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**COMPILATION PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER  
FOR HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15(B) OF  
THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1**

**Djibouti**

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

## I. BACKGROUND AND FRAMEWORK

### A. Scope of international obligations<sup>1</sup>

<i>Core universal human rights treaties</i> <sup>2</sup>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICESCR	5 November 2002	None	-
ICCPR	5 November 2002	None	Inter-State complaints (art. 41): No
ICCPR-OP 1	5 November 2002	None	-
ICCPR-OP 2	5 November 2002	None	-
CEDAW	2 December 1998	None	-
CAT	5 November 2002	None	Inter-State complaints (art. 21): No Individual complaints (art. 22): No Inquiry procedure (art. 20): Yes
CRC	6 December 1990	Yes (general)	-

*Core treaties to which Djibouti is not a party:* ICERD (signature only, 2006), OP-CEDAW, OP-CAT, OP-CRC-AC (signature only, 2006), OP-CRC-SC (signature only, 2006), ICRMW, CPD, CPD-OP and CED.

<i>Other main relevant international instruments</i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	No
Rome Statute of the International Criminal Court	Yes
Palermo Protocol <sup>3</sup>	Yes
Refugees and stateless persons <sup>4</sup>	Yes, except 1954 and 1961 Conventions
Geneva Conventions of 12 August 1949 and Additional Protocols thereto <sup>5</sup>	Yes, except Additional Protocol III
ILO fundamental conventions <sup>6</sup>	Yes
UNESCO Convention against Discrimination in Education	No

1. In 2006, Djibouti pledged to ratify ICERD, OP-CRC-SC, and OP-CRC-AC.<sup>7</sup> In 2008, the Committee on the Rights of the Child (CRC) encouraged Djibouti to ratify both Optional Protocols, as well as any other international human rights instruments to which it was not yet party.<sup>8</sup> It also urged Djibouti to consider reviewing its declaration to the Convention with a view to withdrawing it.<sup>9</sup>

### B. Constitutional and legislative framework

2. The 2007 Common Country Assessment (CCA) report noted the insertion in the Constitution of a chapter exclusively devoted to human rights.<sup>10</sup>

3. CRC welcomed the adoption of the Law against trafficking in human beings in 2007; the Law on the protection of persons living with HIV/Aids in 2007; the Law on the Labour Code in 2006; the Family Code in 2002; and the Outline Act on the education system in 2000.<sup>11</sup> CRC further welcomed, as highlighted also by UNHCR,<sup>12</sup> the amendment to the Penal Code which has set, under the provisions of its article 333, severe sanctions penalizing the practice of female genital mutilation.<sup>13</sup>

### C. Institutional and human rights infrastructure

4. The 2007 CCA report noted the creation of a ministerial department responsible for the promotion and protection of human rights and charged with the elaboration and implementation of a governmental policy on human rights.<sup>14</sup>

5. In 2008, CRC welcomed the establishment of the Ministry for the Advancement of Women, Family Welfare and Social Affairs.<sup>15</sup> It recommended that Djibouti establish an independent body to monitor the implementation of the Convention on the Rights of the Child, in accordance with the Paris Principles. Such a body should be able to receive and investigate complaints from, or on behalf of, children on violations of their rights and should be provided with the necessary human and financial resources.<sup>16</sup>

### D. Policy measures

6. A 2004 UNFPA report noted the adoption of a National Strategy for the Improvement of Women in Development and a National Action Plan, which states that all policies and laws will be evaluated based on their impacts on gender.<sup>17</sup>

7. CRC welcomed the 2005 National Plan of Action to Combat Abuse and Sexual Exploitation of Children; the Accelerated Strategy for Child Survival and Development; and the 2005 national integrated early childhood development policy. It encouraged Djibouti to adopt a National Plan of Action on Children that addresses fully all of the rights of the child enshrined in the Convention.<sup>18</sup>

## II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

### A. Cooperation with human rights mechanisms

#### 1. Cooperation with treaty bodies

<i>Treaty body<sup>19</sup></i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CESCR	-	-	-	Initial report overdue since 2004
HR Committee	-	-	-	Initial report overdue since 2004
CEDAW	-	-	-	Initial and second reports overdue since 2000 and 2004 respectively
CAT	-	-	-	Initial and second reports overdue since 2003 and 2007 respectively
CRC	2007	October 2008	-	Third period report due in 2013

