



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues prior to the submission of the second periodic report of Djibouti*

A. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

1. Please provide information on any significant developments in the legal and institutional framework within which human rights are promoted and protected that have taken place since the adoption of the Committee's previous concluding observations.¹ Please provide information on the measures taken to ensure the effective implementation of the recommendations made by the Committee in its previous concluding observations and provide the information requested by the Committee in its report on follow-up to its concluding observations.² Please indicate which procedures are in place for the implementation of the Committee's Views under the Optional Protocol and provide information on measures taken to ensure full compliance with them, in particular in the case of *Farah v. Djibouti*.³

B. Specific information on the implementation of articles 1–27 of the Covenant, including with regard to the previous recommendations of the Committee

Constitutional and legal framework within which the Covenant is implemented (art. 2)

2. Further to the Committee's previous concluding observations (para. 5),⁴ please give examples of cases in which the provisions of the Covenant have been invoked or implemented in the national law, in particular where they have been applied by the domestic courts. Please provide information on the measures taken to raise awareness of the provisions of the Covenant, the Optional Protocols to it and the Committee's previous concluding observations, particularly among judges, lawyers and prosecutors, as well as among law enforcement officers and members of the security forces, including the seminars and training courses held, and dissemination in the Somali and Afar languages. Please describe the role played by civil society organizations in the implementation of the Committee's previous concluding observations and in the preparation of the State party's report.

* Adopted by the Committee at its 140th session (4–28 March 2024).

¹ [CCPR/C/DJI/CO/1](#).

² [CCPR/C/116/2](#), pp. 8–13.

³ [CCPR/C/130/D/3593/2019](#).

⁴ Unless otherwise indicated, paragraph numbers in parentheses refer to [CCPR/C/DJI/CO/1](#).



National human rights institution (art. 2)

3. With reference to the Committee's previous concluding observations (para. 6) and the information received from the State party,⁵ please provide information on the measures taken to ensure that the National Human Rights Commission acts in accordance with the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (the Paris Principles) and to strengthen its independence, in particular in relation to: (a) the measures provided for in Act No. 59/AN/14/7èmeL of 20 July 2014 on the organization and functioning of the Commission; and (b) the appointment of Commission members and the provision of sufficient financial, material and human resources. Please give details of the Commission's activities and the annual reports produced during the period under review.

Past human rights violations (arts. 2, 7, 9, 21 and 25)

4. Bearing in mind the Committee's previous concluding observations (para. 15), please respond to the allegations of serious human rights violations, including in the context of the demonstrations related to the 2011 presidential and 2013 legislative elections, in particular for the excessive use of force, arbitrary arrest, torture and ill-treatment of demonstrators, as well as in relation to the 21 December 2015 massacre, in which at least 27 people from the Yonis Moussa community died, specifying in particular: (a) the number of thorough and impartial investigations opened; (b) the number of perpetrators prosecuted and convictions handed down; (c) the nature of the sentences imposed on persons found guilty; and (d) the reparations provided to victims.

Non-discrimination (arts. 2, 3, 23 and 26)

5. Further to the Committee's previous concluding observations (para. 7), please provide information on measures taken to amend or repeal provisions that discriminate against women, including those in the Family Code, and that relate to polygamy and inheritance, marriage, divorce and other family-related issues. Please describe the measures taken to strengthen and promote equal rights for men and women, including: (a) to increase the presence of women in the labour market, both in the public and private sectors, and in political and government institutions, including in decision-making positions; and (b) to combat stereotypes concerning the role of women in the family and society, notably through awareness-raising programmes and campaigns. Indicate what has been done to ensure that normative provisions based on sharia law are interpreted and applied in a manner compatible with the Covenant.

Harmful traditional practices (arts. 2, 3, 6, 7, 24 and 26)

6. In the light of the Committee's previous concluding observations (para. 8) and the information received from the State party,⁶ please provide information on the measures taken to eliminate harmful practices such as female genital mutilation. In this respect, please provide information on any programmes that have been carried out for prevention and awareness-raising on the impact on girls' and women's health, particularly in rural areas, and on assistance offered to victims, in particular medical, psychological and social care.

