



Djibouti

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**Submission by CIVICUS: World Alliance for Citizen Participation, NGO in
General Consultative Status with ECOSOC**

**East and Horn of Africa Human Rights Defenders Project, NGO in Special
Consultative Status with ECOSOC**

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1. (A) Introduction

- 1.1** CIVICUS is a global alliance of civil society organisations (CSOs) and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, we proudly promote marginalised voices, especially from the Global South, and have members in more than 170 countries throughout the world.
- 1.2** The East and Horn of Africa Human Rights Defenders Project (DefendDefenders) is a regional CSO that seeks to strengthen the work of human rights defenders (HRDs) throughout the region by reducing their vulnerability to the risk of persecution and by enhancing their capacity to effectively defend human rights. EHAHRDP focuses its work on Burundi, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Somalia (together with Somaliland), South Sudan, Sudan, Tanzania and Uganda.
- 1.3** The International Federation for Human Rights (FIDH) is an international human rights NGO that unites 184 member organizations from 117 countries. Since its foundation in 1922, FIDH has been defending all human rights set out in the Universal Declaration of Human Rights (UDHR) and others international human rights text.
- 1.4** In this document, DefendDefenders, CIVICUS and FIDH examine the Government of Djibouti's compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society. Specifically, we analyse Djibouti's fulfillment of the rights to the freedoms of association, peaceful assembly and expression, and unwarranted restrictions on HRDs since its previous UPR examination in 2013. To this end, we assess Djibouti's implementation of recommendations received during the 2nd UPR cycle relating to these issues and provide a number of specific, action-orientated follow-up recommendations.
- 1.5** During the 2nd UPR cycle, the Government of Djibouti received 14 recommendations relating to civic space. Of these recommendations, six were accepted and eight were noted. An evaluation of a range of legal sources and human rights documentation addressed in subsequent sections of this submission demonstrate that the Government of Djibouti has not implemented any of the recommendations relating to the space for civil society (civic space). While the government has persistently failed to address unwarranted restrictions on civic space since its last UPR examination, acute implementation gaps were found with regard to the right to the freedom of expression and issues relating to working in associations.
- 1.6** DefendDefenders, CIVICUS and FIDH are deeply concerned by the authorities' relentless targeting of HRDs and their organisations in Djibouti. A sustained pattern of harassment and criminalisation has made it virtually impossible for most HRDs to operate in Djibouti, while almost all organisations promoting human rights have

either been refused registration or have had their leaders regularly arrested and detained.

1.7 DefendDefenders, CIVICUS and FIDH are further alarmed by the Djiboutian authorities' flagrant violation of the right to freedom of expression. As detailed later in this submission, the authorities systematically arrest, detain and sometimes beat journalists, HRDs and private citizens who express views with which they disagree. Unjustifiably restrictive laws have also been imposed by the government that further curtail citizens' freedom to share and access information through traditional and online media.

- Section B of this submission examines Djibouti's implementation of UPR recommendations and compliance with international human rights standards concerning freedom of association.
- Section C examines Djibouti's implementation of UPR recommendations and compliance with international human rights standards related to the protection of HRDs, civil society activists and journalists.
- Section D examines Djibouti's implementation of UPR recommendations and compliance with international human rights standards concerning freedom of expression, independence of the media and access to information.
- Section E examines Djibouti's implementation of UPR recommendations and compliance with international human rights standards related to freedom of peaceful assembly.
- Section F makes a number of recommendations to address the concerns listed.
- An annex of implementation of 2nd cycle UPR recommendations related to civic space can be found in Section G.

2. (B) Freedom of association

2.1 During Djibouti's examination under the 2nd UPR cycle, the government received seven recommendations on the right to freedom of association and creating an enabling environment for CSOs. Among other recommendations, the government committed to ensuring that "freedom of expression, association and assembly are guaranteed - including by allowing the participation of opposition parties and civil society"¹ and to "Give priority to the activities on promotion and protection of trade unions freedom with a view to continue strengthening free and independent trade unions."² Of the recommendations received, the government accepted three³ and

¹ Report of the Working Group on the Universal Periodic Review of Djibouti, Human Rights Council Twenty-fourth session, 8 July 2013, A/HRC/24/10, 143.110 (Australia) <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/155/02/PDF/G1315502.pdf?OpenElement>.

² A/HRC/24/10, 143.115 (Uruguay)

³ A/HRC/24/10, 143.110 (Australia); 143.112 (Belgium); 143.115 (Uruguay)

noted four.⁴ However, as evidenced below, the government has failed to take adequate measures to realise any of these recommendations.

- 2.2** Article 6 of Djibouti's Constitution guarantees the right of political parties to take part in elections and Article 15 enshrines the right to freedom of association. Moreover, Article 22 of the International Covenant on Civil and Political Rights (ICCPR), to which Djibouti is a state party, also guarantees freedom of association. However, despite these commitments, the government has repeatedly prevented opposition political parties from operating freely and effectively and created serious obstacles for the registration of human rights associations and trade unions.
- 2.3** Law n°1/AN/92/2e L relating to political parties states in Article 4 that the founding members of political parties have to be Djiboutian, cannot hold dual nationalities, cannot have been sentenced to a penalty resulting in the loss of civil rights or liberties, and have to reside on Djiboutian territory. Given that many opposition figures have been prosecuted under spurious charges or have fled the country into exile, these conditions severely limit the possibility of a healthy and vocal political opposition developing in Djibouti. Moreover, several political parties have been prevented from registering or have been de-registered, including the *Mouvement pour le développement et la liberté* (MoDeL) and *Mouvement pour le renouveau démocratique et le développement* (MRD).
- 2.4** Article 196 of the Penal Code penalises "direct incitement to rebellion", expressed through shouts, public speeches, or written documents in any form with one year's imprisonment and a fine of 200,000 Djiboutian Francs.
- 2.5** Article 41.8 of the Labour Code⁵ states that work contracts can be suspended during the time that regular political or union activities are conducted that are deemed incompatible with the worker's professional activities.⁶ Moreover, Article 215 gives the Ministry of Labour full discretionary powers as to whether it delivers a registration certificate or not with no recourse mechanisms should the final decision be negative. According to the *Ligue djiboutienne des droits de l'homme* (LDDH), on 2 May 2014, four trade union workers from the Doraleh port, Daher Dirieh Barkadleh, Mohamed Mahmoud Ayeh, Ali Ahmed Hassan and Abdirahman Ibrahim Issak, were arrested after issuing notice of strike action. They were immediately transferred to Gabode central prison and were released on 14 May 2014. They reported being forced

⁴ A/HRC24/10, 144.9 (Belgium); 145.3 (Netherlands); 145.4 (Canada); 145.6 (U.S.A)

⁵ Law n°133/AN/05/5ème L establishing the Labour Code

⁶ Loi n°133/AN/05/5ème L portant Code du Travail, Journal Officiel de la République de Djibouti, http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_126983.pdf.

to sign a letter stating that they would not undertake such actions again in the future and their union building has been closed since.

