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**SUMMARY PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER  
FOR HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (C) OF  
THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1\***

### Djibouti

The present report is a summary of two stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

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\* The present document was not edited before being sent to the United Nations translation services.

## **I. BACKGROUND AND FRAMEWORK**

N/A.

## **II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND**

### **A. Cooperation with human rights mechanisms**

1. The International Federation for Human Rights (FIDH) and the Djibouti Human Rights League (LDDH) reported serious violations of fundamental liberties in Djibouti and a blatant lack of cooperation with United Nations human rights protection mechanisms on the part of the Djiboutian authorities for several years now. The two organizations emphasized that Djibouti has fallen far behind in the submission of its periodic reports, notably to the Committee against Torture, the Human Rights Committee and the Committee on the Elimination of Discrimination against Women, and that there have been no visits to the country by Special Rapporteurs.<sup>2</sup> FIDH and LDDH urged the Djiboutian authorities to submit the country's periodic reports to the United Nations human rights protection mechanisms.<sup>3</sup>

### **B. Implementation of international human rights obligations**

#### **1. Right to life, liberty and security of the person**

2. FIDH and LDDH reported two cases in which trade unionists were arrested, arbitrarily detained and sentenced. The first relates to the sentencing on 4 January 2006 of trade unionists from the Longshoremen's Union (*Union des travailleurs du port*, UTP) by the Djibouti court of appeal, for striking<sup>4</sup> even though the judge in the lower court had deemed the charges to be unfounded and ordered the defendants' release. The second case involves the arrest and arbitrary detention in March 2006 of four trade unionists from the Djibouti Union of Workers (*Union djiboutienne du travail*, UDT) on what were clearly political grounds (collusion with a foreign Power, passing information to a foreign Power and disparaging the President of the Republic).<sup>5</sup>

3. FIDH and LDDH called for the Djiboutian authorities to halt the intimidation, harassment, arrest and arbitrary detention of political opponents, trade unionists and human rights defenders.<sup>6</sup>

#### **2. Administration of justice and the rule of law**

4. FIDH and LDDH urged the Djiboutian authorities to guarantee the right to a fair trial, with respect for the rights of the defence and the effective independence of justice for all Djiboutians, in particular for trade unionists, journalists and human rights activists and defenders facing prosecution.<sup>7</sup>

5. Reporters Without Borders (RSF) recommended that sanctions mechanisms should be put in place in order to tackle the impunity of law enforcement officers whenever they attack or wrongfully detain journalists.<sup>8</sup>

#### **3. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life**

6. RSF indicated that Djibouti is a country where there is virtually no private press, because of the numerous obstacles to the free publication of news and the lack of financial resources to build a solid press group, and that no private radio or television is authorized to operate.<sup>9</sup>

7. FIDH and LDDH pointed out that article 14 of the Freedom of Communication Act<sup>10</sup> recommends that “property owners, associates, stockholders, business partners, financiers and others involved in funding a press outlet should be of Djiboutian nationality”, with the aim of excluding foreign investors and keeping the media under the control of the authorities. Article 17 of the Act requires that the director and co-director of any media company should reside in Djibouti. Article 47 requires the directors of audio-visual media to be at least 40 years of age, which is discriminatory and limits freedom of expression.<sup>11</sup>

8. In the view of FIDH and LDDH, it is because of these legal constraints on freedom of information that there is only one television channel and one radio station (Djibouti Radio and Television), which are so-called public media, and only one private audio-visual company, which operates a palette of foreign stations on subscription. This private company belongs to high-ranking members of the regime, and so, when programmes on Djibouti’s economic, social, financial or political administration are scheduled on any of these stations, they are censored.<sup>12</sup> RSF stated that the radio stations, BBC and Voice of America (VOA), are available on the FM wave band and that Radio France Internationale’s FM transmitter was shut down on 14 January 2005 after broadcasting reports about the 1995 murder of French judge Bernard Borrel in Djibouti. RSF added that the possession of satellite dishes is allowed but is closely monitored by the authorities.<sup>13</sup>

9. RSF mentioned that “le Renouveau”, a weekly that is the mouthpiece of the opposition Movement for Democratic Renewal and Development (MRD), is the country’s sole opposition newspaper and the last publication not under government control, and that the government has been hounding “Le Renouveau” for years. RSF added that after the arrest of four of its employees in 2007 and the seizure of most of its equipment and material the newspaper was unable to publish for several weeks.<sup>14</sup> FIDH and LDDH pointed out that Le Renouveau was the last free, independent newspaper in Djibouti, but that it has been banned since May 2007.<sup>15</sup> RSF mentioned that the only other newspapers still being published in Djibouti are the governmental biweekly “La Nation” and the Arabic-language “Al Qaran”, the mouthpiece of the ruling Popular Rally for Progress (RPP), which appears irregularly.<sup>16</sup>