Voluntary termination of pregnancy (arts. 6 and 7)

7. Further to the Committee's previous concluding observations (para. 9) and the information received from the State party,⁷ please describe the measures taken to decriminalize the termination of pregnancy for non-therapeutic reasons, for example when pregnancy is a result of rape or incest. Indicate as well the number of women convicted of having voluntarily ended their pregnancies and the sentences handed down, and provide disaggregated data on the number of women or girls who have lost their lives or suffered damage to their health as a result of clandestine, unsafe abortions. Please provide information

⁵ See [CCPR/C/DJI/CO/1/Add.1](#).

⁶ Ibid.

⁷ Ibid.

on awareness-raising and information programmes on contraceptive methods, family planning and reproductive health and on measures taken to ensure the availability and accessibility of contraception, including emergency contraception, at an affordable cost throughout the territory of the State party.

Violence against women, including domestic violence (arts. 3, 7 and 26)

8. In the light of the Committee's previous concluding observations (para. 10), the information received from the State party⁸ and the report on follow-up to the Committee's concluding observations,⁹ please provide information on the measures taken to strengthen the legal framework for the protection of women against domestic violence by expressly making such practices, in particular marital rape, a criminal act, and specify whether civil society has been involved in the adoption of such measures. In this respect, and concerning cases of domestic violence, including marital rape, please indicate: (a) the numbers of investigations opened, perpetrators prosecuted and convictions handed down, as well as the nature of the sentences imposed on the persons found guilty and the reparation provided to victims; (b) the measures taken to facilitate and encourage the reporting of cases of violence and the legal remedies and measures and means of redress, protection and medical, social and psychological assistance available to victims, including shelters; and (c) the framework of existing prevention measures and training and awareness-raising activities and campaigns on violence against women and girls and on the criminal nature of such acts for police officers, prosecutors and judges, and also for the general public.

Right to life, protection of civilians and excessive use of force (arts. 3, 6 and 7)

9. Please provide information on the measures taken to ensure that both the legislation governing the use of force and firearms and their use by law enforcement officials and the security forces are in full conformity with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement. In this regard, please indicate whether thorough and impartial investigations have been carried out, perpetrators prosecuted, convictions handed down, sentences imposed and reparation provided, concerning inter alia the alleged unlawful or arbitrary executions of: (a) Gadidche Ladieh Omar, who died on 11 September 2019; (b) the two people who died in Balbala (Djibouti City) on 1 August 2021; (c) Djama Mohamed Ismaïl, found dead on 26 March 2022; and (d) Ferouze Mahamoud Abdillahi, who died on 29 March 2022. Please also provide information regarding allegations of the misuse of lethal weapons to repress demonstrations, in particular during the 26 June 2020 demonstration in Djibouti City, the demonstrations held in the summer of 2021 in Tadjourah, Randa and Arhiba, and episodes of inter-communal violence such as those that occurred between 27 and 29 December 2023 in Djibouti.

10. Please respond to allegations that the armed forces of the State party have been committing violent acts with full impunity against the civilian population in the north and south-west of the country for more than 30 years in the context of military reprisals following clashes between the army and the Front pour la restauration de l'unité et la démocratie (Front for the Restoration of Unity and Democracy), such as actions against Afar civilians in Garabtisan, Syarou and Hilou, on 6 and 7 October 2021. The allegations of human rights violations include torture and ill-treatment, sexual violence and arbitrary arrest and detention reportedly committed specifically against women related to members of the Front pour la restauration de l'unité et la démocratie, dissidents and human rights defenders. Describe any measures taken to: (a) ensure that the provisions of the Anti-Terrorism Act of 13 October 2022 comply with the Covenant; (b) ensure that all perpetrators of violations of human rights and international humanitarian law are held accountable for their actions; and (c) provide victims with appropriate and effective remedies.

⁸ Ibid. and [CCPR/C/DJI/CO/1/Add.2](#).

⁹ See [CCPR/C/116/2](#).

Climate change and environmental degradation (art. 6)

11. Please provide information on efforts to prevent and mitigate the effects of climate change and environmental degradation, including efforts to protect the right to life.