- 2.6** On 24 November 2015, the Djiboutian Council of Ministers adopted Decree No. 2015-2016 PR/PM which established exceptional security measures following the terrorist attacks in Paris in November 2015 and in response to suspected terrorist threats in Djibouti. On 28 December 2015, the Djiboutian Parliament met to discuss a draft law relating to the state of emergency in the absence of eight representatives from the opposition coalition the *Union pour le salut national* (USN), who had been prevented by police guards from the entering the room.⁷ The law was adopted on 31 December 2015 in the absence of any opposition members of parliament.⁸ Article 6.1 of the decree states that associations that take part in, facilitate, or incite acts that can seriously threaten public order are dissolved by decree of the Council of Ministers.
- 2.7** Although there are no major legal obstacles to registering associations in Djibouti, in practice, CSOs working on human rights issues find it close to impossible to register their associations, and find that upon submitting the necessary documents to the Ministry of the Interior their registration certificate is never delivered. The *Observatoire djiboutien pour la promotion de la démocratie et des droits de l'homme* (ODDHL), created following the death of human rights activist Jean Paul Noel Abdi in 2012, has applied for a certificate of association with the Ministry of Interior every year without being granted formal status.⁹ LDDH obtained its first registration certificate in 2001 under the leadership of its inaugural first president, Jean Paul Noel Abdi, after he created it in 1999. Following his death in 2012, the organisation was asked to obtain a new certificate, which the Ministry of the Interior failed to deliver for three consecutive years. LDDH eventually obtained its registration certificate in 2015 after intervention of the Commission of Inquiry on Eritrea on their behalf.
- 2.8** Following the parliamentary elections on 22 February 2013, in which the ruling coalition *Union pour la Majorité Présidentielle* (UMP) won over 80 per cent of seats, protests erupted. The subsequent crackdown by security forces resulted in at least six

⁷ Fédération internationale des ligues des droits de l'Homme (FIDH), « Djibouti: Impasse politique et intensification de la répression, à quatre mois de l'élection présidentielle », 15 January, 2016 https://www.fidh.org/IMG/pdf/note_de_position_djibouti.pdf.

⁸ Alliance Républicaine pour le Développement (ARD) « Djibouti: terreur électorale à l'ombre des bases militaires et dans l'indifférence internationale » 5 April, 2016, <http://ard-djibouti.org/djibouti-terreur-electorale-a-lombre-des-bases-militaires-et-dans-lindifference-internationale-collectif-de-solidarite-avec-les-luttes-sociales-et-politiques-en-afrique-040416/>. European Parliament, Resolution of 12 May 2016 on Djibouti (2016/2694(RSP)), <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2016-0220+0+DOC+XML+V0//EN>.

⁹ United States Department of State Bureau of Democracy, Human Rights and Labor, Djibouti Country Report on Human Rights Practices for 2016, at P.19, <https://www.state.gov/documents/organization/265460.pdf>.

deaths and arrests of opposition followers and supporters.¹⁰ These include members of the leadership of MoDeL, which was not cleared by the authorities to field candidates and which instead lent its support to USN.¹¹ Three USN officials – spokesman Daher Ahmed Farah, leader Ismail Guedi Hared and coalition president Ahmed Youssouf – were placed under house arrest.¹² On 5 March 2013, Daher Ahmed Farah, previously leader of the now banned MRD was called to the police station, where he was again arrested and transferred to Gabode central prison.¹³

2.9 At least 10 political opponents were arrested after the parliamentary elections of 22 February 2013, and were reportedly held in inhumane conditions at Gabode central prison.¹⁴ Mahmoud Elmi Rayaleh, of USN, died in detention on the night of 28 August 2013. His death remains unexplained however one news report indicated that his body showed signs of mistreatment.¹⁵ Mr Rayaleh was arrested on 2 August 2013 after leaving Friday prayers in Balbala, along with Hassan Ahmed Ali, Abdourahman Moussa Mohamed and Mahad Abdourazack. On 3 August 2013, all were charged by the public prosecutor with “participating in an illegal demonstration.”¹⁶ On 20 August 2013, Abdourahman Moussa Mohamed and Mahad Abdourazack were acquitted of the charges against them, but Rayaleh and Hassan Ahmed Ali were sentenced to two months imprisonment. At the time of his death, Mr Rayaleh's lawyer, Zakaria Abdillahi of LDDH, had submitted an appeal against his client's conviction.¹⁷

2.10 On 16 January 2014, several USN leaders, along with a number of activists who were celebrating the first anniversary of the creation of the opposition coalition, were arrested and detained at the Nagad Detention Centre.¹⁸ They were released the same day.

¹⁰ FIDH, “Djibouti: at least 6 killed as regime takes 80% of parliamentary seats in election”, 18 March, 2013, <https://www.fidh.org/en/region/Africa/djibouti/Djibouti-at-least-6-killed-as-13040>.

¹¹ Xinhua, “Législatives : les résultats divisent profondément la rue djiboutienne, ” 27 February 2013 <http://french.peopledaily.com.cn/96852/8144861.html>,

¹² Sabahi, “Clashes in Djibouti continue, arrested clerics to appear in court on Sunday,” 1 March 2013 http://sabahionline.com/en_GB/articles/hoa/articles/newsbriefs/2013/03/01/newsbrief-01,

¹³ Association Cultures et Progres, ACP demande la libération immédiate de l’opposant politique Daher Ahmed Farah, 7th February 2013 <http://www.acp-europa.eu/?p=3049#more-3049>,

¹⁴ Oral Intervention on Djibouti's UPR by Me Abdillahi Zakaria, President of the Ligue Djiboutienne des Droits Humains (LDDH) at the United Nations Human Rights Council, 19th September 2013, <http://www.defenddefenders.org/2013/09/intervention-orale-sur-lexamen-periodique-universel-de-djibouti-au-conseil-des-droits-de-l-homme/>.

