



Djibouti

Joint Submission to the UN Universal Periodic Review

43rd Session of the UPR Working Group

Submitted 5 April 2023

Submission by CIVICUS: World Alliance for Citizen Participation,

NGO in General Consultative Status with ECOSOC

And

DefendDefenders (East and Horn of Africa Human Rights Defenders Project),

NGO in Special Consultative Status with ECOSOC

**CIVICUS: World Alliance for Citizen
Participation**

Paul Mulindwa

paul.mulindwa@civicus.org

+27 11 833 5959

Nicola Paccamiccio

nicola.paccamiccio@civicus.org

www.civicus.org

**The East and Horn of Africa Human
Rights Defenders Project
(DefendDefenders)**

Hassan Shire

HassanS@defenddefenders.org

+256 393 265 820

www.defenddefenders.org

1. 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, CIVICUS has members in more than 180 countries throughout the world.
- 1.2 The East and Horn of Africa Human Rights Defenders Project (DefendDefenders) is a regional CSO registered and based in Uganda. Established in 2005, DefendDefenders seeks to strengthen the work of human rights defenders (HRDs) throughout the East and Horn of Africa region by reducing their vulnerability to the risk of persecution and enhancing their capacity to defend human rights effectively. DefendDefenders focuses its work on Burundi, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Somalia and Somaliland, South Sudan, Sudan, Tanzania and Uganda.
- 1.3 In this submission, CIVICUS and DefendDefenders 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 fulfilment of the rights to freedoms of association, peaceful assembly and expression and unwarranted restrictions on HRDs since its previous UPR examination on 10 May 2018. To this end, we assess Djibouti's implementation of recommendations received during the 3rd UPR cycle relating to these issues and provide follow-up recommendations.
- 1.4 During the 3rd UPR cycle, the Government of Djibouti received 26 recommendations relating to the space for civil society (civic space). Of these recommendations, it accepted 22 and noted four. An evaluation of a range of legal sources and human rights documentation presented in this submission demonstrates that the government has not implemented all the recommendations relating to civic space. It has persistently failed to address unwarranted restrictions on civic space since its last UPR examination with acute implementation gaps found with regard to the right to freedom of expression and access to information, along with issues relating to freedom of association.
- 1.5 We are deeply concerned by Djibouti's onslaught on freedom of expression and media freedom through its enactment of stifling laws that silence critical opinions.
- 1.6 We are further alarmed by the targeting of HRDs and political opposition through intimidation, stifling laws and judicial harassment.
- 1.7 As a result of these issues, civic space in Djibouti is currently classified as closed by the CIVICUS Monitor, indicating the existence of severe civic space restrictions.¹

¹ CIVICUS Monitor: Djibouti, <https://monitor.civicus.org/country/djibouti>.

- Section 2 of this submission examines Djibouti's implementation of UPR recommendations and compliance with international human rights standards concerning freedom of association.
- Section 3 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 4 examines Djibouti's implementation of UPR recommendations and compliance with international human rights standards concerning freedom of expression, media freedom and access to information.
- Section 5 examines Djibouti's implementation of UPR recommendations and compliance with international human rights standards related to freedom of peaceful assembly.
- Section 6 contains recommendations to address the concerns raised and advance implementation of recommendations under the 3rd cycle.
- Section 7 is an annex on the implementation of 3rd cycle UPR recommendations related to civic space.

2. Freedom of association

2.1 During Djibouti's examination under the 3rd UPR cycle, the government received two recommendations on the right to freedom of association and creating an enabling environment for CSOs. Djibouti's government committed to 'revise Decree No. 2015-3016 PR/PM in order to end the exceptional security measures restricting the right to freedom of association in the country'² and 'allow free and independent trade unions in order to promote and protect workers' rights'.³ However, as evidenced below, the government has failed to take adequate measures to implement either 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 1/AN/92/2eL 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 must reside on Djiboutian territory. Given that many opposition figures have been prosecuted on spurious charges or have fled into exile, these conditions severely limit

² 'Universal Periodic Review – Djibouti', UN Human Rights Council, 10 May 2018, <https://www.ohchr.org/en/hr-bodies/upr/dj-index>.