Prohibition of torture and cruel, inhuman or degrading treatment or punishment (arts. 7 and 10)

12. Further to the Committee's previous concluding observations (para. 11), the information received from the State party¹⁰ and the report on follow-up to the Committee's concluding observations,¹¹ please provide information for each year of the reporting period, on the number of complaints received and cases investigated in depth, prosecutions initiated, convictions or acquittals handed down, the nature of the sentences pronounced and the support measures and reparation provided to victims. Specify the training activities carried out, in particular the courses taken by law enforcement personnel in order to incorporate into their work the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) and other international human rights standards.

13. Specify whether the National Human Rights Commission is responsible for investigating complaints of human rights violations, including allegations of inhuman treatment and torture at places of detention, and describe the activities thus carried out. If it is not, indicate whether an independent mechanism has been established or is being established to thoroughly and impartially investigate all allegations of torture and ill-treatment.

Corporal punishment (arts. 7 and 24)

14. In the light of the Committee's previous concluding observations (para. 14), please describe the measures taken to prohibit, prevent and combat corporal punishment in all settings, including the home, as well as to protect children from corporal punishment and promote non-violent methods of education and discipline. Describe awareness-raising campaigns carried out for the general public on the harmful effects of all forms of violence against children.

Conditions of detention (arts. 7 and 10)

15. Further to the Committee's previous concluding observations (para. 13) and the information received from the State party,¹² please specify the measures taken to further improve the living conditions and treatment of prisoners in accordance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), including in respect of prison overcrowding, with statistics in this area, particularly concerning the prison in Gabode, and measures for the separation, respectively, of men, women and minors, and of persons in pretrial detention and convicted persons. Please indicate also what measures have been taken to establish a specific mechanism for receiving and dealing confidentially with complaints lodged by prisoners. Please provide information regarding the death of Farah Loubak, a young Afar detainee, at the prison in Gabode on 22 December 2021.

Pretrial detention (arts. 9, 10 and 14)

16. In the light of the Committee's previous concluding observations (para. 16) and the information received from the State party,¹³ please indicate the measures taken to reduce the use of pretrial detention and to encourage non-custodial measures, in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules), and the measures taken to reduce the maximum duration of pretrial detention, bringing it into line with the Covenant. Please also indicate the measures taken to ensure that conditions of

¹⁰ See [CCPR/C/DJI/CO/1/Add.1](#) and [CCPR/C/DJI/CO/1/Add.2](#).

¹¹ See [CCPR/C/116/2](#).

¹² See [CCPR/C/DJI/CO/1/Add.1](#).

¹³ *Ibid.*

detention are compatible with international standards such as the Nelson Mandela Rules, including in respect of the separation of persons in pretrial detention from convicted prisoners.

Trafficking in persons (arts. 7, 8 and 26)

17. In the light of the Committee's previous concluding observations (para. 22) and the information received from the State party,¹⁴ please provide information on: (a) the measures taken to prevent and combat trafficking in persons and forced labour, including domestic servitude and forced begging, and specifically the training given to judges, prosecutors, law enforcement officers, border guards and other relevant government officials; (b) the number and types of complaints lodged, investigations opened, prosecutions initiated and convictions handed down, the nature of the sentences pronounced and any reparation granted to victims; and (c) the complaint mechanisms, protection services and reception and support centres, including for refugees, available for victims of trafficking.

Fair trial (art. 14)

18. Further to the Committee's previous concluding observations (para. 17) and the information received from the State party,¹⁵ please describe the measures taken to guarantee, in law and in practice, the full independence and impartiality of judges and prosecutors. Please indicate the measures taken to ensure the effective enjoyment of all legal safeguards, including the right to be assisted by a lawyer, and the measures taken to prevent and punish acts of intimidation or harassment of lawyers. Please provide information on the use of traditional justice in the State party, particularly in the interior regions, and on the measures taken to ensure that the resolutions of customary courts and those applying sharia principles are in conformity with the provisions of the Covenant.

Freedom of expression, assembly and association (arts. 19, 21 and 22)

19. Further to the Committee's previous concluding observations (para. 12), the information received from the State party¹⁶ and the report on follow-up to the Committee's concluding observations,¹⁷ please describe the measures taken to guarantee in law and in practice the full and effective exercise of freedom of expression, freedom of association and the right of peaceful assembly and to create an environment conducive to the exercise of such rights. In this regard, please provide information on measures taken to ensure the protection of civil society organizations, human rights defenders, trade unions and journalists against threats, harassment, torture, reprisals or other acts of violence or intimidation in the exercise of their professions or activities, including against persons who cooperate with United Nations mechanisms (and specifically Alexis Deswaef, Victoire d'Humières and Kadar Abdi Ibrahim).

