposition groups over the contested elections. Though these negotiations initially appeared promising, talks stalled in October. The USN sent a request to the African Union to mediate, but the African Union has not publically acknowledged or responded to the request. The USN released a statement at the end of the year citing increasing government repression including the arrest of more than a dozen party members in December alone.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights: 9 / 40

A. Electoral Process: 3 / 12

Djibouti's ruling Union for a Presidential Majority (UMP) coalition party has effectively usurped the state. A constitutional amendment passed by the National Assembly in 2010 removed the two-term limit for presidents, reduced presidential terms from six years to five, and specified that candidates must be between the ages of 40 and 75. The changes allowed Guelleh to stand for a third term in 2011. The decision sparked a series of antigovernment protests in which at least two were killed and hundreds arrested, including the leaders of three opposition parties. The 2011 presidential campaign was marred by the harassment of opposition leaders and a clampdown on public gatherings. Guelleh ultimately faced only one challenger and won with 81 percent of the vote.

The 65 members of the unicameral legislature, the National Assembly, are directly elected for five-year terms. The 2010 constitutional changes provided for the formation of a bicameral parliament comprising the existing National Assembly and a newly created senate, though steps to establish one have yet to be taken.

On February 22, 2013, the electorate voted in the first legislative polls contested by the opposition since 2003. In the weeks prior to the election, the Union for National Salvation (USN) opposition coalition accused the government of censorship after its websites could not be accessed domestically. 60 observers from the African Union, the Arab League, the United Nations, and the European Union, among other organizations, oversaw the legislative elections. Although the observers declared the elections free and fair, the opposition alleged foul play and refuted the ruling party's official total of 55 seats, to 10 for the USN. Opposition protests in the days following the election were met with a heavy-handed police response, including the use of tear gas, as well as the arrest of 500 protesters and the death of 6. The opposition filed a formal complaint to the constitutional committee, citing allegations of double voting and ballot-stuffing, and questioning the speed with which preliminary results were released. The claim was rejected on a legal technicality – that it was not filed within 10 days of the release of election results – and was subsequently dismissed.

In March, Prime Minister Dileita Mohamed Dileita resigned after 12 years in the post, citing pressure from Guelleh. He was replaced by Defense Minister Abdoukader Kamil Mohamed. Changes were also made in the departments of interior, defense, and justice, among others.

B. Political Pluralism and Participation: 3 / 16

The Djiboutian constitution provides full political rights, but these rights are often ignored in practice. While Djibouti technically has a multiparty political system, the ruling UMP party has seized all state power. Political parties are required to register with the government. Six political parties joined to form the USN coalition in the run-up to the February 2013 legislative elections. USN spokesman Daher Ahmed Farah was arrested and jailed over a dozen times since his return from exile in January. In April, Minister of Interior Hassan Omar Mohamed alleged that USN was an electoral coalition, not a legitimate party, and that the demonstrations undertaken after the election were therefore illegal. In May, the government threatened to dissolve the USN due to such activities, and in June, police arrested 13 USN officials, including the group's president, Ahmed Youssouf.

Opposition parties have traditionally been disadvantaged by Djibouti's first-past-the-post electoral system, as well as the government's abuse of the administrative apparatus. In November 2012, the electoral law was amended to award 20 percent of seats proportionally, a distinction from the previous system under which the party that received the majority in a district won the entirety of that district's seats. Under the previous system, the UMP won 62 percent of the vote but captured all 55 seats in the National Assembly in the 2003 elections. In 2013, the UMP won more than 80 percent of the vote and captured 55 of the 65 seats in the National Assembly. The 10 seats won by the opposition constituted the first time the ruling party had conceded any seats in the National Assembly.

C. Functioning of Government: 3 / 12

Djibouti is not an electoral democracy. President Guelleh won a third term in 2011 following an opposition boycott of the election. The UMP has assumed full control of the state and policy formation. Efforts to curb corruption have met with little success. Government corruption is a serious problem and public officials are not required to disclose their assets. In April 2013, the Guelleh administration launched the "Djibouti Fights Corruption" initiative, which included an internet-based platform that documents government anticorruption efforts. Djibouti ranked 94 out of 177 countries and territories surveyed in Transparency International's 2013 Corruption Perceptions Index. Though there are no laws granting citizens access to government information, the government has made legislation publically available and created mechanisms for citizens to request access to information.

Civil Liberties: 20 / 40

D. Freedom of Expression and Belief: 7 / 16

Despite constitutional protections, freedom of speech is not upheld in practice. There are no privately owned or independent media operated domestically, though political parties are allowed to publish a journal or newspaper. The government owns the principal newspaper, *La Nation*, as well as *Radio-Television Djibouti*, which operates the national radio and television stations. Strict libel laws lead journalists to practice self-censorship. Former journalist and opposition spokesperson Daher Ahmed Farah has been a regular target of the administration, and has been in and out of prison since February. Also arrested during the February protests, schoolteacher Mohamed Elmi Rayaleh died in police custody in August. Local human rights groups alleged that the government secretly cremated Rayaleh, whose family was not allowed at his burial.

While the government typically places few restrictions on internet access, opposition parties claimed their websites were censored during the 2013 legislative elections. Additionally, opposition internet radio station *La Voix de Djibouti*, run by Djiboutian exiles in Europe, has been regularly blocked. The website's technician, Maydaneh Abdallah Okieh, has been detained in Djibouti's Gabode prison since May 2013 on charges of defaming the police and insulting a police officer after he posted Facebook photos of police breaking up an opposition protest. Though sentenced to 45 days in prison, Okieh remained in Gabode until October and was denied medical care throughout his detention.

