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Djibouti

Country:

[Djibouti](#)

Year:

2018

Freedom Status:

Not Free

Political Rights:

6

Civil Liberties:

5

Aggregate Score:

26

Freedom Rating:

5.5

Overview:

Djibouti is a republic ruled by a powerful president, Ismail Omar Guelleh, who has been in office since 1999 and is not subject to term limits. While Djibouti technically has a multiparty political system, the ruling Union for a Presidential Majority (UMP) uses authoritarian means to maintain its dominant position. The opposition's ability to operate is severely constrained, and journalists and activists who air criticism of Guelleh or the UMP are regularly harassed or arrested.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 7 / 40

A. ELECTORAL PROCESS: 2 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

The president, who holds most executive power in Djibouti, serves five-year terms under current rules. President Guelleh was elected to a fourth term in 2016, having been credited with 87 percent of the vote. The opposition fractured, with some groups

boycotting the poll and others running competing candidates. The run-up to the election was marked by restrictions on the media and the harassment or detention of opposition figures. Among other reported irregularities on election day, opposition parties complained that their monitors were turned away from polling sites.

A2. Were the current national legislative representatives elected through free and fair elections? 1 / 4

The 65 members of the unicameral legislature, the National Assembly, are directly elected for five-year terms. Constitutional changes in 2010 called for the creation of an upper house, the Senate, but steps to establish the new chamber have yet to be taken.

In 2013, Djibouti held the first legislative polls to be contested by the opposition in a decade. Official results showed that the UMP won 55 seats and the USN took 10, but the opposition accused the government of fraud and censorship, and USN representatives refused to take their seats in protest. The USN reached an agreement with the UMP at the end of 2014 and ended its boycott of the parliament in January 2015, but it has since complained that the government violated the agreement by failing to enact a series of democratic reforms. The next legislative elections were set for February 2018.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 1 / 4

A core element of the 2014 political agreement was a pledge to reform the Independent National Electoral Commission (CENI), which the opposition has accused of progovernment bias. No such reforms took place before the 2016 presidential election. Other provisions of the electoral framework give an advantage to the dominant party, for example by awarding at least 80 percent of the seats in each multimember parliamentary district to the party that wins a majority in that district.

B. POLITICAL PLURALISM AND PARTICIPATION: 3 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4

While Djibouti technically has a multiparty political system, parties must obtain registration from the government to operate legally, and the authorities have denied recognition to some opposition parties, including the MRD.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

President Guelleh has been in power since 1999, when he succeeded his uncle, the only other president since independence in 1977. The 2013 elections marked the first time that the opposition had won any seats in the National Assembly. Opposition parties have traditionally been disadvantaged by Djibouti's first-past-the-post electoral system, controls on the media, abuse of state resources to favor incumbents, and regular arrests and harassment of opposition leaders and supporters. In March 2017, the authorities arrested 19 members of the MRD without a warrant. Most were released after a few days, but four

men were convicted of “illegal political activity” and sentenced to two months in jail. The four were released in May, but they and other MRD figures continued to face judicial harassment.

In September, USN leader Ahmed Youssouf Houmed died while undergoing medical treatment in France, adding to uncertainty about the opposition’s unity and strategy ahead of parliamentary elections in February 2018.

B3. Are the people’s political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 1 / 4

The ruling party dominates the state apparatus and uses security forces and other administrative resources to marginalize, disrupt, and suppress independent political activity.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

Minority groups, including the Afar, Yemeni Arabs, and non-Issa Somalis, are represented at all levels of the government, but the president’s majority Issa group holds paramount positions in the ruling party, the civil service, and the security forces. In practice, the authoritarian political system restricts the ability of ethnic and religious minorities to organize independently and advance their interests.

Women’s ability to engage in independent political activism is also constrained, and they are underrepresented in leadership positions, partly due to societal discrimination. Women held about 10 percent of the seats in the parliament elected in 2013.

C. FUNCTIONING OF GOVERNMENT: 2 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4

The president, who is not freely elected, effectively controls policymaking and governance, and the UMP-dominated parliament does not serve as a meaningful check on executive power.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption is a serious problem, and efforts to curb malfeasance in public agencies have met with little success. State bodies tasked with combating corruption lack the resources and independence to function effectively. Prosecutions of senior officials are rare.

C3. Does the government operate with openness and transparency? 1 / 4

The government has made legislation publicly available and created some mechanisms for citizens to request information, but there is no law establishing the right to access

government information. Policymaking and public administration remain largely nontransparent. Rules on asset disclosure by public officials are poorly enforced.

CIVIL LIBERTIES: 19 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 6 / 16

D1. Are there free and independent media? 1 / 4

Despite constitutional protections, freedom of speech is not upheld in practice, and *journalists engage in self-censorship to avoid professional or legal repercussions for critical reporting*. A 1992 communications law establishes defamation and distribution of false information as criminal offenses, while also imposing restrictive requirements on senior employees of media outlets. The government owns the dominant newspaper, television station, and radio broadcaster.

