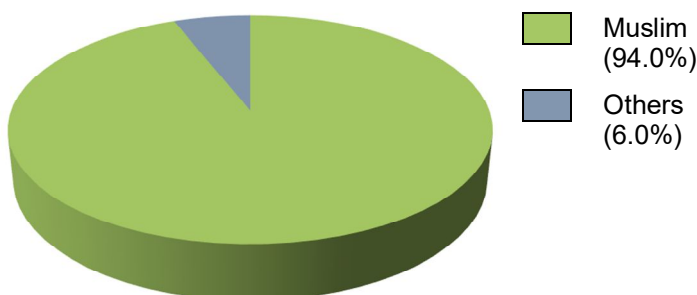
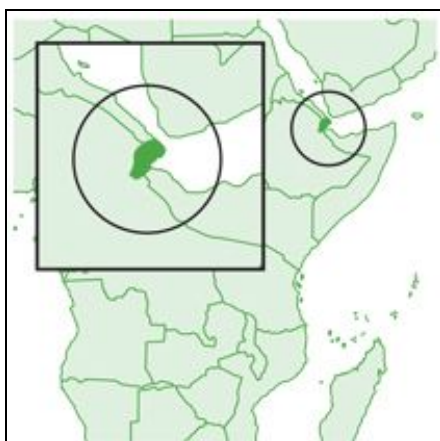


DJIBOUTI



Area: 23,200 km ²	Population: 828,324	Political system: Autocracy ¹	Major Language(s): French, Arabic, Somali, Afar
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Legal framework on freedom of religion and its current application

Djiboutian society and Islam are closely intertwined from a political-institutional standpoint, even more so than is provided for under the original constitution of 1992. In the first sentence of article 1 of the original constitution, Djibouti described itself as a “democratic Republic”. This version was revised, however, in 2010. The Preamble now begins with the words “In the name of God All-Powerful”,² and article 1 opens by declaring ‘Islam is the Religion of the State.’

Some fundamental freedoms are granted to other religions, however. Under articles 1 and 3 of the constitution, all citizens are equal, “without distinction of language, of origin, of race, of sex or of religion”. In both versions of the constitution “It is forbidden [for political parties] to identify themselves to a race, to an ethnicity, to a sex, to a religion, to a sect, to a language or to a region” (article 6). Article 11 guarantees every person ‘the right to the freedom of thought, of conscience, of religion, of worship and of opinion within respect for the order established by the law and the regulations’.³

In theory, the constitution does not explicitly prohibit proselytising, nor do the laws provide sanctions for those who do not follow Islamic rules, or profess belief in other religions. Still, there have been repeated reports that converts can sometimes face consequences including discrimination in the workplace and even physical violence. Representatives of Christian denominations also report external disfiguring of churches by individuals, and acts of destruction of church property.⁴

A law passed in October 2012 gave the Ministry of Islamic Affairs broad powers over the country’s mosques and over the content of public prayers. The ministry’s authority thus spans all Islamic affairs, from mosques to private denominational schools (over which the Ministry of Education also has jurisdiction) to religious events.⁵ In addition to the country’s system of secular state schools, there are also about 40 private Islamic schools in Djibouti.⁶

The ministry’s High Islamic Council can issue official statements on all matters relating to Muslims. It is also in charge of coordinating all Islamic non-governmental organisations (with the Foreign Ministry coordinating the non-Islamic organisations). Customarily, the country’s president and other government employees (including magistrates) take a religious oath of office; however, those who opt out of an oath are not subject to special sanctions.⁷

Djibouti's legal codes also contain elements of Islamic law. Islamic courts resolve matters of civil and family law for Muslims. These courts apply Islamic law along with civil law.⁸

For non-Muslims, family matters are referred to state-governed civil courts, so civil marriages are permitted for these individuals as well as for foreigners. Non-Islamic religious marriages are not recognised.⁹

All foreign and local non-Muslim organisations are required to register with the Ministry of the Interior. The ministry begins an investigation as soon as it receives a registration request. Foreign or domestic Muslim organisations that must register with the Ministry of Islamic Affairs are spared this procedure, which is often lengthy and fraught with inefficiency. Foreign religious groups are required to submit a second application to the Foreign Ministry. If this application is granted, an agreement listing the group's activities is then signed. The agreement remains in effect for five years.¹⁰

Incidents

It is reported that, during the reporting period, the government has repeatedly denied state registration to non-Islamic groups requesting it, including Catholics, Protestants and Greek and Ethiopian Orthodox Christians. In some cases, several religious communities that have not been registered, such as Ethiopian Protestants or Muslim congregations, have worked under the auspices of other, registered communities. Smaller communities, such as the Jehovah's Witnesses or the Bahá'í, carried out their work in secret without registering.

In recent years, Djibouti has increasingly become a haven for refugees fleeing from the war in Yemen, which is located 20 to 30 kilometres beyond the Strait of Bab-el-Mandeb. With its very limited means, the Catholic Church in Djibouti is attempting to provide support to the small flock of fellow believers in Yemen.¹¹

Prospects for freedom of religion

Although the major powers view Djibouti as an anchor of stability in a troubled region, in reality there are many people suffering from a lack of political freedom in the small East African country. The family of incumbent President Ismail Omar Guelleh has been in power since the country gained its independence from France in 1977. Guelleh was elected to a fourth term in the elections held in April 2016. Opposition candidates had little chance. The situation for press freedom in the country is dire as well. The non-governmental organisation 'Reporters Without Borders' accused the government of arresting BBC journalists and exiling them from the country. Djibouti ranks towards the bottom of the NGO's ranking: out of 180 countries, it ranks 170th.¹² The restrictive and in some respects discriminatory approach towards all non-Islamic religious communities places considerable constraints on the possibilities for them to proclaim their faiths.

¹ https://en.wikipedia.org/wiki/Democracy_Index

² https://www.constituteproject.org/constitution/Djibouti_2010.pdf?lang=en

³ Ibid.

⁴ US State Department: International Religious Freedom Report 2014

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

¹¹ http://de.radiovaticana.va/news/2015/04/10/jemen_tausende_afrikanische_fl%C3%BCchtlingen_sitzen_fest/1135807

¹² <http://www.dw.com/de/dschibuti-kein-machtwechsel-in-sicht/a-19168501>