20. Please indicate the measures taken to ensure that legislation governing freedom of the media is in conformity with the Covenant and that any restrictions imposed on the activities of the press and media are in strict compliance with article 19 (3) of the Covenant, including the blockage of cellular data access to social networks. Describe the measures taken to relax registration requirements for newspapers and accreditation for journalists and to ensure that print press publications are not confiscated or censored. Please also indicate the measures taken to abolish prison sentences for public defamation in application of articles 425–427 of the Criminal Code and other, similar offences related to freedom of expression. Describe the activities carried out by the National Communication Commission since it became operational to ensure the effective implementation of article 19 of the Covenant.

21. Please provide information on measures taken to ensure that the legal framework governing the right to freedom of expression and freedom of religion is in conformity with the Covenant, including the prohibition of proselytizing, in relation to freedom of religion.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid. and [CCPR/C/DJI/CO/1/Add.2](#).

¹⁷ See [CCPR/C/116/2](#).

22. Please indicate the measures taken to ensure that: (a) the provisions relating to peaceful assembly are in compliance with the Covenant and the Committee's general comment No. 37 (2020), including Public Order No. 77-033/PR; and (b) the provisions relating to the right of freedom of association are in compliance with the Covenant, in particular, Decree No. 2015/3016 PR/PM, which put in place exceptional security measures following the terrorist attacks in Paris in November 2015.

Participation in public affairs (arts. 9, 19, 21, 22 and 25)

23. In the light of the Committee's previous concluding observations (para. 18) and the information received from the State party,¹⁸ please provide information on the measures taken to fully and effectively implement the right to take part in public affairs and exercise political rights without hindrance, including measures on the one hand to facilitate the registration of political parties and their recognition by the authorities, and on the other hand to cancel the presidential decree of 9 July 2008. In this respect, please indicate: (a) the number of applications for registration and recognition received; (b) the number of positive and negative responses and the reasons for denial; (c) the turnout in local, regional and national elections; and (d) the measures taken to ensure the full and effective independence of the Independent National Electoral Commission. Please respond to allegations of intimidation, harassment, prosecution and arbitrary arrest of members of opposition parties and other obstacles to their functioning and provide information on the investigations carried out into these incidents and the measures taken to ensure that perpetrators are held accountable for their actions, and to provide victims with appropriate and effective remedies.

Juvenile justice (arts. 7, 9, 10 and 24)

24. Further to the Committee's previous concluding observations (para. 19), please describe the measures taken to: (a) provide adequate financial and human resources to strengthen the juvenile justice system; (b) replace custodial sentences with non-custodial sentences; (c) ensure that detention and deprivation of liberty are used as a last resort and for the shortest possible period, and that children are held separately from adults; and (d) investigate allegations of sexual violence against juvenile offenders in prisons.

Violence against children (art. 24)

25. In the light of the Committee's previous concluding observations (para. 21), please provide details of the measures taken to prevent and combat violence and sexual abuse against children, including juvenile detainees, both legislatively and institutionally, in particular at the level of the National Council for Children. In this respect, please provide information on the training provided to judges, prosecutors, law enforcement officers, border guards and other relevant government officials and provide information on awareness campaigns for society in general and on complaint mechanisms, protection services and shelters for victims. Please also provide information on measures taken to combat forced marriages.

Refugees (arts. 2, 7, 24 and 26)

26. Further to the Committee's previous concluding observations (para. 20), provide information on the flow of migrants into the country and the measures taken to receive them. Please indicate the legislative and institutional initiatives adopted to guarantee effective protection for refugees, asylum-seekers and other persons in vulnerable situations, such as unaccompanied migrant children, including to establish an effective refugee status determination procedure, guaranteeing respect for the principle of non-refoulement and preventing statelessness among any newborn infants. Please also provide information on the measures taken to prevent and combat sexual violence in refugee camps.

¹⁸ CCPR/C/DJI/CO/1/Add.1.