Approximately 13 percent of the population has internet access. While the government typically places few restrictions on the internet, some outlets have faced interference and harassment. The websites of the opposition radio station La Voix de Djibouti, run by exiles in Europe, and the Association for Respect for Human Rights in Djibouti (ARDHD) are sometimes blocked by the state-owned internet service provider. At least three bloggers and online activists were arrested during 2017 for posting critical content on Facebook, but their cases were later dismissed.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 1 / 4

Islam is the state religion, and 94 percent of the population is Sunni Muslim. The Ministry of Islamic Affairs oversees religious matters; a 2013 law gave it authority over mosques and imams. While the government has claimed that this supervision is meant to counter foreign influence, it has also been used to curb political dissent. Security services have questioned imams who give sermons on political or social justice themes, and some have been jailed. Under the 2013 law, imams are gradually being converted into civil service employees.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

Academic freedom is not always respected. Teachers and other education staff have at times been dismissed for alleged affiliation with opposition groups and trade unions in recent years. The state oversees the curriculum of the secular public school system and those of the country's Islamic schools.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4

Open discussion of sensitive political issues is impeded by restrictive laws on defamation and other speech-related offenses. The government reportedly monitors social media for critical content and conducts surveillance on perceived opponents.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 3 / 12

E1. Is there freedom of assembly? 0 / 4

Freedom of assembly, while nominally protected under the constitution, is not respected in practice. Permits are required for public assemblies. In past years the police have engaged in mass arrests and violence when breaking up demonstrations, leading to a number of deaths in late 2015. Among other incidents in 2017, security personnel forcibly dispersed an MRD gathering in September 2017 and a protest by job seekers in October.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 1 / 4

Local human rights groups that work on politically sensitive matters cannot operate freely and are often the target of government harassment and intimidation. In one case in 2017, Omar Ali Ewado, a leader human rights activist, was arbitrarily detained for a week in March. Some organizations that focus on social and economic development, including women's rights groups, are tolerated or supported by the government.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

Though workers may legally join unions and strike, the government has been known to intimidate labor leaders and obstruct union activities. The Labor Ministry has broad discretion over union registration, allowing it to support progovernment unions and deny recognition to independent labor groups.

F. RULE OF LAW: 4 / 16

F1. Is there an independent judiciary? 0 / 4

The courts are not independent of the government and reportedly suffer from corruption. Supreme Court judges are appointed by the president, with the advice of a judicial council dominated by presidential and UMP nominees. The president and parliamentary majority also control appointments to the Constitutional Council.

F2. Does due process prevail in civil and criminal matters? 2 / 4

Security forces frequently make arrests without the required court approval, and lengthy pretrial detention is a problem, with detainees often waiting years to go to trial. Allegations of politically motivated prosecutions are common, and opposition groups consistently accuse the government of sanctioning arbitrary arrests and detentions.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4

Security forces regularly engage in physical abuse and torture during arrest and detention. In March 2017, cartoonist Idriss Hassan Mohamed was arbitrarily detained for several days and reportedly suffered a broken leg due to abuse in custody after he posted criticism of the government on Facebook.

Occasional clashes between the rebel group Front for the Restoration of Unity and Democracy (FRUD) and Djiboutian security forces occur on the country's periphery, and the rebels took two hostages in July 2017. Tensions with Eritrea, which has been accused of supporting the FRUD, increased in June when Qatar withdrew a peacekeeping force from the contested border region. The move was seen as a response to Djibouti's decision to downgrade diplomatic relations with Qatar as part of the latter's dispute with neighboring Persian Gulf states.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Though the law provides for equal treatment for all Djiboutian citizens, minority ethnic groups and clans suffer from discrimination that contributes to their social and economic marginalization. Women have fewer employment opportunities and are paid less than men for the same work. An estimated 60 percent of girls now receive primary education following efforts to increase female enrollment in schools; the figure for boys is more than 67 percent. While the law requires at least 20 percent of upper-level public service positions to be held by women, this rule has not been enforced.

While same-sex sexual activity is not specifically banned, such conduct has been penalized under broader morality laws, and there are no laws in place to prevent discrimination against LGBT (lesbian, gay, bisexual, and transgender) people. Matters of sexual orientation and gender identity are generally not discussed publicly.

Djibouti hosted more than 27,000 refugees in 2017, mostly from Somalia, Ethiopia, Eritrea, and Yemen. However, slow processing of asylum claims leaves many asylum seekers at risk of deportation. A law signed in January provides for refugees' access to health care, employment, and education; registered refugees are able to work without a permit.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 6 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4

Due to anti-FRUD security operations and tense relations with Eritrea, movement in Djibouti's militarized border areas is restricted.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Private property protections are weak, according to the Heritage Foundation's Index of Economic Freedom, and court proceedings on business and property matters are "time-consuming, prone to corruption, and politically manipulated."

Customary practices and personal status rules based on Sharia (Islamic law) place women at a disadvantage regarding inheritance and property ownership.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

The law prohibits female genital mutilation, but most women and girls in the country have undergone the procedure. Domestic violence is rarely reported and prosecuted, and spousal rape is not specifically criminalized. The Sharia-based family code requires women to obtain a guardian's consent to marry, among other discriminatory provisions surrounding marriage and divorce.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

There are limited employment prospects in the formal sector, as the president and the ruling party tightly control all large-scale economic activity, including that surrounding lucrative military bases leased by foreign powers.

A new law on human trafficking was adopted in 2016, prescribing strong penalties for trafficking offenses and providing for victim-assistance programs. However, the law was not actively implemented during 2017.

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