³ Ibid.

the possibility of a healthy and vocal political opposition developing in Djibouti. Moreover, several political parties have been prevented from registering or have been deregistered, including the Mouvement pour le développement et la liberté and Mouvement pour le renouveau démocratique et le développement (MRD).⁴

- 2.4** Article 41.8 of the Labour Code states that work contracts can be suspended during the time that regular political or union activities are conducted if they are deemed incompatible with a worker's professional activities.⁵ Moreover, article 215 gives the Ministry of Labour full discretionary powers over the approval of a registration certificate for trade unions with no recourse mechanisms should the final decision be negative.
- 2.5** While Djibouti's law allows workers to join unions and participate in strikes, the registration process for unions is onerous and subject to government discretion, which the Ministry of Labour has used to favour government unions and deny registration to independent labour groups. The government is known to intimidate labour leaders and obstruct union activities. Activists from teachers' unions have reported being subjected to dismissals, transfers, demotions and denial of wages.⁶
- 2.6** Domestic human rights groups that work on civil and political sensitive matters cannot freely operate, face difficulties when registering with the authorities and are subject to government harassment. The government generally tolerates organisations that focus on social and economic development, including women's rights groups. Authorities regularly arrest individual activists for their work.⁷
- 2.7** On 9 March 2020, members of the Republican Alliance for Democracy party reported the kidnapping and arbitrary detention of one of its members. According to the group, Dilleyta Tourab was arrested by hooded men before being held incommunicado for four days and then imprisoned in Gabode prison on 7 March 2020. The party attributed the arrest to political repression to silence dissenting voices ahead of the April 2021 presidential election.⁸
- 2.8** Opposition parties and people expressing political dissent are constantly harassed and threatened. For instance, in a presidential decree in 2008, the MRD was

⁴ 'UPR Joint Submission', CIVICUS, 5 October 2017, <https://www.civicus.org/documents/DjiboutiUPR.EN.2017.pdf>.

⁵ 'Code du travail, Loi n°133/AN/05/5ème: Djibouti', <http://www.droitafrique.com/upload/doc/djibouti/Djibouti-Code-2006-du-travail.pdf>

⁶ 'Freedom in the world report 2021-Djibouti', Freedom House, 2021, <https://freedomhouse.org/country/djibouti/freedom-world/2021>.

⁷ Ibid.

⁸ 'Opposition members facing restrictions ahead of 2021 elections', CIVICUS Monitor, 28 April 2020, <https://monitor.civicus.org/updates/2020/04/28/opposition-members-face-increasing-restrictions-ahead-2021-elections>.

dissolved.⁹ Despite calls, including by UN Human Rights Committee, for the reversal of this decree, the government has refused to reinstate the party.

- 2.9** In December 2021, the police brutally detained four members of another opposition party, the Rassemblement pour l'action, la démocratie et le développement écologique, in Djibouti City while they participated in a peaceful sit-in protest in front of the National Parliament.¹⁰

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

- 3.1** Under Djibouti's previous UPR, the government received seven recommendations on the protection of HRDs, journalists and civil society representatives. Of the recommendations received, it accepted six and noted one. Among the recommendations, the government committed to 'ensure that the rights of human rights defenders are respected and ensure that the judicial authorities carry out thorough and impartial investigations with respect to threats, intimidation and violence against human rights defenders'. However, as examined in this section, the government has failed to implement any of these recommendations.
- 3.2** Article 12 of the UN Declaration on Human Rights Defenders mandates states to take the necessary measures to ensure the protection of HRDs. The ICCPR further guarantees freedoms of association, peaceful assembly and expression. However, in spite of these protections violations of these rights continued to occur during the reporting period.
- 3.3** There are no specific laws for the protection of HRDs in Djibouti. HRDs, civil society activists and journalists operate within severely confined boundaries and are subjected to numerous threats and obstacles. In several instances HRDs, activists and journalists faced harassment, attacks and reprisals for undertaking their legitimate work. For instance, on 15 April 2018, agents from the Information and Security Service (SDS) briefly detained Kadar Abdi Ibrahim and confiscated his passport without giving any justification for their actions.¹¹ This incident followed Kadar's return from Geneva, where he participated in advocacy activities and events ahead of Djibouti's UPR session. Since then, Kadar has been unable to leave the country.
- 3.4** On 21 October 2018, youth activist Abdisalam Ismael was arrested by Djiboutian security forces for allegedly sharing photos online of President Ismail Omar Guelleh

⁹ 'Djibouti: Repression reigns, human rights under attack', International Federation for Human Rights, 8 June 2022, <https://www.fidh.org/en/region/Africa/djibouti/djibouti-repression-human-rights-attack>.