¹⁵ Open Democracy, “Opening up democracy in Djibouti : great powers and little battalions”, by Josh Neicho, 8 April, 2016, <https://www.opendemocracy.net/joshua-neicho/opening-up-democracy-in-djibouti-great-powers-and-little-battalions>

¹⁶ Chapter I, Section II of the Penal Code

¹⁷ FIDH, “Djibouti : un militant de l’opposition meurt en détention”, 30th August 2013, <http://www.fidh.org/fr/afrique/Djibouti,63/DJIBOUTI-LIGUE-DJIBOUTIENNE-DES/djibouti-un-militant-de-l-opposition-meurt-en-detention-13889>

¹⁸ FIDH, “Djibouti: The Crackdown Intensifies,” 16 January 2014, <http://www.fidh.org/en/africa/djibouti/14483-djibouti-the-crackdown-intensifies>

2.11 On 13 March 2017, 19 MRD members and followers were arrested by national intelligence agents. Ten of them were released but told to remain available for summons by the police, while nine others appeared in court before the general prosecutor 10 days later on 23 March 2017. Four of these activists, Naguib Ali Gouardi, Farah Abadid Hildid, Mohamoud Mohamed Daher and Ibrahim Abdi Indayareh, were accused of conducting “illegal political activities”¹⁹ on behalf of a political party that was dissolved in 2008.²⁰ None were given access to their lawyer, Zakaria Abdillahi Ali, who was physically forced to leave the prosecutor’s office and threatened with arrest.²¹ They were released on 10 May 2017.

2.12 Two HRDs, Omar Ali Ewado, a leader of LDDH and deputy secretary general of the primary school teachers’ union, and Ahmed-Kadar Nour, secretary general of the same trade union, were arrested by security services on 19 and 20 March 2017 respectively. Mr Ewado was arrested by Djiboutian national intelligence agents, who were heavily armed and dressed in plain clothing.²² During detention Mr Ewado began a hunger strike. They were released on 27 March 2017 after being interrogated about a letter written to Turkish President Recep Teyyip Erdoğan via the Turkish Embassy in Djibouti as part of an international campaign coordinated by International Education, a worldwide trade union. They were accused of defamation by the Turkish state because the letter expressed solidarity with the Turkish education syndicate Editim-Sen and protested against the arrests of teachers in Turkey. At the same time, the Djiboutian Ministry of Education opened a disciplinary procedure for “abandonment of post” since the two were not present at their workplace during their detention.²³

2.13 On 2 August 2017 opposition figure Mohamed Ahmed, nicknamed Jabha, died in detention after spending seven years in Gabode central prison in ill health. He was arrested in 2010 and accused of being an Eritrean agent, but only went to trial in June 2017, when he was sentenced to 15 years in prison.²⁴

¹⁹ Law n°1/AN/92/2e L relating to political parties states

²⁰ Mouvement pour le Renouveau Démocratique et le Développement, Communiqué de Presse : Arrestations des Membres et Sympathisants, 23 March, 2007, <http://www.mrd-djibouti.com/mrd-djibouti/index.php/actualites/76-confzak-2>

²¹ FIDH, « Le harcèlement de l’opposition continue », 7th April, 2017, <https://www.fidh.org/fr/regions/afrique/djibouti/le-harcelement-de-l-opposition-continue>

²² DefendDefenders (East and Horn of Africa Human Rights Defenders Project), “Djibouti: Immediately release Omar Ewado”, 20 March 2017, <https://www.defenddefenders.org/2017/03/djibouti-immediately-release-omar-ewado/>, Accessed 2 August 2017.

²³ Ibid.

²⁴ RFI Afrique, « Djibouti: mort de l’opposant Mohamed Ahmed, dit Jabha », 3 August, 2017, <http://www.rfi.fr/afrique/20170802-djibouti-mort-opposant-jabha-mohamed-ahmed>.

3. (C) Harassment, intimidation and attacks against human rights defenders, civil society activists and journalists

- 3.1** Under Djibouti's previous UPR examination, the government received seven recommendations on the protection of HRDs, journalists and civil society representatives. The government committed to several relevant recommendations, including to "Take appropriate action to guarantee freedom of expression, association and assembly - including by allowing the participation of opposition parties and civil society"²⁵ and to "Limit to a strictly necessary level the use of prosecutions against persons that exercising their rights to freedom of expression and peaceful demonstration."²⁶ Of the recommendations received, four²⁷ were accepted and three²⁸ were noted, but none of the four accepted and three noted recommendations have been implemented.
- 3.2** Article 12 of the UN Declaration on Human Rights Defenders mandates states to take necessary measures to ensure protection of HRDs. The ICCPR further guarantees the freedoms of expression, association and assembly. However, in spite of these protections, Djibouti has failed to create a safe and enabling environment for HRDs, and due to persistent threats detailed below few have been able to carry out their legitimate human rights work.
- 3.3** There are no specific laws for the protection of HRDs in Djibouti. HRDs are regularly subjected to harassment, physical attacks, arbitrary and incommunicado detentions, and at times spurious prosecutions. The creation of a National Human Rights Commission has had no impact on the work of HRDs and several have reported that they are not able to engage with the Commission.
- 3.4** On 21 February 2013, Abdi Osman, vice-president of LDDH, was arrested a day after denouncing torture inflicted on political prisoners at an opposition rally, and held incommunicado before being released on 23 February 2013.²⁹
- 3.5** On 23 January 2014, police arrested Zakaria Abdillahi Ali, a prominent lawyer, HRD and leader of LDDH. He was arrested along with two opposition politicians who were subsequently released. Mr Abdillahi Ali was subsequently transferred to Djibouti City, began a hunger strike in protest of his detention and was released several days later. Mr Abdillahi Ali is the legal representative for many Djiboutian opposition politicians,

²⁵ A/HRC/24/10, 143.110 (Australia)

²⁶ A/HRC/24/10, 143.112 (Belgium)

²⁷ A/HRC/24/10, 143.110 (Australia); 143.112 (Belgium) ; 143.113 (Slovakia) ; 143.147 (Mexico)

²⁸ A/HRC/24/10, 145.3 (Netherlands) ; 145.4 (Canada) ; 145.6 (USA)

²⁹ FIDH, Djibouti : Arrestation et détention au secret de M. Abdi Osman, 22 February, 2013, <https://www.fidh.org/fr/regions/afrique/djibouti/Djibouti-Arrestation-et-detention-12945>.

journalists and HRDs, and has been subject to state harassment, intimidation and arrest on numerous occasions.³⁰

- 3.6** On 10 December 2015, Saïd Hussein Robleh, the secretary general of LDDH and an opposition member of parliament, was insulted and publicly beaten by the Chief of Police while sitting in a café. He sustained serious injuries and was forced to seek medical assistance.³¹
- 3.7** On 21 December 2015, during a public gathering for a religious festival in Balbala on the outskirts of Djibouti city, at least 27 people were killed and over 150 wounded by security forces.³² Later on 21 December 2015, Saïd Hussein Robleh, the USN coalition president and ex-Minister Hamoud Abdi Souldan were shot by police forces. Mr Robleh received bullets to the throat and collarbone. Despite suffering critical injuries, his discharge was ordered from French military hospital Bouffard on 29 December 2015.
- 3.8** On 29 December 2015, Omar Ali Ewado was arrested by the National Gendarmerie at Bouffard hospital. He was transferred to Gabode central prison several days later. The arrest came after LDDH had published a provisional list of victims of the 21 December killings. Additionally, police raided the offices of LDDH on 29 December 2015, and the organisation's archives and computer equipment were seized.³³ On 7 January 2016, Mr Ewado was charged under Article 425 of the penal code with public defamation for inciting hatred and spreading false news related to the 21 December 2015 killings, and on 17 January 2016 he was handed a prison sentence of three months. He was released on 14 February 2016, after serving one and a half months of his sentence.³⁴

4. (D) Freedom of expression, independence of the media and access to information

³⁰ FIDH, "DJIBOUTI: FIDH demands the immediate release of LDDH President, Mr Zakaria Abdillahi," 24 January 2014, <http://www.fidh.org/en/africa/djibouti/14527-djibouti-fidh-demands-the-immediate-release-of-lddh-president-mr-zakaria>, Accessed 2 August 2017.