#### 2. Cooperation with special procedures

<i>Standing invitation issued</i>	No
<i>Latest visits or mission reports</i>	None
<i>Visits agreed upon in principle</i>	None
<i>Visits requested and not yet agreed upon</i>	None
<i>Facilitation/cooperation during missions</i>	

<i>Follow-up to visits</i>	None
<i>Responses to letters of allegations and urgent appeals</i>	Between 15 November 2004 and 14 November 2008, a total of 8 communications were sent to the Government. In addition to particular groups, these communications concerned 19 individuals, including 16 trade unionists. During the same period, Djibouti replied to 7 communications (87.5 per cent).
<i>Responses to questionnaires on thematic issues</i> <sup>20</sup>	Djibouti has not responded to any of the 12 questionnaires sent by special procedures mandate holders between 1 January 2004 and 31 December 2007, within the deadlines. <sup>21</sup>

### 3. Cooperation with the Office of the High Commissioner for Human Rights

8. The regional office in Addis Ababa covers countries in the East and Horn of Africa, focusing primarily on countries where there is no OHCHR presence, including Djibouti. The Office works to build regional and national capacities to protect and promote human rights, and engages with the United Nations Country Teams to support them in integrating a human rights-based approach into their programming.<sup>22</sup>

9. In 2008, the Regional Office significantly increased its engagement with the Government. From 11- 12 May 2008, the Regional Office co-organized with the Ministry of Justice and Human Rights and the UNCT Djibouti, a national consultative workshop on human rights. Under the auspices of the President of the Republic of Djibouti, seventy representatives of the Government, civil society organizations and national human rights institutions adopted ten recommendations, including the creation of an inter-ministerial committee to coordinate the treaty reporting process, and the swift establishment of a national human rights commission. From August 2008 to December 2009, East Africa Regional Office will continue to support the ongoing efforts of these national actors and the United Nations in the sector of human rights through a technical assistance project.<sup>23</sup>

10. Le Ministère de la Justice, des affaires pénitentiaires, chargé des droits de l'homme du Djibouti, avec l'appui du Haut Commissariat des Nations Unies aux droits de l'homme et du système des Nations Unies à Djibouti, a organisé du 11 au 13 octobre 2008 un atelier de formation. L'atelier avait pour objectif de renforcer les capacités de l'Etat djiboutien afin de lui permettre de rédiger, dans les meilleurs délais, des rapports périodiques de qualité et de les soumettre aux organes de traités onusiens et au Conseil des droits de l'homme dans le cadre de l'examen périodique universel.<sup>24</sup>

## B. Implementation of international human rights obligations

### 1. Equality and non-discrimination

11. In 2000, CRC noted that the principle of non-discrimination is reflected in the Constitution as well as in domestic legislation.<sup>25</sup> It urged Djibouti to give particular attention to addressing discrimination against both girls and women by, inter alia, reviewing domestic legislation so as to ensure that discriminatory provisions, including those affecting inheritance rights, are removed and that adequate protection from discrimination is provided.<sup>26</sup> The 2007 CCA report noted that inequalities between men and women continue to be a major challenge for the country. Gender disparities are observed in the fields of education, economy and decision making.<sup>27</sup>

12. In 2008, CRC welcomed efforts to ensure that all children have access to education, health and other social services. Nevertheless, it regretted that disparities remain, in particular with regard to children living on the streets, migrant children, refugee children and children with disabilities.<sup>28</sup> It noted with concern that around 10 per cent of children in Djibouti do not have a birth certificate and that the non-provision of birth certificates particularly affects non-Djiboutian children. It was also concerned that Djibouti's efforts to improve birth registration are limited to school-going children, in a small number of schools in the capital city, therefore leaving out a significant portion of the population.<sup>29</sup>

13. CRC welcomed the passing of a law in 2006 implementing measures against discrimination and stigmatization of persons living with HIV/AIDS and their families.<sup>30</sup> It also noted with appreciation the draft law relating to the social inclusion of persons with disabilities. It noted with regret, however, that recommendations stemming from a two-day workshop held in 2006 on the need to improve occupational and social reintegration of persons with disabilities still remain unachieved.<sup>31</sup>