¹⁰ Ibid.

¹¹ 'Djibouti: Reprisals against human rights defender Kadar Abdi Ibrahim upon his return from an advocacy mission in Geneva', International Federation for Human Rights, 18 April 2018, <https://www.fidh.org/en/issues/human-rights-defenders/djibouti-reprisals-against-human-rights-defender-kadar-abdi-ibrahim>.

sleeping during an international summit.¹² He was held at the notorious Gabode prison, where he was allegedly mistreated.

- 3.5** On 8 July 2019, HRD Degmo Ali Abdi, whose online activism often focuses on high-level corruption and the misappropriation of public funds in Djibouti, was arrested by security forces.¹³ According to the Ligue Djiboutienne des Droits Humains, he was arrested after he made a speech on corruption that implicated high-level government officials.
- 3.6** In cases where HRDs are exiled, security services target and harass their family members. On 6 August 2019, the authorities targeted Filsan Souleiman Samireh, wife of one of Djibouti's most high-profile bloggers, Samatar Ahmed Osman, also known as Huno Djibouti, who lives in exile in France. Filsan was detained and extensively questioned about her husband's online activism and accused of encouraging her husband to criticise the government.¹⁴
- 3.7** On 13 March 2023, Alexis Deswaef, Vice-President of the International Federation for Human Rights (FIDH), was detained at his hotel after being followed and trailed by the Djibouti Security and Documentation Service. Deswaef was then deported to Ethiopia. On 11 March 2023, a FIDH programme officer was also denied entry by Djibouti security and immigration personnel without any explanation, despite having a valid visa.

4. Freedom of expression, media freedom and access to information

- 4.1** Under the 3rd UPR cycle, the government received 17 recommendations relating to freedom of expression, media freedom and access to information. Of the recommendations received, 14 were accepted and three were noted. For example, the government pledged to 'create and ensure an enabling environment for free and independent media' and 'ensure that constitutional protections for freedom of expression, including press freedom, are upheld; and refrain from using administrative, judicial and financial means to unduly restrict the exercise of this right'. However, as discussed below, the government did not take effective measures to implement these recommendations.
- 4.2** Article 19 of the ICCPR guarantees the right to freedoms of expression and opinion. Article 15 of the constitution also guarantees the right to freedom of expression. However, in policy and practice, freedom of expression is severely restricted, and journalists engage in self-censorship.

¹² 'Activists detained for exercising freedom of expression', CIVICUS Monitor, 30 October 2019, <https://monitor.civicus.org/updates/2019/10/30/activists-detained-exercising-freedom-expression>.

¹³ Ibid.

¹⁴ 'Member of Djibouti's opposition party subjected to reprisals for her husband's cyber-activism', MENA Rights Group, 6 August 2019, <https://www.menarights.org/en/caseprofile/member-djiboutis-opposition-party-subjected-reprisals-her-husbands-cyber-activism>.

