

Djibouti

Mid-term Implementation Assessment



UPR-INFO.ORG
PROMOTING AND STRENGTHENING THE UNIVERSAL PERIODIC REVIEW

Introduction

1. Purpose of the follow-up programme

The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created an update process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also more specifically to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC).

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are willing to follow and implement their commitments: civil society should monitor the implementation of the recommendations that States should implement.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be affected.

The methodology used by UPR Info to collect data and to calculate index is described at the end of this document.

Geneva, 2 February 2012

Follow-up Outcomes

1. Sources and results

All data are available at the following address:

<http://followup.upr-info.org/index/country/djibouti>

We invite the reader to consult that webpage since all recommendations, all stakeholders reports and the unedited comments as well can be found at that very internet address.

2 NGOs were contacted. Both the Permanent Mission to the UN in Geneva and the State were contacted. The domestic NHRI was contacted as well.

1 NGO responded to our enquiry. The State under Review did not respond to our enquiry. The domestic NHRI did not respond to our enquiry either.

IRI: 3 recommendations are not implemented, 0 recommendation is partially implemented, and 0 recommendation is fully implemented. No answer was received for 75 out of 80 recommendations.

2. Index

Hereby the issues which the MIA deals with:

rec. n°	Issue	page	IRI
3	Justice	page 3	not impl.
5	Justice	page 4	not impl.
19	International instruments, Freedom of opinion and expression,	page 4	-
20	Freedom of the press	page 4	-
21	Freedom of the press	page 5	not impl.

3. Feedbacks on recommendations

Recommendation n°3: *Allocate increased human and financial resources in order to strengthen the independence of its juridical system* (Recommended by Angola)

IRI: not implemented

LDDH response:

Il va de soit qu'il faut que les juges djiboutiens soient plus indépendants, non seulement par un minimum de sécurité, de respect pour leur décision, sans être éjecté de leur responsabilité en tant que juge inamovible (conformément aux articles 71, 72 et 73 de la Constitution et surtout, il ne faut pas qu'un juge soit transféré dans la sinistre prison de Gabode ou soit incarcéré dans avec des délinquants qu'il a condamnés en son âme et conscience.

Oui, il ne faut pas que nos juges sans moyens financiers sans moyens de transports à leur disposition de monter dans des bus avec des délinquants qu'ils ont condamnés. Sans un minimum de financement pour leur sécurité, mais aussi pour leur stabilité familiale, le juge intègre risque d'être à la merci des procureurs aux grosses véhicules et qui peuvent se permettre de ponctionnés les gros commerçants.

Recommendation n°5: *Continue its efforts to strengthen the judiciary in the field of human rights and improve access to justice* (Recommended by *Bahrein*)

IRI: *not implemented*

LDDH response:

Le Haut Commissariat des Droits de l'Homme de Genève et celui du Conseil des Droits de l'Homme à New-York [devraient] intervenir plus souvent afin d'amener le régime encore en place à faire preuve d'une volonté politique afin d'assurer une justice adéquate en respectant, l'inamovibilité des Juges prévue par la Constitution, la création d'un ou des Syndicats des Magistrats, la mise en place et le financement et la tenue d'archives, mais aussi d'une jurisprudence qui permet au magistrat de mieux [se documenter], car les magistrats n'ont aucune documentation à leur disposition, ni bibliothèque spécialisées, encore moins une salle informatique à leur disposition au Tribunal, pour effectuer des recherches urgentes.

Recommendation n°19: *Amend the 1992 law on freedom of communication of Organization Act No. 2-AN-92 and update it on the basis of article 19 of the International Covenant on Civil and Political Rights ICCPR* (Recommended by *Canada*)

IRI: -

LDDH response:

Excellente proposition d'amendement mais l'Assemblée nationale n'est qu'une Chambre de l'Union de la Mouance Présidentielle, et les députés sont considérés comme des mal élus, qui n'ont que pour rôle que d'enregistrer les décisions du président de l'UMP et cumulativement Chef de l'Etat, et Premier Magistrat et Chef de la Police politique.

Recommendation n°20: *Amend: article 14, which stipulates that participants in the financial management of a press body must be citizens of Djibouti. article 17, which requires the director and vice-director of a media outlet to be residents of Djibouti. and article 47, which requires the director of an audiovisual outlet to be at least 40 years of age* (Recommended by *Canada*)

IRI: -

LDDH response:

En tant que défenseur des droits de l'homme, et ancien député pendant 20 ans de l'Indépendance en 1977 à 1997, je suis à la disposition de toute personnalité politique et toute commission nationale et internationale qui ont l'aval de l'Assemblée nationale, qui souhaiterait me consulter car j'étais pendant deux (2) ans le premier secrétaire du Bureau de l'Assemblée auteur de l'adoption par une Loi Organique mettant en application les dispositions fixées par la Constitution en ces articles 83 84 créant la Haute Cour de Justice.

[...]

Recommendation n°21: *Recommend that the use of intimidation against journalists should cease and should lead to a climate of tolerance so that opinions from opposition politicians can be freely expressed* (Recommended by Canada)

IRI: *not implemented*

LDDH response:

Ce point est très important, les textes fondamentaux, aussi bien constitutionnels, des Pactes des droits Civils politiques et sociaux, économiques et culturels ne sont jamais respectés, encore moins la loi relative à la liberté de communication de 1992. Car [...] aucune volonté politique du dictateur n'est perceptible et il ne reste plus que de faire la Rue comme en Tunisie.

Methodology

A. First contact

Although the methodology has to consider the specificities of each country, we applied the same procedure for data collection about all States:

1. We contacted both the delegate who represented the State at the UPR and the Permanent Mission to the UN in Geneva or New York;
2. We contacted all NGOs which took part in the process. Whenever NGOs were part of coalitions, each NGO was individually contacted;
3. The National Institution for Human Rights was contacted whenever one existed.

We posted our requests to the States and NHRI, and sent emails to NGOs.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation were not contacted, and those stakeholders' submissions were not taken into account.

However, since the UPR is meant to be a process which aims at sharing best practices among States and stakeholders, we consider positive feedbacks from the latter.

A. Processing the recommendations

The persons we contact are encouraged to use an Excel sheet we provide which includes all recommendations received by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, communication is split up among recommendations we think it belongs to. Since such a task opens the way of misinterpretation, we strongly encourage using the Excel sheet.

If the stakeholder does not clearly mention neither the recommendation was “fully implemented” nor “not implemented”, UPR Info usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.

While we do not mention recommendations which were not addressed, they can be accessed on the follow-up webpage.

B. Implementation Recommendation Index (IRI)

UPR Info developed an index showing the implementation level achieved by the State for the recommendations received at the UPR.

The **Implementation Recommendation Index** (IRI) is an individual recommendation index. Its purpose is to show both disputed and agreed recommendations.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is noted as 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review says the recommendation has been fully implemented and a stakeholder says it has been partially implemented, score is 0.75.

Then the score is transformed into an implementation level, according to the table hereafter:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation will be given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

Mid-term Implementation Assessment: **Djibouti**

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