³¹ DefendDefenders, "Djibouti, Ethiopia, and South Sudan: DefendDefenders Condemns Attacks and Arrests of HRDs and Journalists," 15 January 2016, <https://www.defenddefenders.org/2016/01/djibouti-ethiopia-and-south-sudan-defenddefenders-condemns-attacks-and-arrests-of-hrds-and-journalists/>, Accessed 2 August 2017.

³² FIDH, "L'escalade dans la répression fait au moins 27 morts à Djibouti," 23 December 2015, <https://www.fidh.org/fr/regions/afrique/djibouti/l-escalade-dans-la-repression-fait-au-moins-27-morts-a-djibouti>, Accessed 2 August 2017.

³³ DefendDefenders, "Djibouti, Ethiopia, and South Sudan: DefendDefenders Condemns Attacks and Arrests of HRDs and Journalists," 15 January 2016, <https://www.defenddefenders.org/2016/01/djibouti-ethiopia-and-south-sudan-defenddefenders-condemns-attacks-and-arrests-of-hrds-and-journalists/>, Accessed 2 August 2017.

³⁴ The Court of Appeals released him having found that the constitutive elements used in his trial were not valid FIDH, "Djibouti : Libération de M. Omar Ali Ewado, membre fondateur de la Ligue Djiboutienne des Droits Humains," 16 February 2016, <https://www.fidh.org/fr/themes/defenseurs-des-droits-humains/djibouti-liberation-de-m-omar-ali-ewado-membre-fondateur-de-la-ligue>, Accessed 2 August 2017.

- 4.1** Under the 2nd UPR cycle, the government received 13 recommendations relating to the freedom of expression and access to information. Among others, the government pledged to “Bring its laws and practice fully in conformity with Article 19 of the ICCPR”³⁵ and to “Create a genuinely favourable environment -free and safe- to promote functioning of truly independent media.”³⁶ Of the recommendations received, six³⁷ were accepted and seven³⁸ were noted, but the government has not implemented any of the six recommendations it accepted, nor any of the seven that were noted.
- 4.2** Article 19 of the ICCPR and Article 15 of the Constitution of Djibouti guarantee the right to the freedom of expression. However, in policy and practice, the freedom of expression is highly restricted in Djibouti. During its last review, Djibouti regrettably noted a recommendation from the UK to “Review Penal Code clauses on defamation in line with international standards and make public results.” Defamation is criminalised in Djibouti³⁹ and can be punished with up to six months imprisonment when it is deemed to affect individuals or groups, and one year when it targets public officials or institutions. Article 78 of the Law on Freedom of Communication specifically criminalises “offending” the President.⁴⁰
- 4.3** The Law on Freedom of Communication also contains some excessive and unjustified restrictions on the freedom of speech. Article 4 states that the freedom of communication must not threaten social peace, human dignity and public order or cannot contain any information contrary to Islamic morals or susceptible of inciting racism, tribalism, treason or fanaticism.⁴¹ Articles 14, 15 and 17 state that managers, owners and funders of press organisations must be Djiboutian and that the editor in chief (or his deputy) must physically live in Djibouti and Article 47 states that they be at least 40 years old. Article 29 states that all types of publications can be forbidden if they are considered to threaten public order or be contrary to good mores.
- 4.4** Law no. 66/AN/14/7^{ème} L relating to cyber security and the fight against cybercriminality pertains mostly to fraudulent online activities and child pornography, but contains one provision which enables a judge to order online

³⁵ A/HRC/24/10, 143.111 (Belgium)

³⁶ A/HRC/24/10, 143.113 (Slovakia)

³⁷ A/HRC/24/10, 143.110 (Australia); 143.111 (Belgium); 143.112 (Belgium); 143.113 (Slovakia); 143.114 (Estonia); 143.147 (Mexico)

³⁸ A/HRC/24/10, 144.9 (Belgium); 144.11 (Spain); 144.12 (U.K); 145.2 (Belgium); 145.3 (Netherlands); 145.4 (Canada); 145.5 (France)

³⁹ Through Article 425 of the Penal Code and Articles 77, 79 and 80 of the Law n°2/AN/92/2eL on freedom of communication.

⁴⁰ Punishment can range from three months to a year in prison and/or a fine between 300,000 and 3,000,000 Djiboutian Francs (FD), between \$1686 and \$16865.

⁴¹ Loi n°2/AN/92/2eL relative à la liberté de communication, Journal Officiel de la République de Djibouti, <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/35458/68364/F546069324/DJI-35458.pdf>

surveillance or interception of communications, and to order service providers to provide access to such information in secret. Refusal to do so would open the service provider up to punishment for breach of professional secrecy (Article 3.1).

- 4.5** In October 2016, Djibouti officially launched its new National Commission on Communications, with a mandate to advise the government and submit recommendations on safeguarding the freedom of the press and the right to information.⁴² While this is a positive step, no substantial activities have been recorded by local partners since the Commission was established.
- 4.6** Over the course of the reporting period, a number of cases illustrate the entrenched restrictions on the freedom of expression, affecting in particular journalists and the media.
- 4.7** Daher Ahmed Farah, a former journalist turned opposition politician who fled into exile after facing defamation charges in 2003, returned to Djibouti in 2013 and became the USN spokesman ahead of the 2013 parliamentary elections. He was arrested and detained on multiple occasions throughout the course of 2013. Upon his return, he was under surveillance by the *Service de Documentation et de Sécurité* (SDS), and was jailed for two months in March 2013 on charges of “disturbing public order and participating in an insurrectional movement.” On 23 April 2013, he was again detained after responding to a summons to report to Gendarmerie headquarters. He was sentenced under a Djibouti Supreme Court decision of 19 September 2004, which found him guilty in absentia as editor and publisher of the newspaper *Le Renouveau Djiboutien* of defaming the army chief of staff. On 2 July 2013, he was sentenced to two months in prison and immediately transferred to Gabode for “failing to comply with a judicial order.”⁴³ He was released on 14 August 2013.
- 4.8** The poet Farah Moussa Bouh, an MRD sympathiser, was arrested on 17 January 2013 at Balbala. He was beaten during the arrest along with his wife, Hawa Omar Abdillahi. Mr Bouh alleges he was subsequently tortured by police chief sergeant Ahmed Abdou Said, and held for three days without access to a lawyer or medical assistance, until his release on 20 January 2013.⁴⁴
- 4.9** Four contributors of opposition-oriented *La Voix de Djibouti* radio station who were provisionally released from detention on 23 June 2011, Farah Abadid Hildid,

