



LA MEDIATURE DE LA REPUBLIQUE
DE DJIBOUTI
أمين المظالم جمهورية جيبوتي

Ombudsman African Research Centre in
collaboration with the Republic of Djibouti
presented the role of the Ombudsman in
the promotion of human rights and
peacekeeping
from 05 to 09 March 2018 in the Capital
Djibouti

Madam Sherifa Tagmot date, 3
April 2018

- ◀ Overview of Djibouti
- ◀ General framework of the training course
- ◀ Introduction of the facilitators, mediators and African Ombudsman AOMA
- ◀ Introduction of the African Research Centre CROA
- ◀ First agenda: The role of national institutions in promoting and protecting the rights of refugees and displaced persons
- ◀ Second agenda: The role of national institutions and ombudsman in protecting women and female refugees.
- ◀ Strategies and protection issues
- ◀ Important recommendations
- ◀ Conclusion

Overview of Djibouti

- ▶ Djibouti is a country in the horn of Africa and a member of the Arab League. Djibouti is located in the west coast of the Bab Al-Mandab strait, bordered by Eritrea on the north, Ethiopia on the west and south, and Somalia on the southeast. Djibouti faces the Red Sea through the Yemen peninsula located in the east which is about 20 kilometres from Djibouti. Djibouti is approximately 23,000 square kilometres, with an estimated population of 864,000. The capital of Djibouti is Djibouti. About one-fifth of the country's population lives below the global poverty line.
- ▶ Date of Independence is 1977;
- ▶ Climate: Hot climate throughout the year with temperatures reaching to 45 degrees Celsius, and slightly rainy weather.
- ▶ Natural Geography: Most of the land consists of desert and a range of volcanic mountains in the north;



General framework

This work aims to empower the ombudsmen's various activities. The work aims to develop the knowledge and methodological framework for all the areas concerned with institutional mediation. All the shared experiences and discussions seek to create a vision in order to better the quality of the service of the mediators and ombudsmen. The work aims to create a network with institutions and governance in Africa such as the African Union and to create new partnerships to develop Africa (NEPAD).

Objectives:

- Human rights empowerment. Promotion and protection of the rights of refugees and displaced persons. Limiting the violence that refugees and displaced persons face.
- Protection of women's rights and female refugees in the camps.
- Exchanging experiences and good practices among the ombudsmen.

African Ombudsman & Mediators Association (AOMA)

African Ombudsman and Mediators Association (AOMA) has been established since 1990 and consists of 37 supervisors, although many of them use different names or form part of other committees such as the Public Protector (South Africa and Zambia), the Human Rights and Good Governance Committee (Tanzania and Ghana). AOMA meet in General conferences every two years.

Institution objectives

- ▶ Training of ombudsmen and employees
- ▶ Promoting good governance while taking into consideration human rights, transparency and administrative justice
- ▶ Supporting self management and independence of ombudsmen offices
- ▶ Strengthening the affiliation to other institutions or associations or international bodies interested in the progress of supervision activities and human rights activities.

African Ombudsman Research Centre

CROA

Founded in 2011, the African Ombudsman Research Centre was established by AOMA. The centre provides various services to the members, including:

- ❑ Research and information: providing ombudsmen with the required information on the issues that impact their work
- ❑ Information sharing including through Newsletters, electronic and social media.
- ❑ Training: providing ombudsmen and their legal advisees with the necessary educational training investigations to the master degree level in the field
- ❑ Tasks include: using ombudsmen as an alternative to resolve disputes in when required.

Implications of migration and displacement

- ❑ Refugee: none citizen person who is outside his country of residence because of war and persecution
- ❑ Displaced: a person who moves under the same circumstances to another place within the borders of his country
- ❑ Diaspora: a person forcibly deported from his country because of wars and violations
- ❑ Homeless person: a person with no home who lacks the sense of security and protection, and holds little hope for the future.