10. FIDH and LDDH indicated that the sole Internet operator in Djibouti is controlled by the State, and that the party in power has censored many sites, including those of human rights organizations and opposition political parties.<sup>17</sup> RSF indicated that it has not observed any problems with the free flow of news online, although it has received unconfirmed reports about the blocking of several opposition websites based in Europe.<sup>18</sup> FIDH and LDDH called for the revision of the Freedom of Communication Act and for an end to media censorship.<sup>19</sup>

11. RSF deplored the lack of political will from the government to cooperate on the reform of the press law, for example, or to show more transparency and openness to proposals made by local or international NGOs whenever a journalist is arrested. RSF recommended that the government of Djibouti should abolish the existing press law and adopt a new legislation adapted to democratic standards, eliminating prison terms for press offenses and providing a credible regulation tool for the media. RSF also recommended that the government of Djibouti should open its airwaves to private radio stations and help a free and independent press to appear in the country and that the armed forces (police and army) should receive training on human rights and press freedom.

12. FIDH and LDDH stated that Act No. 1/AN/92/2 L on political parties recognizes the right to form such parties but that certain articles are at variance with the right to freedom of association.

For example, for a new political party to be established and recognized, article 6 of the Act requires that it must have the support of 30 political, administrative or customary leaders or persons decorated with the Great Star of the National Order. Yet in order to obtain such a position or decoration, a person must be a member of the party in power or share its views. Furthermore, article 18 allows the Ministry of the Interior to request a court to disband a party. FIDH and LDDH considered that in view of the lack of independence of the judiciary,<sup>20</sup> this poses a problem. They recommended that the Djiboutian authorities should amend Act No. 1/AN/92/2 L on political parties, so as to bring it into line with the provisions of the International Covenant on Civil and Political Rights relating to freedom of association.<sup>21</sup>

13. FIDH and LDDH pointed out that, under the law, political parties have the right to hold meetings at any place and at any time, with the authorization of the Ministry of the Interior, yet a meeting of the Union for the Democratic Transfer of Power (*Union pour l'alternance démocratique*, UAD) on 8 April 2005 had ended with serious physical attacks on certain political opposition figures, and the arrest of dozens of activists.<sup>22</sup>

14. FIDH and LDDH condemned the most recent parliamentary elections, which took place in conditions contrary to the International Covenant on Civil and Political Rights. They indicated that, since there had been no reform of the electoral code following the 2003 legislative elections, in which all the seats in parliament went to the President's party notwithstanding the fact that opposition parties had received 38 per cent of the vote, the opposition decided to boycott the legislative elections of 8 February 2008. They took the view that the single-round, first-past-the-post system ensured de facto that the presidential coalition would win all 65 seats in parliament regardless of political pluralism, and that the conditions for a free, democratic and transparent election were lacking.<sup>23</sup> FIDH and LDDH urged the Djiboutian authorities to amend the electoral code without delay in consultation with all stakeholders in the political process, so as to make genuinely free and pluralistic elections possible, in accordance with the international human rights instruments ratified by Djibouti.<sup>24</sup>

15. According to FIDH and LDDH, the leaders of the opposition parties were subjected to pressure of many kinds by the authorities in the days leading up to the election. In particular, they were placed under house arrest on 1 February 2008 so as to prevent an election rally by the opposition. According to FIDH and LDDH, the same day, the LDDH chairman was prevented from leaving his home by members of the Armed Forces, which demonstrates that the authorities make no distinction between human rights defenders and political opponents, in violation of the rights guaranteed by the Declaration on Human Rights Defenders adopted by the United Nations General Assembly in 1998. FIDH and LDDH drew attention to the fact that, not surprisingly, with just one party listed on the ballot, the Union for a Presidential Majority (UMP) took all 65 seats in parliament.<sup>25</sup>

16. FIDH and LDDH have pointed out that the LDDH chairman was arrested and taken on 14 December 2005 to the police transit centre in the town of Nagad, and subsequently to the police academy there, where he was subjected to harsh interrogation regarding press releases in which he had denounced bloody police repression on 30 December 2005, in the Arhiba district of the capital, which had left eight people seriously injured, five missing and five others dead, including a woman and an 11-year-old child. The chairman was released after numerous interventions by the diplomatic corps in Djibouti and by the Observatory for the Protection of Human Rights Defenders. FIDH and LDDH further pointed out that the LDDH chairman was once again arrested and sentenced to six months in prison by the Djibouti Criminal Court for "spreading

false news” and “defamation”, for publishing a bulletin entitled “Le Day, an area where the law does not apply”.<sup>26</sup> FIDH and LDDH urged the Djiboutian authorities to halt all violations of the rights guaranteed by the United Nations Declaration on Human Rights Defenders.<sup>27</sup>