⁴² Law No. 114/AN/15/7èmeL Insituting the National Communications Commission

⁴³ RFI, “Djibouti: Daher Ahmed Farah condamné à deux mois de prison, immédiatement incarcéré”, 3rd July 2013, <http://www.rfi.fr/afrique/20130703-djibouti-daher-ahmed-farah-condamne-deux-mois-prison-immEDIATEMENT-incarcere>,

⁴⁴ La Voix de Djibouti, Un poète djiboutien arrêté et torturé pour sympathie à l’égard du MRD, 2 February 2013 <http://www.lavoixdedjibouti.com/2013/02/un-poete-djiboutien-arrete-et-torture-pour-sympathie-a-legard-du-mrd/#more-3676>,

Houssein Ahmed Farah, Moustapha Abdourahman Houssein and Mohamed Ibrahim Waïss, appeared in court on 19 June 2013 on inflated charges of “inciting public order disturbances” and “taking part in an insurrectional movement”.⁴⁵ Two other journalists who were also detained in 2011 saw their charges dropped.⁴⁶ Farah Abadid Hildid and Moustapha Abdourahman Hussein remained in detention for two months while the others were freed after two weeks without being sentenced.

4.10 On 4 December 2013, police detained and beat journalists Abdourahman Houssein and Sadam Ainan, both also of *La Voix de Djibouti*, while they were covering a police raid on market stall vendors in the Maka Moukarama Market. On 12 December 2013, police arrested Mohamed Ibrahim, a journalist from the same outlet, while he was covering a women’s protest in the capital relating to land evictions, according to local journalists. Mr Ibrahim was held beyond the maximum pre-trial detention duration of four days and transferred to Gabode central prison. He was charged with inciting a demonstration before being granted bail on 19 December 2013.⁴⁷

4.11 On 9 March 2014, Maydaneh Abdallah Okieh, the website editor of *La Voix de Djibouti*, was arrested at his home and charged with disturbing public order following his coverage of an opposition meeting.⁴⁸ He had previously been held on defamation charges in 2013. In 2015, he was arrested again and was sentenced on 28 May to 45 days in Gabode prison, along with a fine of 200,000 FD (approx. US\$1,100). He was also ordered to pay a sum of 2 million FD (approx. US\$11,000) in damages to a police officer that he had mentioned in a post on social media.⁴⁹ He was reportedly arrested for posting pictures on his Facebook profile that showed police breaking up an opposition protest.⁵⁰ It was reported by USN that Okieh was badly beaten by security forces, and was denied medical care in detention.⁵¹

4.12 In August 2014, Mohamed Ibrahim Waïss was again arrested and detained, in Djibouti City, and accused of “incitement and publishing false news.” According to the Committee to Protect Journalists, he was beaten and denied access to medical

⁴⁵ These types of charges are commonly used to prosecute opposition activists, and are most commonly found in the Penal Code’s sections on “Participation in an illegal gathering”(Articles 179 to 181), “Illegal demonstrations” (Articles 182 and 183), and on “Insurrectional movements” (Articles 184 to 186).

⁴⁶ <https://www.fidh.org/fr/regions/afrique/djibouti/djibouti-arrestations-et-proces-se-poursuivent-en-silence-13540>

⁴⁷ Committee to Protect Journalists, “Djibouti journalist detained for covering demonstration”, 20 December 2013, <https://www.cpj.org/2013/12/djibouti-journalist-detained-for-covering-demonstr.php>

⁴⁸ Reporters Without Borders, “Independent radio’s website editor detained again”, 13 March 2014, <http://en.rsf.org/djibouti-independent-radio-s-website-editor-13-03-2014,46000.html>,

⁴⁹ <https://rsf.org/en/news/website-technician-gets-45-days-jail-big-fine-defaming-police>

⁵⁰ Reporters Without Borders, “Website technician gets 45 days in jail, big fine for defaming police”, 29 May, 2013 (Updated on 20 January 2016), <https://www.fidh.org/fr/regions/afrique/djibouti/djibouti-arrestations-et-proces-se-poursuivent-en-silence-13540>.

⁵¹ Sabahi, published by All Africa, “Jailed Djiboutian Journalist Denied Medical Care, Opposition Says”, 18th September 2013, <http://allafrica.com/stories/201309190124.html>.

treatment or his lawyer at Hodan Balbala Police Station. This followed his coverage of a demonstration organised by a coalition of opposition political parties. He was arrested again on 11 January 2016 and detained without access to his lawyer or medical care, despite having sustained injuries and refusing to eat. He reported being ill-treated by intelligence agents of the *Section de Recherches et de Documentation* (SRD), and being forced to sign a declaration against his will and to hand over his Facebook log in details, so that images insulting the opposition could be posted on his account. He was released on 17 January 2016.⁵²

4.13 On 4 April 2016, the BBC reported that Djiboutian authorities briefly detained and then expelled its team of reporters and producers, who had travelled there to cover the 2016 presidential elections.⁵³ The BBC journalists, who all had accreditation, were arrested on 1 April 2017, questioned for eight hours and detained for a total of 18 hours.⁵⁴

4.14 *L'Aurore*, Djibouti's only privately-owned media outlet, was suspended in August 2016 after its co-director and chief editor Kadar Abdi Ibrahim was arrested on 12 August at Djibouti's international airport. It had previously been suspended for two months in January and February 2016.⁵⁵ Mr Ibrahim, who was accompanied by former Minister turned opposition politician Hamoud Abdi Souldan, was prevented from entering the airport.⁵⁶ Police officers confiscated his iPad and detained him at a police station north of the capital for 48 hours.

4.15 In early March 2017, the famous caricaturist Idriss Hassan Mohamed was arrested and held in an undisclosed location for five days. According to LDDH, his leg was broken during interrogation and detention. LDDH claims he was arrested in retaliation for an article he published criticising the regime.⁵⁷

4.16 Playwright, sketch video artist and cartoonist Chehem Abdoukader Chehem, nicknamed Chehem Renard, was arrested on the night of 5 June 2017 at his home by

⁵² Reports Without Borders, « Harcèlement contre les journalistes à Djibouti », 19 January 2016 (Updated on 8 March 2016), <https://rsf.org/fr/actualites/harcement-contre-les-journalistes-djibouti>

⁵³ BBC, "Djibouti expels BBC reporters ahead of presidential vote", 4 April 2016, <http://www.bbc.co.uk/news/world-africa-35958465>.

