



TEXTS ADOPTED

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Djibouti

European Parliament resolution of 12 May 2016 on Djibouti (2016/2694(RSP))

The European Parliament,

- having regard to its previous resolutions on Djibouti, including those of 4 July 2013 on the situation in Djibouti¹ and of 15 January 2009 on the situation in the Horn of Africa²,
- having regard to the National Indicative Programme for Djibouti under the 11th European Development Fund of 19 June 2014,
- having regard to the statements of 12 April 2016 and 23 December 2015 by the European External Action Service spokesperson,
- having regard to the Declaration by the High Representative, Federica Mogherini, on behalf of the EU on the occasion of the World Press Freedom Day on 3 May 2016,
- having regard to the EU's regional political partnership for peace, security and development in the Horn of Africa,
- having regard to the International Covenant on Civil and Political Rights,
- having regard to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment,
- having regard to the Convention on the Elimination of All Forms of Discrimination Against Women,
- having regard to the African Charter on Human and Peoples' Rights, which Djibouti has ratified,
- having regard to the actions and communications by the Food and Agriculture Organisation of the United Nations (FAO) concerning Djibouti,
- having regard to the preliminary conclusions of 10 April 2016 of the African Union election observation mission which monitored the presidential elections,

¹ OJ C 75, 26.2.2016, p. 160.

² OJ C 46 E, 24.2.2010, p. 102.

- having regard to the Rome Statute of the International Criminal Court, to which Djibouti has been a State Party since 2003,
 - having regard to a framework agreement signed on 30 December 2014 between the UMP (Union for the Presidential Majority), the coalition in power, and the USN (Union for National Salvation), the coalition of opposition parties, aimed at promoting ‘peaceful and democratic national politics’,
 - having regard to Decree No 2015-3016 PR/PM of 24 November 2015, adopted by the Djibouti Council of Ministers, establishing exceptional security measures following the Paris attacks of 13 November 2015,
 - having regard to the Universal Declaration of Human Rights of 1948,
 - having regard to the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa,
 - having regard to the Cotonou Agreement signed on 23 June 2000 and revised on 22 June 2010,
 - having regard to the 1992 Constitution of the Republic of Djibouti, which recognises fundamental liberties and basic principles of good governance,
 - having regard to the Guidelines for African Union Electoral Observation and Monitoring Missions,
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas Ismail Omar Guelleh has been the President of Djibouti since 1999, having enjoyed a landslide victory in the April 2016 elections with 87,1 % of the vote that was criticised by opposition parties and rights groups as having been obtained by political repression; whereas some opposition candidates boycotted the elections of 2005, 2011 and 2016; whereas President Guelleh persuaded the National Assembly to amend the Constitution in 2010 after announcing that he would not stand again for election in 2016, thereby making it possible for him to stand for a third term in 2011; whereas the ensuing civil society protests were quashed;
- B. whereas Djibouti’s prime location in the Gulf of Aden has made it strategically important for foreign military bases and it is considered as a hub for combating piracy and terrorism;
- C. whereas ten Djiboutian women went on hunger strike in Paris to demand an international inquiry into the rape of Djiboutian women, with four of the hunger-strikers claiming to have been raped themselves, while another, Fatou Ambassa, 30, fasted in memory of her cousin, Halima, who was allegedly fatally gang-raped in 2003 at the age of 16; whereas eight of these women continued their protests for nineteen days from 25 March to 12 April 2016, and ten more women followed suit in Brussels; whereas the Djiboutian authorities dispute their claims; whereas women have been taken hostage in the conflict between the Djibouti army and FRUD-armé; whereas the Djiboutian Women’s Committee (*Comité des Femmes Djiboutiennes Contre le Viol et l’Impunité* (COFEDVI)), which was established in 1993, has recorded 246 cases of rape by soldiers gathered from around 20 complaints filed;