Four *La Voix* journalists – Farah Abadid Hildid, Houssein Ahmed Farah, Moustapha Abdourahman Houssein, and Mohamed Ibrahim Waïss – who had been released on bail in June 2011 were

summoned back to court in July 2013 because the initial charges against them were changed to the more serious charge of "inciting a disturbance of public order," which carries strict penalties. Three of the men were again arrested, each in separate incidents, in December. Waïss was jailed for seven days after covering a women's demonstration in Buldhuqo, a working class neighborhood that the government had recently demolished. The women were protesting the government's unfulfilled promise to provide them land in another neighborhood.

Islam is the state religion, and 99 percent of the population is Sunni Muslim. Freedom of worship is respected both legally and in practice. Academic freedom is generally upheld.

E. Associational and Organizational Rights: 3 / 12

Freedoms of assembly and association are nominally protected under the constitution, but are not respected in practice. More than 500 opposition figures were arrested for participating in protests following the 2013 elections. The protests turned violent, with some demonstrators throwing petrol bombs and security forces firing tear gas and rubber bullets. Opposition protests continued for several months before negotiations with between President Guellah and the USN began. Demonstrations resumed after the talks broke down. USN representatives alleged that dozens of members, including top party leaders, were arrested during a September protest.

Local human rights groups who cover politically sensitive matters do not operate freely and are often the target of government harassment and intimidation. The Djiboutian Observatory for the Promotion of Democracy and Human Rights, a group created in the memory of human rights activist Jean Paul Noel Abdi, who died in 2012, is still awaiting government approval for its NGO status. Women's rights groups are the exception to these government restrictions; the government generally supports their educational efforts and trainings. It remains uncertain how active a role the government's National Human Rights Commission plays in upholding domestic human rights.

Though workers may legally join unions and strike, the government has been known to intimidate union leadership and obstruct union activities. The government discourages truly independent unions and has been accused of meddling in their internal elections and harassing union representatives. The general secretary of the Union of Djibouti Workers, is reportedly under constant police surveillance, and his family moved to Ethiopia after receiving repeated threats. Approval for union status is seemingly arbitrary and follows a long and complex registration process. Taxi drivers were prevented from establishing a union in 2013. The Djiboutian government has also frozen union bank accounts and kept unions from receiving external funds, presumably to limit support from diasporans and international unions' rights organizations.

F. Rule of Law: 4 / 16

The judicial system is based on the French civil code, though Sharia (Islamic law) prevails in family matters. The courts are not independent of the government. A lack of resources often delays legal proceedings. Security forces frequently make arrests without a proper decree from a judicial magistrate, in violation of constitutional requirements. Constitutional amendments made in 2010 abolished the death penalty. Prison conditions are harsh, but have improved in recent years.

Allegations of politically motivated prosecutions are common. In 2010, Djiboutian businessman Abdourahman Boreh was convicted in absentia on charges of terrorism. Boreh, an opposition leader

who planned to stand against Guelleh in the 2011 presidential elections, received a 15-year prison sentence. Boreh fled to the United Kingdom in 2008 and is currently based in the United Arab Emirates. In 2013, the Djiboutian government brought two suits in London and Emirati commercial courts seeking to freeze Boreh's assets on the grounds that he abused his position as chairman of the Djibouti Port and Free Zone Authority from 2003 to 2008 for private gain. The British court initially struck down the charges against Boreh in June, only to issue a worldwide freeze of \$111.5 million in Boreh's assets in September. An appeal is scheduled for 2015. In October, the Dubai International Financial Centre (DIFC) courts froze \$5 million of Boreh's assets upon the request of the Djiboutian government.

Representatives from minority groups including the Afar, Yemeni Arabs, and non-Issa Somalis, are represented in all major Djiboutian governance institutions (cabinet, legislature, lower-level bureaucracy, etc.). However, the majority Issa do hold more prominent positions in both government and the private sector. Minority ethnic groups and clans suffer discrimination and social and economic marginalization.

Homosexual conduct is criminal under Djiboutian law and there are no laws in place to prevent discrimination against the lesbian, gay, bisexual, and transgender (LGBT) community. Generally, matters of sexual preference or orientation are not discussed publically.

G. Personal Autonomy and Individual Rights: 6 / 16

There are few employment prospects in the formal sector. Higher educational opportunities are also generally limited. In September 2013, the government destroyed hundreds of shops, restaurants, and stalls that were operating in Djibouti City without license as part of its Djibouti Clean City campaign. Though the government claimed it warned owners of the maneuver in advance and would help them relocate, no such assistance has yet been offered. Shop owners complained of the loss of their livelihoods amid the city's rising rent costs.

Though the law provides equal treatment for all Djiboutian citizens, women have fewer employment opportunities and are paid less than men for the same work. Women face discrimination under customary practices related to inheritance and other property matters, divorce, and the right to travel. The law prohibits female genital mutilation, but more than 90 percent of women are believed to have undergone the procedure. An estimated 50 percent of girls are now receiving primary education following efforts to increase female enrollment. While the law requires at least 20 percent of upper-level public service positions to be held by women, women still hold only about 10 percent of legislative seats.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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