⁵⁴ Reporters Without Borders, "Djibouti clamps down on journalists in run-up to poll", 5 April 2016 (Updated on 19 May 2016), <https://rsf.org/en/news/djibouti-clamps-down-journalists-run-poll>.

⁵⁵ Alkarama, "Djibouti: Suspension du journal l'Aurore et prison avec sursis pour son co-directeur de publication", 22 January 2016, <https://www.alkarama.org/fr/articles/djibouti-suspension-du-journal-laurore-et-prison-avec-sursis-pour-son-co-directeur-de>.

⁵⁶ Alwihda Info, "Djibouti: arrestation de l'opposant Kadar Abdi Ibrahim, une victime de qui ?," 11 August 2016, http://www.alwihdainfo.com/Djibouti-arrestation-de-l-opposant-Kadar-Abdi-Ibrahim-une-victime-de-qui_a38694.html.

⁵⁷ LDDH, "Arrestation des Internautes à Djibouti", 8 March 2017, <http://www.iddh.net/arrestation-des-internautes-a-djibouti/>.

SRD agents.⁵⁸ Blogger Omar Mohamed Nour, better known by his pen name Omar Zohra, was arrested by security agents the following night on 6 June 2017 in the Q7bis neighbourhood of Djibouti city. They were held incommunicado and in an unknown location before being released on 18 June 2017.

5. (E) Freedom of peaceful assembly

- 5.1** During Djibouti's examination under the 2nd UPR cycle, the government received four recommendations on the right to the freedom of assembly. Among other recommendations, the government committed to "Limit to a strictly necessary level the use of prosecutions against persons that exercising their rights to freedom of expression and peaceful demonstration"⁵⁹ and to "Ensure that legal and administrative measures taken to combat terrorism respect the enjoyment of human rights and fundamental freedoms."⁶⁰ Of the recommendations received, three⁶¹ were accepted and one⁶² was noted, but the government has not implemented any recommendations.
- 5.2** Article 21 of the ICCPR guarantees the freedom of peaceful assembly. However, Article 15 of the Constitution of Djibouti only broadly guarantees "the full enjoyment of public rights and freedoms". The Constitution also recognises the right to go on strike. Article 179 of the Penal Code defines illegal "gatherings" as all public assemblies considered likely to "disturb public order". Article 182.3 broadly defines as illegal an assembly for which a prior incomplete or inexact notification has been submitted to the authorities.
- 5.3** The only legal document that explicitly protects the right to the freedom of peaceful assembly in Djibouti is public order No. 77-033/PR, signed on 4 October 1977.⁶³ However, Article 2 of this states that all public meetings should be prepared by an office of at least three people, who are responsible for maintaining order, preventing infractions and ensuring that no speech contrary to public order or good mores is spoken. A government representative is designated to attend all public meetings, with the power to dissolve the meeting. Meetings or assemblies in public spaces are forbidden by Article 5 unless prior authorisation is sought in cases where the number of participants in a meeting exceeds the space available to the host.
- 5.4** On 25 November 2015, a day after the Djiboutian Council of Ministers adopted Decree No. 2015-2016 PR/PM on terrorism, Prime Minister Mr Abdoukader Kamil Mohamed spoke in television and radio interviews and announced that all public meetings and

⁵⁸ CIVICUS Monitor, "Crackdown on Critical Voices Intensifies", 19 July 2017, <https://monitor.civicus.org/newsfeed/2017/07/19/crackdown-critical-voices-intensifies-djibouti/>

⁵⁹ A/HRC/24/10, 143.112 (Belgium)

⁶⁰ A/HRC/24/10, 143.147 (Mexico)

⁶¹ A/HRC/24/10, 143.110 (Australia) ; 143.112 (Belgium) ; 143.147 (Mexico)

⁶² A/HRC/24/10, 144.9 (Belgium)

⁶³ Article 1 states that "public reunions are free and can be held without prior authorisation in the conditions described below".

gatherings were forbidden. This was only months ahead of Djibouti's April 2016 presidential elections. Additionally, Article 7 of the Law relating to the State of Emergency adopted on 31 December 2015 gives extraordinary powers to the Minister of the Interior as well as regional prefects to shut down meetings, including on the grounds that they would cause public disorder.⁶⁴

- 5.5** From 25 February 2013, in the week after the parliamentary elections, regular street battles took place between Djiboutian security forces and opposition supporters as protests against the UMP's victory turned violent. Some protesters threw petrol bombs while security forces fired teargas and live and rubber bullets to disperse crowds chanting "free our leaders," referring to the arrests of Abdourahim Souleiman Bashir, Abdourahman Barkat God and Guirreh Meidal of MoDeL. At least six protesters are reported to have been killed in the initial violence, and more were seriously injured.⁶⁵ On 1 March, Interior Minister Hassan Darar Houffaneh banned opposition demonstrations and rallies, using post-election disturbances with opposition demonstrators as a pretext. The ruling UMP had come under scrutiny because of the opposition's claims that the elections of 22nd February were not free and fair.⁶⁶
- 5.6** According to LDDH, six opposition political activists⁶⁷ were arrested in Dikhil during a peaceful march in September 2015, and only freed on 11 October 2015 after spending three weeks in detention without access to their lawyer or medical care.⁶⁸
- 5.7** As reported above, at least 27 people were killed and over 150 injured when security forces shot live bullets into a crowd during a public gathering for a religious celebration.⁶⁹ Police, later assisted by the Presidential Guard, had come to disperse

⁶⁴ Alliance Républicaine pour le Développement (ARD), « Djibouti : terreur électorale à l'ombre des bases militaires et dans l'indifférence internationale », 5 April 2016, <http://ard-djibouti.org/djibouti-terreur-electorale-a-lombre-des-bases-militaires-et-dans-lindifference-internationale-collectif-de-solidarite-avec-les-luites-sociales-et-politiques-en-afrique-040416/>.

⁶⁵ FIDH, élections législatives : Au moins 6 morts et 80% des sièges pour le régime, 18th March 2013 <http://www.fidh.org/Djibouti-elections-legislatives-80-13026>, FIDH, Des opposant tues par les forces de l'ordre dans les manifestations en cours, 28th February 2013 <http://www.fidh.org/Djibouti-Des-opposants-tues-par-12967>.