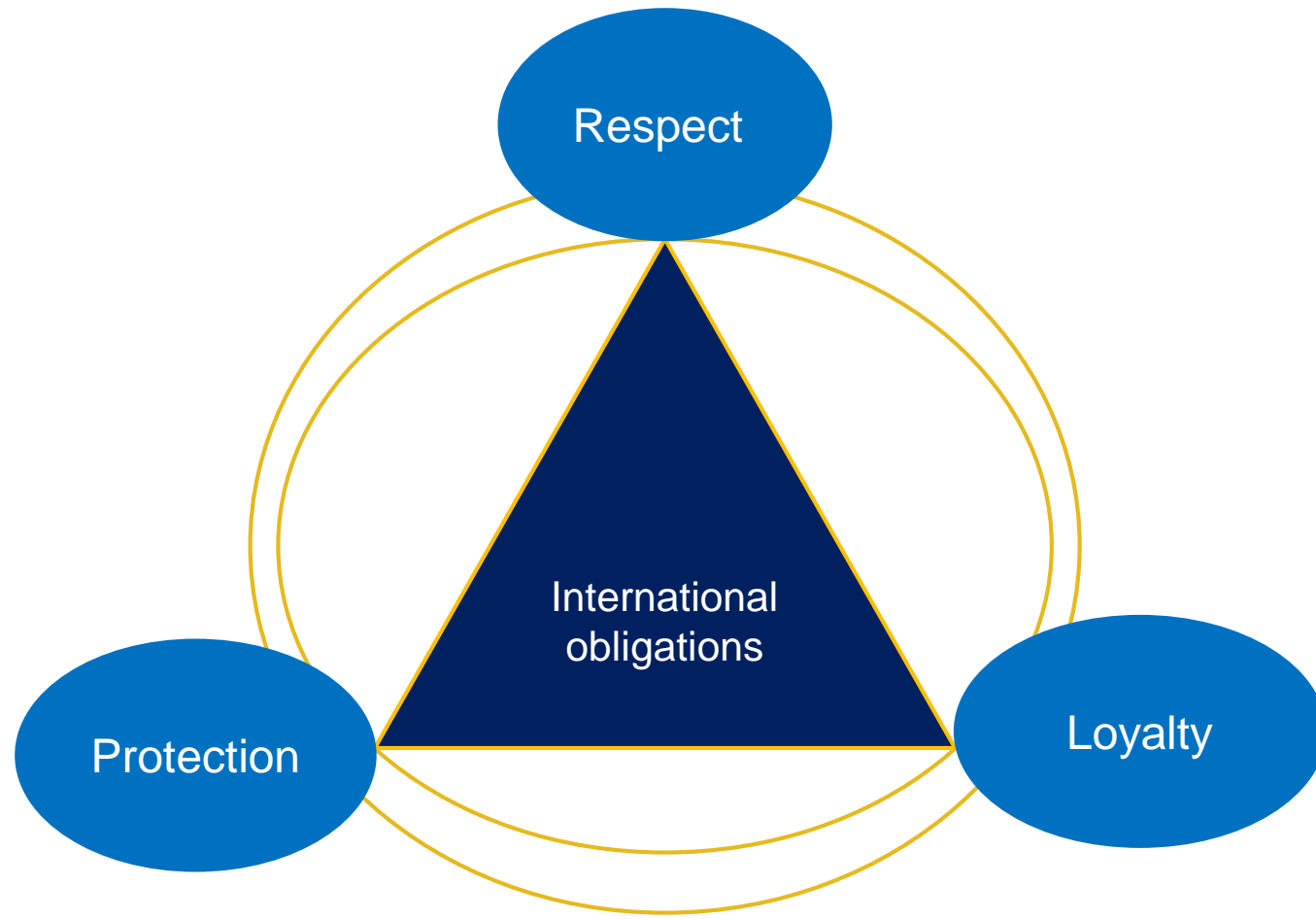
Implications of Migration and Displacement

- ❑ **Loss of shelter**
- ❑ **Loss of belongings**
- ❑ **Low living standards**
- ❑ **Loss of social services**
- ❑ **Loss of identity documents**
- ❑ **Disintegration of the family**
- ❑ **Racism**
- ❑ **Absence of security**

Refugee basic rights

- ❑ The right to seek asylum
- ❑ The right to an adequate standard of living
- ❑ The right to life and freedom
- ❑ The right to be freed from torture and cruel treatment
- ❑ The right to freedom from slavery
- ❑ The Recognition as a person before the law
- ▶ Freedom of thought, conscience and religion
- ▶ Freedom from arbitrary arrest and detention
- ▶ Freedom of speech
- ▶ The right to education
- ▶ The right to participate in the cultural life of society
- ▶ The right to a safe life

International obligations





The role of national institutions in the promotion and protection of refugees rights

Major points

- ❑ The capacity to protect rights of refugees, rights of displaced persons and rights of displaced persons internally
- ❑ The credibility and experience in dealing with human rights issues at a national level
- ❑ The ability to work with different active actors
- ❑ The ability to intervene where human rights are violated.

Challenges

- ❑ Lack of legislative framework on refugees and displaced persons in some countries
- ❑ The challenge of balancing the demands of governments, communities, refugees and internally displaced persons
- ❑ The challenge of reaching to displaced persons in situations of violence and war
- ❑ Insufficient resources to address human rights and displaced persons.