## **2. Right to life, liberty and security of the person**

14. En 2006, le Rapporteur spécial sur les exécutions sommaires, extrajudiciaires ou arbitraires a adressé une lettre au gouvernement concernant la répression par les forces de sécurité d'une manifestation en novembre 2005 à Djibouti-ville. Les forces de sécurité auraient ouvert le feu sur les habitants du quartier d'Arhiba alors que ceux-ci tentaient de s'opposer à la destruction de leurs habitations par les pouvoirs publics. Cinq manifestants auraient trouvé la mort dont une femme et un enfant. Huit personnes auraient été blessées et cinq autres seraient portées disparues. Ces actes de répression seraient intervenus un mois après la mort d'un jeune homme de 18 ans, abattu par les forces de l'ordre lors d'une manifestation pacifique de travailleurs et de lycéens contre l'augmentation des prix des transports. Tout en qualifiant la réponse des autorités de largement satisfaisante, le Rapporteur spécial a regretté que le gouvernement n'évoque pas en détail le cas de toutes les victimes et a souligné que les compensations financières en réparation de violations des droits de l'homme ne peuvent légitimement se substituer à des poursuites judiciaires.<sup>32</sup>

15. In 2005, the Special Rapporteur on the question of Torture sent a communication concerning two pilots who had been forcibly returned from Djibouti to a neighbouring country, where they were being detained incommunicado and tortured since their return. Djibouti did not respond to this communication.<sup>33</sup>

16. The 2007 CCA report noted that despite progress, including the promulgation and implementation of the Family Code, women continue to be subjected to domestic violence and harmful traditional practices, such as female genital mutilation (FGM).<sup>34</sup> In 2008, CRC noted with concern that FGM, including infibulations, the most extreme form of FGM, continues to be widely practiced in the country, and that there have been no prosecutions to enforce the law prohibiting this practice.<sup>35</sup>

17. While CRC noted Djibouti's indication that corporal punishment has been forbidden in schools, it was concerned that children are still subjected to corporal punishment, particularly in the home. It recommended that Djibouti explicitly prohibit by law all forms of violence against children, including corporal punishment, in all settings, and that it promote the use of alternative forms of discipline.<sup>36</sup>

18. In 2008, CRC noted Djiboutian law does not specifically provide for the separation of children from their parents, as a last resort, in cases of abuse or neglect. It further noted that the separation of a child from his or her parents is, in general, not easily feasible due to a lack of appropriate infrastructure. It was concerned that existing legislation has not been used to deal seriously with child abuse, and that punishment for perpetrators of such acts generally are light.<sup>37</sup>

19. CRC expressed concern about the high number of children, in particular girls, involved in prostitution and the lack of facilities to provide services for sexually exploited children. It recommended that Djibouti develop and strengthen legislative measures to address the issues of sexual exploitation and sexual abuse; ensure the prompt investigation and the prosecution of perpetrators of sexual offences against children; and continue to implement appropriate policies and programmes for prevention, recovery and social reintegration of child victims.<sup>38</sup> It was also concerned at the very high number of children who are still in the streets and recommended that Djibouti strengthen efforts to provide protection for these children.<sup>39</sup>

20. CRC also urged Djibouti to ensure that inter-country adoption is performed in full compliance with the best interests of the child and that it provides appropriate legal guarantees for children, including non-nationals, throughout the adoption process, in order to avoid possible cases of sale or trafficking of children for adoption or other aims.<sup>40</sup>

### **3. Administration of justice and the rule of law**

21. In 2008, CRC expressed concern about the lack of specialist courts for juvenile offenders. It was also concerned that juveniles as young as 13 years old can be detained for long periods of time, that there are no separate facilities to detain children apart from adults and that alternative responses to offences are at the discretionary power of the court.<sup>41</sup> It urged Djibouti to ensure that juvenile justice standards are fully implemented. It recommended that Djibouti establish a specialized justice system for children; ensure that persons working with children in the justice system receive appropriate training, that children are held in detention only as a last resort and for as short a time as possible, that children are held separately from adults and are not ill-treated in detention, and that cases involving juveniles are brought to trial as quickly as possible.<sup>42</sup>

22. In 2007, an ILO Committee of Experts asked the Government to indicate whether prison labour is compulsory for prisoners and, if so, whether the status of political prisoners includes special, more favourable provisions in respect of prison labour.<sup>43</sup>