⁶⁶ Afrik News, Manifestations interdites a Djibouti, 2nd March 2013 http://www.afrik.com/manifestations-interdites-a-djibouti?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+afrikfr+%28Afrik+VF%29, La Nation, La CNDH s'insurge contre les rumeurs mensongères, 3rd March 2013 <http://www.lanation.dj/m-news2.php?ID=1776>,

⁶⁷ They are Said Hassan Miguil, Ibrahim Hassan Abdi, Abdoukarim Djama Guedi, Yahya Elmi Yonis, Hamza Raye Hassan, and Mahmoud Robleh Mireh

⁶⁸ Alkarama, "Djibouti: Opponents of Dikhil arbitrarily detained since September 18, refused bail", 30 September 2015, <https://www.alkarama.org/en/articles/djibouti-opponents-dikhil-arbitrarily-detained-september-18-refused-bail>.

⁶⁹ FIDH, "L'escalade dans la répression fait au moins 27 morts à Djibouti," 23 December 2015, <https://www.fidh.org/fr/regions/afrique/djibouti/l-escalade-dans-la-repression-fait-au-moins-27-morts-a-djibouti>

the crowd of several hundreds, who responded by throwing stones at the police. Djiboutian authorities claimed only seven had been killed and 50 policemen injured.⁷⁰

5.8 In mid-June 2017, a youth protest demanding better access to jobs in the new Port of Tadjourah was cut short when security officials detained several dozen protesters at the Tadjourah Gendarmerie headquarters.⁷¹

6. (F) Recommendations to the Government of Djibouti

CIVICUS, DefendDefenders and FIDH call on the Government of Djibouti to create and maintain, in law and in practice, an enabling environment for civil society, in accordance with the rights enshrined in the ICCPR, the UN Declaration on Human Rights Defenders and Human Rights Council resolutions 22/6, 27/5 and 27/31.

At a minimum, the following conditions should be guaranteed: the freedoms of association, expression and peaceful assembly, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state's duty to protect. In light of this, the following specific recommendations are made:

6.1 Regarding the freedom of association

- Remove all undue obstacles to the registration of associations, including human rights CSOs, political parties and trade unions. In particular, ensure that the Ministry of the Interior delivers registration certificates, within a reasonable time period, to all associations that meet the legal requirements for registration.
- Remove all unjustified impediments to the formation and operation of associations through the adoption of a law on the freedom of association, which should enable the work of CSOs, political parties and trade unions, and be in line with guarantees in the Djiboutian constitution and international human rights treaties to which Djibouti is a party.
- Repeal Decree No. 2015-2016 PR/PM that established exceptional security measures following the terrorist attacks in Paris in November 2015. In particular, amend Article 6.1 of the Decree, which grants the authorities excessively broad powers to deregister associations.

⁷⁰ *Ibid.*

⁷¹ Only the names of Ali Chehem Ali, Mohamed Ali Issa, and Ali Hassan Ali are known for certain – all three have been previously arrested for protesting job accessibility in the region.

- Put an immediate end to the harassment of CSOs, opposition political parties and trade unions and ensure that all Djiboutians have the right to form or join any association to advance their collective interests.
- Implement transparent and inclusive mechanisms of public consultations with CSOs on all issues mentioned above and enable more effective involvement of civil society in the preparation of law and policy and the UPR process.

6.2 Regarding the protection of human rights defenders

- Take measures to foster a safe, respectful and enabling environment for civil society, including by removing legal and policy measures that unwarrantedly limit the right to association, including the adoption of a law for the protection of HRDs in accordance with resolution 27.31 of the Human Rights Council.
- Conduct impartial, thorough and effective investigations into all cases of attacks, harassment and intimidation against HRDs, and bring perpetrators to justice.
- Ensure that all attacks, including physical attacks, threats, house and office raids and other forms of harassment, are investigated and perpetrators are held to account.
- Unconditionally and immediately release all HRDs, including journalists and bloggers, detained for exercising their rights, and review their cases, including that of Omar Zohra, to prevent further harassment.
- Ensure the National Human Rights Commission becomes operationally effective and independent, that it is accessible to HRDs and supports their work in defence of human rights.

6.3 Regarding the freedom of expression, independence of the media and access to information

- Ensure the freedom of expression and media freedom by repealing all problematic laws and bringing them into line with international standards on the freedom of opinion and expression.⁷²
- Ensure the independence of the National Communications Commission and ensure it is able to facilitate the free work of the media.

⁷² This includes Article 425 of the Penal Code, which criminalises defamation; Law n°2/AN/92/2eL on Freedom of Communication, including articles 4, 14, 15, 17, 19, 29, 47 and 77-80; and Law no. 66/AN/14/7ème L relating to cyber security and the fight against cybercriminality the Law on Cyber Security, particularly Article 3.1 which punishes online service providers.

- Put an immediate end to the practice of using Djibouti's laws and legal system to silence journalists and media houses. Authorities must ensure that journalists are able to investigate stories and report impartially, including on topics that the government might find sensitive, without fear of reprisal.
- Reinstate all media outlets unwarrantedly closed.
- Adopt a law on access to information in order to fully promote the exercise of the right to freedoms of expression and opinion.

6.4 Regarding the freedom of peaceful assembly

- Amend the Constitution to include explicit protection of the right to the freedom of peaceful assembly and develop a law on the freedom of peaceful assembly that provides for the exercise of this right by Djiboutian citizens in line with international standards.
- Adopt best practices on the freedom of peaceful assembly, as put forward by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association in his annual report (2012)..
- Unconditionally and immediately release all demonstrators, journalists and HRDS detained for exercising their right to the freedom of peaceful assembly and review their cases to prevent further harassment.
- Immediately and impartially investigate all instances of extra-judicial killing and excessive force committed by security forces while monitoring protests and demonstrations. Most urgently, a thorough investigation should be carried out into killing of at least 27 demonstrators and the injury of over 150 in in Balbala on 21 December 2015, perpetrators identified and held to account.