The role of ombudsman's and national institutions in protecting women, homeless women and displaced women

The main challenges that impact the statuses of human rights in Africa include; illiteracy, ignorance, administrative corruption, tribal wars, lack of fair distribution of services among country provinces and the weakness of legislation which impacts the status of ombudsmen negatively.

In 2016, 66 million persons were displaced and forced to leave their countries in search of safe haven, in camps, as a result of wars and conflicts. Once female migrants cross the border they are faced with another form of crime. Women and girls under the age of 15 are 50% of the displaced persons are subjected to various types of physical and sexual violence because of their gender.

“Violence directed against a woman because she is a woman”

Possible strategies to solve protection challenges

Prevention

- ▶ To provide political will and financial means to advance the refugee, the homeless and displaced population
- ▶ To recognize refugees and displaced persons issues as human rights issues. The issues should be integrated into strategic plans and annual work plan
- ▶ To provide legislations and laws that are binding to the protection of refugees
- ▶ To activate the memorandum of non-hatred and discrimination
- ▶ To provide safe facilities and safe spaces for women and girls in camps
- ▶ To include refugees' issues within the administration of the National Human Rights Foundation and to appoint focal persons to serve this category
- ▶ To use mechanisms to provide early warnings to prevent conflicts that may lead to the displacement of persons escaping from violations
- ▶ To provide essential services such as health or security to protect and assist refugees and displaced persons in accordance with regional and international standards

Possible strategies to solve protection issues (continued)

- ❑ Educating and teaching refugees, to be aware of their duties towards host communities
- ❑ Sensitizing host countries to tolerate refugees and to recognize their rights
- ❑ Organising public awareness campaigns on the rights of refugees and displaced persons
- ❑ Teaching workshops on international and regional legal standards on refugee rights and protection
- ❑ Mobilizing resources, logistical services, technical issues and human resources. Strengthening partnerships with other actors to respond to the challenges of protecting and promoting refugee rights
- ❑ Ratifying the African Union Convention for the Protection and Assistance of Displaced Persons in Africa and the African Union since 2009, and ratifying the 1969 OAU Convention.

Have ever visited a refugee camp?
What is your impression?



Analysis of migration phenomenon

- ▶ Legal aspect

Which forces us all to think deeply about its manifestations and its implications for the immigrant as a human being who enjoys the right to life, to human dignity and to decent living as required by international instruments.

- ▶ Human aspect

Which is reflected on the dilemma of integration, adaptability and active interaction between the immigrant culture, the prevailing local culture and the country receiving the refugee. In order to build a model of interaction between people of different backgrounds and horizons.

- ▶ Economic and social dimension

Which is reflected by the economic and social repercussions on the phenomenon of migration. The challenges faced by migrants are increasingly complicated by the repercussions of the economic crisis, especially when it comes to employment and social welfare. Migrants constitute a fragile category and an exploited prey where others violate their most basic rights. We have to commit to better the refugees situation and to respect their rights. The administrative authorities, the economic and social actors have to commit to the relevant laws in this regard.

The most important recommendations

- ▶ Mediation institutions and the ombudsmen have to alert public authorities to the inadequacy of the national legislation or to the lack of legal execution. And, to intensify their efforts on the proper application of the laws
- ▶ To expand the powers of the republic's mediator to reach vulnerable refugees of women and children
- ▶ To sensitize civil society and government on the rights of displaced women and children
- ▶ To reduce the risk of family displacement, sexual violence and human abuse
- ▶ To strengthen the relations between the African mediator, improving their practices and using their resources in conflict resolution
- ▶ To introduce Arabic into the official correspondence of AOMA
- ▶ To establish some African meetings in safer countries
- ▶ To intensive training courses in leadership and management, in collaboration with international ombudsman
- ▶ To assist countries that struggle with administrative and financial problems by providing them training, funding and technical advice.

Conclusion

- ▶ The problem of refugees in Africa requires the cooperation of several parties. Donor countries and international organizations must commit to their responsibility in supporting development efforts in the continent, mediating disputes, supporting conflict prevention mechanisms, and avoiding politicization of the refugee issue. The issue of refugees is a humanitarian issue in the first place.
- ▶ African countries need to direct their commitments from the principles of good governance and justice in the legal texts to practical implementation. Countries of asylum have to respect the legal rules for the protection of refugees. Asylum countries must not to force the refugees to return to their countries and to understand their situation and needs.