- 4.3** Defamation is criminalised in Djibouti under article 425 of the Penal Code. Under articles 426 and 437 defamation is punishable by six months' imprisonment when it affects individuals or groups, and up to a year when it targets public officials or institutions.
- 4.4** Article 196 of the Penal Code penalises 'direct incitement to rebellion', expressed through public speeches, shouts or written documents in any form, with a year's imprisonment and a fine of 200,000 Djiboutian Francs (approx. US\$1,125). This contradicts constitutional provisions and international standards on freedom of expression.
- 4.5** Additionally, the Law on Freedom of Communication contains several articles that negatively impact on the enjoyment of the right to freedom of expression and access to information. These include article 78, which specifically criminalises 'offending' the president. Article 4 states that freedom of communication must not threaten social peace, human dignity and public order and cannot contain any information contrary to Islamic morals or susceptible of inciting racism, tribalism, treason or fanaticism. Articles 14, 15 and 17 state that managers, owners and funders of press organisations must be Djiboutian and that the editor in chief or their deputy must physically live in Djibouti, while 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. These provisions are inconsistent with international law and article 15 of the constitution. Moreover, they give significant discretion to the government to control media ownership.
- 4.6** Law no. 66/AN/14/7ème L relating to cyber security and the fight against cyber criminality pertains mostly to fraudulent online activities and child pornography but contains a provision, under article 3.1, that enables a judge to order online 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.
- 4.7** As a result of the hostile operating environment, journalists, activists and critics of the government have been prosecuted over the course of the reporting period. On 12 June 2020, Lieutenant Fouad Youssouf Ali was arrested and charged with treason after releasing a video alleging corruption by a high-ranking military official and clan-based discrimination in late March 2020.¹⁵ On 8 November 2021, the Criminal Court of Djibouti sentenced him to 10 years in prison and fined him 300,000 Djiboutian Francs (approx. US\$1,686).¹⁶ The court found Fouad guilty on charges of 'provocation to arm

¹⁵ 'Police crackdown on protesters and journalists following rare demonstrations in Djibouti', CIVICUS Monitor, 12 October 2020, <https://monitor.civicus.org/updates/2020/10/12/police-crack-down-protesters-and-journalists-following-rare-demonstrations-djibouti>.

¹⁶ 'Lieutenant Fouad Youssouf Ali sentenced to 10 years in prison for speaking out on corruption', CIVICUS Monitor, 28 January 2022, <https://monitor.civicus.org/updates/2022/01/28/lieutenant-fouad-youssouf-ali-sentenced-10-years-prison-speaking-out-corruption>.

himself against the authority of the state’, ‘attempted theft of a military aircraft’ and ‘provocation of the military to disobedience’.

- 4.8** Several journalists, including those working for La Voix de Djibouti, were arrested or went into hiding for fear of being targeted for their coverage of protests that took place between June and July 2020 in support of Lieutenant Fouad.¹⁷ On 5 June 2020, Kassim Nour Abar was arrested while preparing to cover protests in Ali Sabieh and on 7 June 2020 Mohamed Ibrahim Waiss was arrested while reporting on protests in Djibouti City. Both were later released without charges. However, their arrest prompted other high-profile journalists, such as Osman Yonis Bogoreh, to go into hiding.
- 4.9** La Voix de Djibouti journalist Charmarke Saïd Darar was arrested on 15 July 2020 and was refused access to a lawyer or visits from his family.¹⁸ Darar had been in hiding prior to his arrest following his coverage of the case of Lieutenant Fouad. He had appeared on a weekly news programme Échange sur l’Actualité (News Exchange) on 12 July 2020, on which he stated that two of his family members had recently been arrested in an attempt to intimidate him into stopping his work as a journalist. A video released following the police search of Darar’s house on 2 August 2020 showed that his house was vandalised in the process, while his mobile phone and computer were confiscated and his Facebook account hacked into.¹⁹
- 4.10** On 2 August 2021, the government temporarily blocked Facebook following the outbreak of intercommunal violence between different ethnic group in several parts of Djibouti City.²⁰ The internet connection was reportedly irregular.

5. Freedom of peaceful assembly

- 5.1** During Djibouti’s examination under the 3rd UPR cycle, the government received one recommendation on the right to freedom of peaceful assembly. The government noted the recommendation to ‘improve training programmes for security forces to put an end to acts of violent repression of peaceful demonstrations’.²¹ The government has not implemented this recommendation.
- 5.2** The right to freedom of peaceful assembly is guaranteed by article 21 of the ICCPR. However, article 15 of the constitution only broadly guarantees ‘the full enjoyment of

¹⁷ ‘One journalist in hiding, 2 others detained over protest coverage in Djibouti’, Committee to Protect Journalists, 17 June 2020, <https://cpj.org/2020/06/one-journalist-in-hiding-2-others-detained-over-protest-coverage-in-djibouti>.