6.5 Regarding access to UN Special Procedures mandate holders

- The Government should extend a standing invitation to all UN Special Procedure mandate holders and prioritise official visits with the: 1) Special Rapporteur on the situation of human rights defenders; 2) Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; 3) Special Rapporteur on the rights to freedom of peaceful assembly and of association;

7. (G) Annex 1. UPR of Djibouti (2nd Cycle – 16th session) - Thematic list of recommendations pertaining to civic space

| Recommendation | Position | Full list of themes | Assessment/comments on level of implementation |
|--|----------|---|--|
| <i>Right or area: Freedom of Expression (some recommendations also pertain to Freedom of Association, Freedom of Peaceful Assembly)</i> | | | |
| <p>Take appropriate action to guarantee freedom of expression, association and assembly - including by allowing the participation of opposition parties and civil society (Australia)</p> <p>Source of position: A/HRC/24/10 Para 143.110</p> | Accepted | <p>Civil society</p> <p>Freedom of association and peaceful assembly</p> <p>Freedom of opinion and expression</p> | <p>Status: Not implemented</p> <p>Source: See paragraphs 2.7 – 2.13.</p> |
| <p>Bring its laws and practice fully in conformity with article 19 of the ICCPR (Belgium)</p> <p>Source of position: A/HRC/24/10 Para 143.111</p> | Accepted | <p>Freedom of opinion and expression</p> <p>International instruments</p> | <p>Status: Not implemented</p> <p>Source: see paragraphs 4.2 – 4.4.</p> |

| Recommendation | Position | Full list of themes | Assessment/comments on level of implementation |
|--|-----------------|--|---|
| <p>Limit to a strictly necessary level the use of prosecutions against persons that exercising their rights to freedom of expression and peaceful demonstration (Belgium)</p> <p>Source of position: A/HRC/24/10 Para 143.112</p> | Accepted | <p>Freedom of association and peaceful assembly</p> <p>Freedom of opinion and expression</p> | <p>Status: Not implemented</p> <p>Source: see paragraphs 4.7 – 4.17.</p> |
| <p>Create a genuinely favourable environment-free and safe- to promote functioning of truly independent media (Slovakia)</p> <p>Source of position: A/HRC/24/10 Para 143.113</p> | Accepted | Freedom of the press | <p>Status: Not implemented.</p> <p>Source: see paragraphs 4.1 – 4.17.</p> |
| <p>Consider developing and adopting a freedom of information law in accordance with international standards (Estonia)</p> <p>Source of position: A/HRC/24/10 Para 143.114</p> | Accepted | Freedom of opinion and expression | <p>Status: Not Implemented.</p> <p>Source: see paragraphs 4.1 – 4.17.</p> |

| Recommendation | Position | Full list of themes | Assessment/comments on level of implementation |
|--|-----------------|--|---|
| <p>Extend an invitation to the Special Rapporteur on freedom of opinion and expression and the Special Rapporteur on the right of peaceful assembly and of association to visit Djibouti (Belgium)</p> <p>Source of position:</p> <p>A/HRC/24/10 Para 144.9</p> | Noted | <p>Freedom of association and peaceful assembly</p> <p>Freedom of opinion and expression</p> <p>Special procedures</p> | <p>Status: Not Implemented.</p> <p>Source: see paragraphs 2.1 – 2.13; 4.1 – 4.17.</p> |
| <p>Extend an open invitation to the Human Rights Council Special Procedures, and in particular to the Special Rapporteur on Torture and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (Costa Rica)</p> <p>Source of position:</p> <p>A/HRC/24/10 Para 144.10</p> | Noted | Freedom of the press | <p>Status: Partially Implemented.</p> <p>Source: see paragraphs 4.3 – 4.11</p> |

| Recommendation | Position | Full list of themes | Assessment/comments on level of implementation |
|---|-----------------|--|---|
| <p>Create a legislative framework that guarantees freedom of information favouring the establishment of private media (Spain)</p> <p>Source of position: A/HRC/24/10 Para 144.11</p> | Noted | <p>Freedom of opinion and expression</p> <p>Freedom of the press</p> | <p>Status: Not Implemented.</p> <p>Source: see paragraphs 4.1 – 4.5.</p> |
| <p>Review Penal Code clauses on defamation in line with international standards and make public results (United Kingdom)</p> <p>Source of position: A/HRC/24/10 Para 144.12</p> | Noted | Freedom of opinion and expression | <p>Status: Not Implemented.</p> <p>Source: see paragraph 4.2.</p> |
| <p>Remove restrictions on activities by the media and allow them an independent and critical coverage of Government's action (Belgium)</p> <p>Source of position: A/HRC/24/10 Para 145.2</p> | Noted | Freedom of the press | <p>Status: Not Implemented.</p> <p>Source: see paragraphs 4.1 – 4.17.</p> |

| Recommendation | Position | Full list of themes | Assessment/comments on level of implementation |
|--|-----------------|--|--|
| <p>Authorize the press to work freely, lift all restrictions to political opposition, put stop to the prosecution of journalists and ensure that cases of harassment against defenders of economic and social rights are investigated (Netherlands)</p> <p>Source of position: A/HRC/24/10 Para 145.3</p> | Noted | <p>ESC rights – general</p> <p>Freedom of association and peaceful assembly</p> <p>Freedom of opinion and expression</p> <p>Freedom of the press</p> <p>Human rights defenders</p> | <p>Status: Not Implemented.</p> <p>Source: see paragraphs 3.1 – 3.9; 4.1 – 4.17.</p> |
| <p>Take the necessary measures to guarantee the freedom of expression of journalists, workers, media and members of the opposition, and allow them to operate without being intimidated or arbitrarily arrested and detained (Canada)</p> <p>Source of position: A/HRC/24/10 Para 145.4</p> | Noted | <p>Detention</p> <p>Freedom of association and peaceful assembly</p> <p>Freedom of opinion and expression</p> <p>Freedom of the press</p> <p>Labour</p> | <p>Status: Not Implemented.</p> <p>Source: See paragraphs 2.1 – 2.13; 3.1 – 3.9; 4.1 – 4.17.</p> |

| Recommendation | Position | Full list of themes | Assessment/comments on level of implementation |
|--|-----------------|--|---|
| <p>Guarantee respect for freedom of information and expression, especially regarding the press, both local and foreign, and the political sphere (France)</p> <p>Source of position: A/HRC/24/10 Para 145.5</p> | Noted | <p>Freedom of opinion and expression</p> <p>Freedom of the press</p> | <p>Status: Not Implemented.</p> <p>Source: See paragraphs 4.1 – 4.17.</p> |
| <i>Right or area: Freedom of Association</i> | | | |
| <p>Release detainees whose arrests are linked to their support for the opposition (United States of America)</p> <p>Source of position: A/HRC/24/10 Para 145.6</p> | Noted | <p>Detention</p> <p>Freedom of association and peaceful assembly</p> | <p>Status: Not Implemented.</p> <p>Source: see paragraphs 2.8-2.13.</p> |
| <i>Right or area: Protection of Human Rights Defenders</i> | | | |

| Recommendation | Position | Full list of themes | Assessment/comments on level of implementation |
|---|-----------------|---|--|
| <p>Extend an open invitation to the Human Rights Council Special Procedures, and in particular to the Special Rapporteur on Torture and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (Costa Rica)</p> <p>Source of position: A/HRC/24/10 Para 144.10</p> | Noted | <p>Special procedures</p> <p>Counter-terrorism</p> <p>Torture and other CID treatment</p> | <p>Status: Not implemented.</p> <p>Source: see paragraphs 3.1 – 3.9.</p> |