- D. whereas no EU electoral observation mission was invited to monitor the elections and whereas the electoral experts mission offered by the EU was turned down by the Djibouti authorities; whereas the African Union election observation mission recommends the establishment of an Independent Electoral Commission to be put in charge of the electoral process, including the announcement of provisional results;
- E. whereas three opposition candidates, Omar Elmi Khaireh, Mohamed Moussa Ali and Djama Abdourahman Djama, contested the April 2016 election results as lacking transparency and not showing the will of the Djiboutian people; whereas local human rights organisations have not recognised the results; whereas political space for the opposition remains very narrow, with limited freedom of expression; whereas police forces and security services have tight control of the country, and the judiciary is weak and close to the government; whereas opposition leaders were constantly subjected to imprisonment and harassment and there have been allegations of torture; whereas it is alleged that the army was ordered to remove opposition representatives from some polling stations so that the ballot boxes could be stuffed, while other districts such as Ali-Sabieh were put under military control; whereas President Guelleh hosted a party allegedly to reward the army for its contribution to the election before the official results were even released; whereas the African Union has deplored a number of irregularities (the lack of records, the failure to post results and the fact that the votes were not counted in public);
- F. whereas on 31 December 2015, following the exclusion of opposition members of parliament, a law imposing the state of emergency introduced in November 2015 was used to restrict individual liberties and repress opposition activists, human rights defenders, trade unionists and journalists;
- G. whereas on 30 December 2014 the ruling coalition, the UMP, signed a framework agreement with the opposition coalition, the USN, which made provision for a reform of the Independent National Electoral Commission (*Commission Électorale Nationale Indépendante*), the creation of a joint parliamentary commission, and short and medium-term reforms; whereas the Joint Parliamentary Commission was established in February 2015, but none of the most important draft laws (such as the law on the creation of an independent joint electoral commission and the law on the rights and obligations of political parties) have been submitted; whereas on 26 August 2015 the Djiboutian authorities announced that the electoral commission would not be reformed;
- H. whereas there are no private television or radio stations in Djibouti, with the authorities closely monitoring opposition websites and regularly blocking human rights organisations' websites and social media; whereas the government owns the main newspaper, *La Nation*, and the national broadcaster, *Radiodiffusion-Télévision de Djibouti*, which practise self-censorship; whereas in 2015 Freedom House declared that the press in Djibouti was not free; whereas Djibouti is ranked 170th (out of 180 countries) in the worldwide index of press freedoms 2015 compiled by Reporters Without Borders; whereas, throughout the UMP coalition's rule, opposition parties and activists have continually been repressed and many party activists and journalists, including a BBC reporter during the 2016 presidential election campaign, have been subjected to legal proceedings; whereas on 19 January 2016 the main opposition newspaper, *L'Aurore*, was shut down by court order; whereas the National Communication Commission, which was supposed to be set up in 1993, has not yet been created;
- I. whereas, in 2012 especially, the region of Mablās saw a wave of arbitrary arrests of suspected FRUD-armé members;

- J. whereas it has been alleged that at least 27 people were killed and more than 150 wounded by the authorities at a cultural celebration in Buldugo on 21 December 2015, although the Djiboutian Government insists that the death toll was as low as seven; whereas police also later invaded the premises at which opposition leaders were meeting, injured a number of opposition leaders and imprisoned two prominent opposition leaders (Abdourahman Mohammed Guelleh, Secretary-General of the USN, and Hamoud Abdi Souldan) without bringing any charges against them; whereas both were released just a few days before the presidential elections, with the former facing criminal charges; whereas a trade union leader and human rights defender, Omar Ali Ewado, was detained incommunicado from 29 December 2015 to 14 February 2016 for publishing a list of the victims of the massacre and those still missing; whereas his lawyer was also detained at the airport; whereas Said Houssein Robleh, an opposition member and Secretary-General of the LDDH, was injured by Djiboutian police bullets and is currently in exile in Europe;
- K. whereas detention conditions in Djibouti's prisons are extremely worrying;
- L. whereas, following the Paris terrorist attacks of 13 November 2015, the Djibouti Council of Ministers adopted Decree No 2015-3016 PR/PM on 24 November 2015, banning assembly and gatherings in public areas, as a counterterrorism measure;
- M. whereas there is no legislation against domestic violence and spousal rape in Djibouti; whereas the authorities have informed the UN Committee on the Elimination of Discrimination against Women (CEDAW) that they are aware of shortcomings in their attempts to tackle gender-based violence; whereas, despite being illegal since 2005, various forms of female genital mutilation have been carried out on 98 % of females in Djibouti;
- N. whereas, according to the World Bank, more than 23 % of Djiboutians live in extreme poverty, with 74 % living on less than USD 3 a day; whereas the food insecurity in Djibouti has been exacerbated by high food prices, water scarcity, climate change and reduced pasture; whereas Djibouti is a beneficiary of the EU's EUR 79 million aid package for Great Horn of Africa nations affected by El Niño;
- O. whereas respect for human rights, democratic principles and the rule of law are the very foundation of the ACP-EU partnership and constitute essential elements of the Cotonou Agreement; whereas the EU should intensify without delay the regular political dialogue with Djibouti under Article 8 of the Cotonou Agreement;
- P. whereas Djibouti is currently receiving EUR 105 million in bilateral EU funds, primarily for water and sanitation and food and nutrition security, as part of the EU's National Indicative Programme, under the 11th European Development Fund; whereas from 2013 to 2017, Djibouti will have received EUR 14 million as part of the EU's Supporting Horn of Africa Resilience initiative, which aims to empower communities to withstand recurrent droughts;
- Q. whereas Djibouti is currently hosting more than 15 000 refugees from Somalia and Eritrea and about 8 000 more from Yemen; whereas women and girls in refugee camps are at risk of gender-based violence; whereas the Commission is providing assistance, such as life-saving services, and financial aid to the communities hosting refugee camps;
1. Expresses concern regarding the stalled democratisation process in Djibouti, which was worsened by the parliament making amendments to the provisions of the Djiboutian

constitution on the limitation of presidential terms, and the claims that members of the opposition were harassed and excluded from many polling stations; emphasises the importance of fair elections, free from intimidation;