¹⁸ ‘Intense crackdown on journalists in Djibouti’, IFEX, 17 July 2020, <https://ifex.org/intense-crackdown-on-journalists-in-djibouti>.

¹⁹ ‘Djiboutian authorities threaten journalist through illegal actions’, IFEX, 4 August 2020, <https://ifex.org/djiboutian-authorities-threaten-journalist-through-illegal-actions>.

²⁰ ‘Several killed in Djibouti as communal violence erupts’, Al Jazeera, 2 August 2021, <https://www.aljazeera.com/news/2021/8/2/several-killed-in-djibouti-as-communal-violence-erupts>.

²¹ UN Human Rights Council, 10 May 2018, op. cit.

public rights and freedoms'. The constitution also recognises the right to go on strike. Articles 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 as being one where a prior incomplete or inexact notification has been submitted to the authorities.

- 5.3** The only legal document that explicitly protects the right to freedom of peaceful assembly in Djibouti is public order No. 77-033/PR, signed on 4 October 1977. Article 1 states that 'public reunions are free and can be held without prior authorisation in the conditions described below'. 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** In practice the government restricts the right to freedom of peaceful assembly. In October and November 2019, the authorities met opposition protests with disproportionate force. The police used live ammunition and teargas on protesters, leaving almost 50 people injured. The protests, which started in Djibouti City, spread to Randa and Tadjourah. They came in response to the arrest of Kako Houmed Kako, a young pro-democracy campaigner from the ARD Party who was kidnapped by the police.²²
- 5.5** Djibouti's long-time president, Ismail Omar Guelleh, won a fifth term in April 2021. The election was boycotted by the main opposition party and marked by low voter turnout. The run-up to the election was marred by frequent protests in Djibouti City and outbreaks of political violence in Tadjourah in January 2021.²³
- 5.6** In June 2020, protests erupted in Djibouti City and in the Ali-Sabieh Region after Lieutenant Fouad released videos describing the harsh conditions of his detention. Authorities arrested more than 100 protesters and charged some with vandalism and the destruction of private property.²⁴
- 5.7** In March 2021, the authorities detained three key opposition leaders the day after a protest demanding regime change. The demonstration had started out peacefully

²² 'Djibouti Country Report 2022', BTI Transformation Index, 2022, <https://bti-project.org/en/reports/country-report/DJI#pos4>.

²³ 'Djibouti: elections tampering and arms smuggling allegations mar president's fifth term', Pangea Risk, 13 April 2021, <https://www.pangea-risk.com/djibouti-elections-tampering-and-arms-smuggling-allegations-mar-presidents-fifth-term>.

²⁴ 'Protests break out against President Ismail Omar Guelleh', CIVICUS Monitor, 12 December 2021, <https://monitor.civicus.org/updates/2021/03/12/protests-break-out-against-president-ismail-omar-guelleh>.

before clashes broke out between protesters and riot police, resulting in the deaths of a protester and a policeman. The police also arbitrarily arrested and detained 23 protesters.²⁵

6. Recommendations to the Government of Djibouti

CIVICUS and Defend Defenders 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: freedoms of association, peaceful assembly and expression, 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 the light of this, the following specific recommendations are made.

6.1 Freedom of association

- Take measures to foster a safe, respectful and enabling environment for civil society, including by removing legal and policy measures that unwarrantedly limit freedom of association.
- Immediately reinstate any CSOs that have been arbitrarily and unduly sanctioned or deregistered.
- Refrain from acts leading to the closure of CSOs or the suspension of their peaceful activities, and instead promote a meaningful political dialogue that allows and embraces diverging views, including those of CSOs, HRDs, journalists, political activists and others.
- Guarantee the effective and independent functioning of autonomous trade unions by removing proscriptions on the formulation of independent labour unions and undue limitations on the right to strike.

6.2 Protection of human rights defenders

- Provide civil society members, HRDs and journalists with a safe and secure environment in which to carry out their work, conduct impartial, thorough and effective investigations into all cases of attacks, harassment and intimidation against them and bring the perpetrators of such offences to justice.
- Ensure that HRDs are able to carry out their legitimate activities without fear or undue hindrance, obstruction, or legal and administrative harassment.

²⁵ Ibid.

