



FREEDOM IN THE WORLD 2020

Djibouti

24

/100

NOT FREE

<u>Political Rights</u>	5/40
<u>Civil Liberties</u>	19/60

LAST YEAR'S SCORE & STATUS

26 /100 **Not Free**

Global freedom statuses are calculated on a weighted scale. See the methodology.



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.

Key Developments in 2019

- Djibouti's government ignored an April international court ruling that ordered it to pay compensation to a Dubai-based company for the termination of the firm's partial ownership of a container port and the seizure of its assets. It was reported in July that the government would ask Djibouti's high court to nullify the ruling.
- Six teachers—four of them union activists—were arrested and held without trial on suspicion of leaking the contents of an exam. Reports of the detentions that emerged in June prompted condemnation from international human rights and labor organizations.

Political Rights

A. Electoral Process

A1 0-4 pts

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 participating. The lead-up to the election featured restrictions on the media and the harassment or detention of opposition figures. On election day, opposition parties complained that their monitors were turned away from polling sites.

A2 0-4 pts

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, but the new Senate had yet to be established as of 2019.

Most of the opposition boycotted legislative elections held in 2018, citing the government's failure to honor a 2014 political agreement by implementing electoral reforms. The polls were marked by irregularities, and the ruling UMP increased its majority to 57 of 65 seats. The opposition Union for Democracy and Justice–Djiboutian Democratic Party (UDJ-PDD) won seven seats, and the Center of Unified Democrats (CDU) took one.

A3 0-4 pts

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—meant to end the opposition's boycott of the legislature following deeply flawed elections in 2013—was a pledge to reform the Independent National Electoral Commission (CENI), which the opposition has accused of bias. These reforms had not been carried out as of 2019.

Other electoral provisions favor 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

B1 0-4 pts

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 register with the government to operate legally. The authorities have denied recognition to opposition parties including the Movement for Democratic Renewal and Development (MRD), the Rally for Democratic Action and Ecological Development (RADDE), and the Movement for Development and Liberty (MoDEL), whose members have been periodically harassed, arrested, and prosecuted. The law requires the leaders of political parties to have clean criminal records, and the government has pursued spurious charges against opposition figures to disqualify them or their parties.

In 2018, police raided the RADDE headquarters, confiscated equipment, and arrested one person as the party was preparing demonstrations. Also that year, five members of MoDEL were reportedly detained for opening a training school for party activists, and the Republican Alliance for Development (ARD) lost its recognition after an internal leadership dispute caused a temporary split in the party.

B2 0-4 pts

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 electoral system, media controls, abuse of state resources to favor incumbents, and arrests and harassment of opposition leaders and supporters.

B3 0-4 pts

Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?

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 0-4 pts

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

1 / 4

The constitution prohibits political parties based on gender or on ethnic, religious, or regional identity. 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. Women are underrepresented in leadership positions, partly due to societal discrimination. A legal quota ensures that women hold at least 25 percent of

the seats in the National Assembly; there are currently 17 women in the legislature. The president's cabinet includes three women. In practice, the authoritarian political system restricts the ability of women and ethnic and religious minorities to organize independently and advance their respective interests.

C. Functioning of Government

C1 0-4 pts

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 0-4 pts

Are safeguards against official corruption strong and effective?

0 / 4

Corruption is a serious problem that is enabled and sustained by the dominant position of President Guelleh and his ruling party in every aspect of public administration. All significant business deals reportedly go through the president himself.

State bodies tasked with combating corruption lack the resources and independence to function effectively. Prosecutions of senior officials are rare.

Score Change: The score declined from 1 to 0 because there have been no meaningful attempts to address corruption in recent years despite growing indications of its prevalence.

C3 0-4 pts

Does the government operate with openness and transparency?

0 / 4

The government operates in an opaque manner and resists attempts to shed light on its policymaking, budgetary, and contracting decisions. There is no law establishing the right to access public information. The government has made no effort to explain to citizens how it spends the tens of millions of dollars in revenues it collects from foreign powers that lease land for military bases in Djibouti, including the United States, China, and France.

There is also little transparency on Guelleh's investment deals with countries like China, which has provided Djibouti with loans, built critical infrastructure, and operates special economic zones. The agreements have resulted in a massive amount of public debt—China alone is owed the equivalent of more than 70 percent of Djibouti's gross domestic product—and spread discontent among local communities that were not consulted on the location or terms of foreign development projects.

Score Change: The score declined from 1 to 0 due to the government's failure to release relevant information about a series of investment and development deals with China and other foreign partners over the past several years.

Civil Liberties

D. Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media?	0/4
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Despite constitutional protections, freedom of expression is not upheld in practice, and journalists engage in self-censorship. Under the 1992 communications law, defamation and distribution of false information are criminal offenses. The National Communication Commission, authorized by the Ministry of Communication, distributes licenses to media outlets; the National Security Service reportedly has a role in approving such licenses. The government owns the dominant newspaper, television station, and radio broadcaster, as well as printing presses. According to Reporters Without Borders, domestic media content generally reflects government views. Journalists affiliated with outlets based abroad or small opposition publications are subject to harassment and arbitrary arrest.

The government typically places few restrictions on the internet, but the websites of the overseas 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.

Score Change: The score declined from 1 to 0 because the government has enforced a virtual monopoly in the domestic media sector in recent years and punished journalists and others who attempt to share independent news and commentary.