#### **4. Right to work and to just and favourable conditions of work**

17. According to FIDH and LDDH, articles 41, 42, 43, 214 and 215 of the new Labour Code (Act No. 133/AN/05/5 L) are at variance with fundamental freedoms, thus preventing any free and independent trade union activity. Article 41, paragraph 8, which provides calls for the suspension of employment contracts while workers serve terms in politics or in trade union activities, is reinforced by articles 42 and 43, which establish that such workers have no pay or seniority entitlements. In the view of FIDH and LDDH, these three articles of the new Labour Code treat the performance of trade union or political functions as serious misconduct, which makes it possible for the employer to substantially modify the employment contract or dismiss the worker.<sup>28</sup>

18. According to FIDH and LDDH, article 214, paragraphs 4 and 5, prohibit anyone sentenced to three months’ suspended sentence by any court from becoming a trade union leader. They considered that, insofar as many trade union officials have been harassed, arrested and sentenced because of their trade union activities, such a provision automatically excludes many trade unionists from holding or seeking union office and consequently limits freedom of opinion and trade union rights and is a major obstacle to the right to organize and to bargain collectively.<sup>29</sup>

19. In addition, FIDH and LDDH reported that the oversight procedures (art. 215, para. 1) that take effect once a trade union has received legal recognition are as follows: the Minister of Labour issues, or not, a receipt constituting a certificate of legality within two weeks of receiving the labour inspector’s report; the State prosecutor has the power to dissolve the trade union even if it has been legally recognized and certified; and the union must go through the entire procedure again if there is the slightest change in its status, of the above-mentioned failing which it ceases to be legal.<sup>30</sup>

20. According to FIDH and LDDH, the Ministry of Labour thus has the power to give preferential treatment to a trade union. Insofar as the usurpation of unions’ identities by unrepresentative organizations dependent on the Djiboutian authorities is a practice that has for many years been repeatedly and regularly reported to the Credentials Committee of the International Labour Conference (ILC), this provision violates the right to organize, the right to trade union pluralism and the right to bargain collectively.<sup>31</sup>

21. FIDH and LDDH considered that Djibouti’s trade union law is in breach of the international labour conventions of the International Labour Organization, in particular Conventions Nos. 87, 98 and 135, signed by Djibouti in 1978; the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; and the Universal Declaration of Human Rights.<sup>32</sup> FIDH and LDDH urged the Djiboutian authorities to amend the new Labour Code to ensure respect for trade union rights, unconditionally reinstate the trade unionists abusively dismissed since September 1995, and pay them their wage arrears.<sup>33</sup>

### **III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS**

N/A.

### **IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS**

N/A.

## V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

N/A.

### *Notes*

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org). (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council).

#### *Civil society*

FIDH and LLDH      La Fédération internationale des ligues des droits de l'Homme\*, Paris, France et la Ligue Djiboutienne des droits humains, Djibouti (Joint Submission)

RSF      Reporters Sans Frontières\*, Paris, France.

<sup>2</sup> FIDH and LDDH, p. 1.

<sup>3</sup> FIDH and LDDH, p. 5.

<sup>4</sup> Arrêté n° 01/06 du 4 janvier 2006 de la chambre correctionnelle de la cour d'appel de Djibouti.

<sup>5</sup> FIDH and LDDH, p. 2-3.

<sup>6</sup> FIDH and LDDH, p. 5.

<sup>7</sup> FIDH and LDDH, p. 5.

<sup>8</sup> RSF, p. 2.

<sup>9</sup> RSF, p. 1.

<sup>10</sup> Loi n°2/AN/92/2e L, promulguée le 15/09/1992.

<sup>11</sup> FIDH and LDDH, p. 4.

<sup>12</sup> FIDH and LDDH, p. 4.

<sup>13</sup> RSF, p. 1.

<sup>14</sup> RSF, p. 1.

<sup>15</sup> FIDH and LDDH, p. 4.

<sup>16</sup> RSF, p. 1.

<sup>17</sup> FIDH and LDDH, p. 4.

<sup>18</sup> RSF, p. 1.

<sup>19</sup> FIDH and LDDH, p. 5.

<sup>20</sup> FIDH and LDDH, p. 1, 2.

<sup>21</sup> FIDH and LDDH, p. 5.

<sup>22</sup> FIDH and LDDH, p. 2.

<sup>23</sup> FIDH and LDDH, p. 1.

<sup>24</sup> FIDH and LDDH, p. 4-5.

<sup>25</sup> FIDH and LDDH, p. 1.

<sup>26</sup> FIDH and LDDH, p. 3.

<sup>27</sup> FIDH and LDDH, p. 5.

<sup>28</sup> FIDH and LDDH, p. 2.

<sup>29</sup> FIDH and LDDH, p. 2.

<sup>30</sup> FIDH and LDDH, p. 3.

<sup>31</sup> FIDH and LDDH, p. 3.

<sup>32</sup> FIDH and LDDH, p. 2.

<sup>33</sup> FIDH and LDDH, p. 5.

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