- Undertake a consolidated process of repeal or amendment of legalisation and decrees that unwarrantedly restrict the legitimate work of HRDs, in line with the UN Declaration on Human Rights Defenders.
- Immediately and unconditionally release all HRDs, including journalists and bloggers, detained for exercising their fundamental rights to freedoms of association, peaceful assembly and expression, and review their cases to prevent further harassment.
- Publicly condemn at the highest levels of government instances of harassment and intimidation of CSOs and activists.
- Systematically apply legal provisions that promote and protect human rights and establish mechanisms that protect HRDs, including by adopting a specific law on the protection of HRDs.

6.3 Freedom of expression, media freedom and access to information

- Ensure freedom of expression and media freedom by all bringing national legislation into line with international standards.
- Review the Law on Freedom of communication in order to bring it into line with best practices and international standards in the area of freedom of expression.
- Amend article 425 of the Penal Code and decriminalise defamation.
- Cease any practices of confiscating and censoring print media.
- Reform defamation legislation in conformity with ICCPR article 19.
- Ensure that journalists and writers may work freely and without fear of retribution for expressing critical opinions or covering topics that the government may deem sensitive.
- Take steps to lift restrictions on freedom of expression and adopt a framework for the protection of journalists from persecution, intimidation, and harassment.
- Guarantee unfettered access for all people in Djibouti to domestic and foreign media information, both offline and online.
- Develop an action plan to ensure that internet laws comply with the government's commitment to guarantee freedom of expression, media freedom and access to information, including by ensuring free access to electronic media, ceasing censorship and surveillance, liberalising electronic media ownership

rules and enabling journalists, bloggers and other internet users to play a full and active role in promoting and protecting human rights.

- Enable unfettered access to online information resources by removing restrictions on access to domestic and international news websites, social media platforms and CSO websites.
- Implement legislative measures to enable access to information and establish mechanisms to facilitate public access, in line with international best practices.
- Adopt a law on access to information in order to promote the full exercise of the rights to freedoms of expression and opinion.
- Refrain from adopting any laws providing for censorship or undue control over social and conventional media content.
- Refrain from censoring social and conventional media and ensure that freedom of expression is safeguarded in all arenas, including in the arts.

6.4 Freedom of peaceful assembly

- Adopt best practices on freedom of peaceful assembly, as put forward by the 2012 report of the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, which calls for simple processes for the notification of assemblies being held rather than permission being required, and by General Comment No. 37 on the right to peaceful assembly adopted by the UN Human Rights Committee in 2020.
- Amend Public Order No.77-033/PR in order to guarantee fully the right to freedom of peaceful assembly.
- Unconditionally and immediately release all protesters, HRDs and journalists detained for exercising their right to freedom of peaceful assembly and review their cases to prevent further harassment.
- Immediately and impartially investigate all instances of extrajudicial killing and excessive force committed by security forces in the context of protests.
- Review and if necessary update existing human rights training for police and security forces, with the assistance of independent CSOs, to foster the more consistent application of international human rights standards, including the UN Basic Principles on the Use of Force and Firearms.
- Publicly condemn at the highest levels all instances of the use of excessive and brutal force by security forces in response to protests, launch formal investigations into such instances and bring the perpetrators to justice.

- Provide recourse to judicial review and effective remedy, including compensation, in cases of unlawful denial of the right to freedom of peaceful assembly by state authorities.

6.5 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 by 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; 4) Special Rapporteur on the independence of judges and lawyers; 5) Special Rapporteur on extrajudicial, summary or arbitrary executions; 6) Special Rapporteur on the right to privacy; and 7) Working Group on Arbitrary Detention.

6.6 State engagement with civil society

- Implement transparent and inclusive mechanisms of public consultations with CSOs on all issues mentioned above and enable the more effective involvement of civil society in the preparation of law and policy.
- Include CSOs in the UPR process before finalising and submitting the national report.
- Systematically consult with civil society on the implementation of UPR recommendations, including by holding periodical comprehensive consultations with a diverse range of civil society.
- Incorporate the results of this UPR into action plans for the promotion and protection of all human rights, taking into account the proposals of civil society, and present a midterm evaluation report to the Human Rights Council on the implementation of the recommendations of this session.