D2 0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public and private?	2/4
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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 and 2014 implementing decree gave it direct authority over mosques and imams, who became civil service employees. The ministry vets the Friday sermons of imams and

has previously used this power to curb dissent. However, there were no reports of disciplinary action against preachers in 2018 or 2019 beyond warnings for polarizing speech. Registered non-Muslim religious groups operate freely, and unregistered groups are able to worship in private, though public proselytizing is illegal.

Score Change: The score improved from 1 to 2 because while religious congregations are closely monitored, there have been few reports of harassment in recent years, and members of minority faiths are generally allowed to practice freely.

D3 0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination?

2/4

Academic freedom is not always respected. Teachers have at times been detained for alleged affiliation with opposition groups. The state oversees the curriculums of the secular public school system and private Islamic schools.

In June 2019, Education International and the Francophone Trade Union Committee for Education and Training called for the release of six teachers—four of them union activists—who had been arrested and were being held without trial for allegedly leaking contents of the baccalaureate exam online. The six apparently remained in custody at year’s end. A seventh teacher, who had also been arrested and was pregnant, received a suspended sentence for defamation.

D4 0-4 pts

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 such offenses. The government reportedly monitors social

media and conducts surveillance on perceived opponents. Individuals are subject to arrest for posting critical content about the government online.

E. Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly?	0/4
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Freedom of assembly is protected under the constitution but not respected in practice. Permits are required for public gatherings. Police regularly use violence to disperse unauthorized protests and arrest participants. In late October and early November 2019, police allegedly employed live ammunition and tear gas to break up opposition protests prompted by the arrest of an ARD member. Up to 50 people were reported injured.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work?	1/4
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Local human rights groups that work on politically sensitive matters cannot operate freely, face difficulties in registering with the authorities, and are subject to government harassment. Organizations that focus on social and economic development, including women's rights groups, are generally tolerated by the government. Individual activists are regularly arrested for their work. Anticorruption activist Degmo Ali Abdi was arrested in July 2019 after making a speech that implicated senior government officials.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations?	2/4
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Though workers may legally join unions and strike, the government has been known to intimidate labor leaders and obstruct union activities. The Labor Ministry is responsible for union registration; it has used its authority to support progovernment unions and deny recognition to independent labor groups. Teachers' union activists have reported being dismissed, transferred, demoted, or denied access to wages.

F. Rule of Law

F1 0-4 pts

Is there an independent judiciary?	0/4
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The courts are not independent of the government and 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.

In July 2019, it was reported that the government would ask Djibouti's high court to nullify a judgment of the London Court of International Arbitration, which had ruled in April that the government should pay more than \$500 million in compensation to DP World, the Dubai-based port operator. The dispute dated to 2012, when Djibouti sold part of its concession in the Doraleh Container Terminal to a Chinese state-owned competitor of DP World, the original concession partner. In 2018, Djibouti canceled its contract with DP World and nationalized the company's assets at the port. The government had similarly rejected previous unfavorable international rulings in the case.

F2 0-4 pts

Does due process prevail in civil and criminal matters?	2/4
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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. The government has used counterterrorism laws to target political opponents.

F3 0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?	1/4
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Security forces regularly engage in physical abuse and torture during arrest and detention. Prison conditions are reportedly poor, with pretrial and convicted prisoners often held together due to overcrowding.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the population?	1/4
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Though the law provides for equal treatment of 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. 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.

Same-sex sexual activity is not specifically banned, but such conduct has been penalized under broader morality laws, and there are no laws in place to prevent discrimination against LGBT+ people. Matters of sexual orientation and gender identity are generally not discussed publicly.

According to the World Food Programme, Djibouti hosted nearly 30,500 refugees as of late 2019, mostly from Somalia, Ethiopia, and Yemen. However, slow processing of asylum claims leaves many asylum seekers at risk of deportation. A 2017 law allows registered refugees to work without a permit and provides access to health care and education.

In September 2019, it was reported that Djibouti had released 19 Eritrean prisoners of war captured during a 2008 border conflict. The government coordinated with the Office of the UN High Commissioner for Refugees (UNHCR), which resettled the Eritreans in Canada; the Eritrean government had refused to acknowledge them, and they were ultimately designated as stateless refugees.

G. Personal Autonomy and Individual Rights

G1 0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?

2/4

The government has been accused of suspending the travel privileges of political opponents. In March 2019, Abdourahman Mohamed Guelleh, leader of the RADDE, had his passport returned after it was held by the authorities for three years. Civilian movement is restricted in militarized border areas due to past activity by the Front for the Restoration of Unity and Democracy (FRUD-Armé), a rebel group, and tensions with Eritrea.

G2 0-4 pts

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 “suffer from corruption and executive interference.”

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

G3 0-4 pts

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

Female genital mutilation is illegal, but most women and girls 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 0-4 pts

Do individuals enjoy equality of opportunity and freedom from economic exploitation?

1/4

Many residents have difficulty finding employment in the formal sector, as the president and his allies tightly control all large-scale economic activity, especially around the military bases leased by foreign powers. Legal safeguards against

exploitative working conditions are poorly enforced; migrant workers and refugees are especially vulnerable to abuse. A 2016 law on human trafficking includes strong penalties for perpetrators, but authorities have struggled to secure convictions and to effectively identify and assist victims.



On Djibouti

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Country Facts

Global Freedom Score

24/100 Not Free

Other Years

2019

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