2. Calls for a thorough investigation into the transparency of the electoral process and the 2016 elections in Djibouti; repeats the EU's call for the results from each polling station in both the 2013 and 2016 elections to be published;
3. Strongly denounces the rapes allegedly committed by Djiboutian soldiers against civilians and reported by various NGOs, as highlighted by the hunger strike cases, and calls on the Djiboutian authorities to conduct a thorough investigation into the actions of the military in particular and bring an end to impunity; calls on the UN to investigate the human rights situation in Djibouti, in particular the situation of women in the country; expresses its strong solidarity with the Djiboutian women currently on hunger strike in France and Belgium;
4. Denounces military and police interference in democratic processes and reiterates that a thorough and transparent investigation into the election process is essential; raises concerns about the apparent willingness of the President to prematurely celebrate his victory in the April 2016 elections; reminds Djibouti that it is a party to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and that Article 16 of the Djiboutian Constitution stipulates that 'no one shall be subjected to torture or ill-treatment or cruel, inhuman, degrading or humiliating acts'; calls on Djibouti to thoroughly investigate allegations of torture and ill-treatment and ensure that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and that the victims are adequately compensated, and to establish an independent mechanism to investigate allegations of misconduct;
5. Regrets the decision of the Djiboutian authorities not to reform the National Electoral Commission as envisaged by the Framework Agreement signed on 30 December 2014, and urges them to work closely with the opposition to produce a fairer and more transparent electoral process;
6. Reminds the Djiboutian authorities of their commitment, under the Guidelines for African Union Electoral Observation and Monitoring Missions, to protect journalists, condemns the way in which journalists have been treated and reminds the Djiboutian authorities of the importance of freedom of the press and the right to a fair trial; demands a reasoned explanation from the Djiboutian authorities about the treatment of journalists; firmly condemns the harassment and imprisonment without charges of opposition leaders, journalists and independent human rights activists in the run-up to the presidential elections; calls on the Djiboutian authorities to put an end to the repression of political opponents and journalists and to release all those who are being detained on political grounds or for exercising media freedom; calls on the Djiboutian authorities to review the country's state of emergency legislation in order to bring it fully into line with international law;
7. Condemns the lack of an independent press in Djibouti and the monitoring and censorship of websites critical of the government; regrets the practice of self-censorship conducted by the state-owned media; calls on the Djiboutian Government to grant FM broadcasting licences to any independent media bodies that so request; calls on the government to grant foreign journalists free access to the country to enable them to engage in their work safely

and objectively; calls on the Djiboutian Government to put in place the national communication commission and to authorise independent and private broadcasting;

8. Deplores the killings carried out at the cultural ceremony on 21 December 2015 and the ensuing detentions and acts of harassment of human rights defenders and opposition members; expresses its condolences to the families of the victims and demands a full and independent inquiry with a view to identifying and bringing to justice those responsible; reiterates its condemnation of arbitrary detention and calls for the rights of the defence to be respected;
9. Calls on the Djiboutian authorities to guarantee respect for the human rights recognised in the national and international agreements which Djibouti has signed and to safeguard civil and political rights and freedoms, including the right to demonstrate peacefully and freedom of the media;
10. Urges the government to continue to provide training to police and other officials for the purposes of applying the Human Trafficking Act, to step up efforts to bring human traffickers to justice and to raise awareness of the issue of trafficking among the judicial, legislative and administrative authorities, civil society and non-governmental organisations operating in the country, as well as the general public;
11. Demands that women and men be treated equally before the law in Djibouti and reminds the authorities that they are a party to the Convention on the Elimination of all forms of Discrimination against Women;
12. Welcomes the Djiboutian Government's interventions in the widespread practice of female genital mutilation, but would like to see more improvements made;
13. Calls on the authorities to grant NGOs access to the Obock, Tadjoural and Dikhil districts;
14. Asks the civilian and military authorities to show maximum restraint during police and army operations in the north of the country, and in particular not to use any kind of violence against civilian populations nor to utilise these populations as a shield around military camps;
15. States its willingness to monitor the situation in Djibouti closely and to propose restrictive measures in the event of a breach of the Cotonou Agreement (2000), and in particular Articles 8 and 9 thereof; calls on the Commission likewise to monitor the situation closely;
16. Urges the European External Action Service, the Commission and their partners to work with the Djiboutians on long-term political reform, which should be particularly facilitated by the strong relationship that already exists, given that Djibouti has been a key component of the fight against terrorism and piracy in the region, as well as hosting a military base and contributing to stability in the region;
17. Calls on the Commission to provide further support for independent organisations and civil society, in particular by opening a call for tenders as soon as possible in the framework of the European Instrument for Democracy and Human Rights;
18. Instructs its President to forward this resolution to the Government of Djibouti, the institutions of the African Union, the Intergovernmental Authority on Development, the Arab League, the Organisation of Islamic Cooperation, the Vice-President of the

Commission/High Representative of the Union for Foreign Affairs and Security Policy,
the EU Member States and the Co-Presidents of the ACP-EU Joint Parliamentary
Assembly.