7. Annex: Assessment of implementation of civic space recommendations under the 3rd cycle (EXAMPLE - matrix provided upon identification of country)

Recommendation	Position	Assessment/Comments on level of implementation
<p>114.78. Continue developing efforts to guarantee the full exercise of the right to freedom of information and expression, promoting the independence and pluralism of the media, and develop awareness programmes about the importance of this human right (Uruguay)</p> <p>Source of position: A/HRC/27/16 - Para. 114</p>	Accepted	<p>Status: Not implemented</p> <p>Source: Section 4 - para. 4.5.</p>
<p>114.79. Guarantee freedom of expression and information through the independence and pluralism of the media and guarantee freedom of association (France)</p> <p>Source of position: A/HRC/27/16 - Para. 114</p>	Accepted	<p>Status: Not implemented</p> <p>Source: Section 2; Section 4 - para. 4.5</p>
<p>114.80. Promote the independence and pluralism of the media, mindful that freedom of expression is a fundamental human right (Israel)</p> <p>Source of position: A/HRC/27/16 - Para. 114</p>	Accepted	<p>Status: Not implemented</p> <p>Source: Section 4</p>
<p>114.81. Create and ensure an enabling environment for free and independent media (Lithuania)</p> <p>Source of position: A/HRC/27/16 - Para. 114</p>	Accepted	<p>Status: Not implemented</p> <p>Source: Section 4</p>
<p>114.82. Promote efforts to ensure that the right to freedom of expression can be fully exercised and that all violations against human rights defenders and journalists are effectively investigated and prosecuted (Norway)</p> <p>Source of position: A/HRC/27/16 - Para. 114</p>	Accepted	<p>Status: Not implemented</p> <p>Source: Section 3; Section 4</p>
<p>114.83. Further promote freedom of expression and the independence of the media (Sierra Leone)</p> <p>Source of position: A/HRC/27/16 - Para. 114</p>	Accepted	<p>Status: Not implemented</p> <p>Source: Section 4</p>
<p>114.84. Guarantee a safe and enabling environment for journalists and human rights defenders and ensure that all cases of attacks</p>	Accepted	Status: Not implemented

<p>against them are investigated by independent and impartial bodies (Austria)</p> <p>Source of position: A/HRC/27/16 - Para. 114</p>		Source: Section 3
<p>114.85. Take all necessary measures for the protection of journalists and human rights defenders, in particular through the prosecution of the authors of intimidation or violence against them, and by ensuring the independence of their actions (France)</p> <p>Source of position: A/HRC/27/16 - Para. 114</p>	Accepted	Status: Not implemented Source: Section 3; Section 2; Section 4
<p>114.86. Ensure that members of the political opposition, civil society organizations as well as journalists are free to express their views and opinions, including guarantees for their rights to freedom of assembly (Germany)</p> <p>Source of position: A/HRC/27/16 - Para. 114</p>	Accepted	Status: Not implemented Source: Section 4; Section 5
<p>114.87. Investigate all allegations of threats and harassment against journalists and bring the perpetrators to justice (Ireland)</p> <p>Source of position: A/HRC/27/16 - Para. 114</p>	Accepted	Status: Not implemented Source: Section 3; Section 4
<p>114.88. Ensure that the rights of human rights defenders are respected and ensure that the judicial authorities carry out thorough and impartial investigations with respect to threats, intimidation and violence against human rights defenders (Belgium)</p> <p>Source of position: A/HRC/27/16 - Para. 114</p>	Accepted	Status: Not implemented Source: Section 3
<p>114.89. Avoid any obstacle to the work exercised by individuals and institutions protecting human rights in Nicaragua (Spain)</p> <p>Source of position: A/HRC/27/16 - Para. 114</p>	Accepted	Status: Not implemented Source: Section 2; Section 3
<p>114.90. Comply with the recommendation accepted in 2010, but not yet implemented, to establish an “Observatory on Human Rights Defenders” in collaboration with organizations that defend human rights in the country (Spain)</p> <p>Source of position: A/HRC/27/16 - Para. 114</p>	Accepted	Status: Not implemented Source: Section 3
<p>114.91. Guarantee the right to freedom of assembly and of association in accordance with international obligations (Lithuania)</p> <p>Source of position: A/HRC/27/16 - Para. 114</p>	Accepted	Status: Not implemented Source: Section 5; Section 2

<p>114.92. Continue ensuring that cases where police officers are accused of failing to protect peaceful protestors are promptly and fully investigated, and those responsible are brought to justice (Lithuania)</p> <p>Source of position: A/HRC/27/16 - Para. 114</p>	Accepted	<p>Status: Not implemented</p> <p>Source: Section 5</p>
<p>114.93. Implement fully the bill on access to information and take effective measures to protect freedom of the press by investigating all reported incidents of intimidation or harassment of journalists (Canada)</p> <p>Source of position: A/HRC/27/16 - Para. 114</p>	Accepted	<p>Status: Not implemented</p> <p>Source: Section 4; para. 4.7</p>
<p>114.94. Redouble efforts to promote the full exercise of the right to information and freedom of expression and promote, likewise, the independence and pluralism of the media (Costa Rica)</p> <p>Source of position: A/HRC/27/16 - Para. 114</p>	Accepted	<p>Status: Not implemented</p> <p>Source: Section 4</p>
<p>114.95. Continue its efforts to promote the full exercise of the right to freedom of information and expression (India)</p> <p>Source of position: A/HRC/27/16 - Para. 114</p>	Accepted	<p>Status: Not implemented</p> <p>Source: Section 4</p>
<p>115.7. Ensure that constitutional protections for freedom of expression, including press freedom, are upheld; and refrain from using administrative, judicial and financial means to unduly restrict the exercise of this right (United States of America)</p> <p>Source of position: A/HRC/27/16 - Para. 115</p>	Accepted	<p>Status: Not implemented</p> <p>Source: Section 4</p>
<p>115.8. Protect the rights to freedom of expression and assembly and ensure all abuses allegedly committed by police are transparently investigated (Australia)</p> <p>Source of position: A/HRC/27/16 - Para. 115</p>	Accepted	<p>Status: Not implemented</p> <p>Source: Section 4; Section 5</p>
<p>116.20. Ensure the full protection of the freedom of expression of its citizens, including the right to peaceful protest, and refrain from and condemn actions intended to intimidate or repress citizens exercising their rights (Canada)</p> <p>Source of position: A/HRC/27/16 - Para. 116, Add.1 – Para. 19</p>	Accepted	<p>Status: Not implemented</p> <p>Source: Section 4; Section 5</p>

<p>116.21. Fully guarantee respect for freedom of expression and opinion and fully comply with its commitments under the International Covenant on Civil and Political Rights, in particular articles 19 and 22 (Slovenia)</p> <p>Source of position: A/HRC/27/16 - Para. 116, Add.1 – Para. 19</p>	Accepted	<p>Status: Not implemented</p> <p>Source: Section 4</p>
<p>116.22. Decriminalize defamation (Ghana)</p> <p>Source of position: A/HRC/27/16 - Para. 116, Add.1 – Para. 26</p>	Noted	<p>Status: Not implemented</p> <p>Source: Section 4 - para. 4.3</p>
<p>116.23. Establish an institutional structure that guarantees the right of access to public information (Israel)</p> <p>Source of position: A/HRC/27/16 - Para. 116, Add.1 – Para. 20</p>	Noted	<p>Status: Not implemented</p> <p>Source: Section 4 - para. 4.7</p>
<p>117.12. Investigate credible allegations of human rights violations by security forces and prosecute, as appropriate, parties responsible in accordance with its international obligations and commitments (United States of America)</p> <p>Source of position: A/HRC/27/16 - Para. 117, Add.1 – Para. 34</p>	Noted	<p>Status: Not implemented</p> <p>Source: Section 5</p>
<p>117.18. Promote actively plurality of the media, hold perpetrators of attacks against journalists accountable, and decriminalize defamation (Czech Republic)</p> <p>Source of position: A/HRC/27/16 - Para. 117, Add.1 – Para. 26</p>	Noted	<p>Status: Not implemented</p> <p>Source: Section 4 – para. 4.3; para. 4.5; Section 3</p>