### **4. Right to privacy, marriage and family life**

23. In 2008, CRC welcomed the fact that Djibouti requires parents to provide for their children and that a judge can order that maintenance be paid. However, it was concerned that the existing penalty for abandonment of the child is prison and a fine.<sup>44</sup> It recommended that Djibouti consider more effective ways of obtaining maintenance for children, such as automatic enforcement of the maintenance system and local mediation mechanisms. It also recommended that Djibouti undertake an in-depth and comprehensive study on the impact of polygamy in order to find out whether polygamy has negative consequences on the upbringing and development of children and, if so, to develop measures, including awareness-raising measures, to address those negative impacts.<sup>45</sup>

24. CRC noted with concern the high numbers of vulnerable and orphaned children and recommended that Djibouti, inter alia, provide special protection for children deprived of a

family environment and ensure that an appropriate monitoring mechanism is in place to monitor alternative care facilities and foster care/guardianship programmes.<sup>46</sup>

### **5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life**

25. En 2006, la Représentante spéciale du Secrétaire général concernant la situation des défenseurs des droits de l'homme, a adressé une communication au gouvernement concernant la persistance d'attaques contre les défenseurs des droits économiques et sociaux, et particulièrement les syndicalistes indépendants. Les années 2005 et 2006 auraient été marquées par une augmentation des actes visant à criminaliser ces activités, notamment, des licenciements, arrestations, actes de harcèlement policiers et judiciaires et menaces.<sup>47</sup>

26. En 2005, la Représentante spéciale et le Rapporteur spécial pour la promotion et la protection du droit à la liberté d'opinion et d'expression ont adressé une communication au gouvernement concernant le licenciement, l'arrestation et la détention pendant plusieurs jours de 12 dirigeants syndicaux ayant participé à une grève générale des travailleurs portuaires de Djibouti. Le gouvernement a répondu de manière très détaillée. Il a informé que la chambre correctionnelle de la Cour d'appel de Djibouti a condamné trois des prévenus à des peines de deux mois d'emprisonnement avec sursis et les neuf autres à des peines d'un mois d'emprisonnement avec sursis.<sup>48</sup>

27. En 2006, quatre dirigeants syndicaux auraient été emprisonnés pendant plus d'un mois pour avoir organisé la participation de deux d'entre eux à un stage de formation syndicale à l'étranger. Relâchés, ils demeuraient toujours inculpés de «livraison d'informations à une puissance étrangère», «intelligence avec une puissance étrangère» et «outrage envers le Président de la République». En outre, un fonctionnaire du Bureau International du Travail (BIT), mandaté par le BIT pour rencontrer les défenseurs des droits syndicaux à Djibouti, aurait été arrêté et interrogé pendant plusieurs heures par les services des renseignements généraux. Il aurait été libéré après avoir signé un arrêté d'expulsion, puis expulsé. Ces faits ont fait l'objet de trois communications conjointes envoyées par trois mandats des procédures spéciales auxquels le gouvernement a répondu. The Special representative thanked the Government for its response and expressed concern that the charges of "foreign intelligence" were maintained against the trade unionists. It further stressed that no information was provided regarding the arrest and subsequent expulsion of the ILO representative.<sup>49</sup>

28. En 2007, la Représentante spéciale et le Rapporteur spécial pour la protection du droit à la liberté d'opinion et d'expression ont adressé une lettre au gouvernement concernant le président de la Ligue djiboutienne des droits humains (LDDH) qui aurait été arrêté à son domicile, emmené dans les locaux de la brigade criminelle et placé en garde à vue sans qu'aucun motif ne lui soit notifié. Lors de son interrogatoire, les forces de l'ordre se seraient particulièrement intéressées à une communication de la LDDH concernant la découverte d'un charnier comprenant le corps de sept civils qui auraient été tués par les forces gouvernementales en 1994. Le président de la LDDH aurait été emmené à la prison de Gabode avant d'être placé en liberté provisoire dans l'attente de son jugement. Le gouvernement a répondu que le président de la LDDH avait pris la responsabilité de publier ces déclarations diffamatoires sur support écrit et en toute connaissance de l'illégalité de son action. Le délit pénal de diffamation avait été reconnu après qu'il fût prouvé que les déclarations contestées étaient fausses et avaient été faites avec malice. La Représentante spéciale a indiqué que la réponse du gouvernement ne dissipait pas entièrement ses inquiétudes et a souhaité rappeler le droit de chacun, individuellement ou en

association avec d'autres, de publier, communiquer à autrui ou diffuser librement des idées, informations et connaissances sur tous les droits de l'homme et toutes les libertés fondamentales.<sup>50</sup>

## **6. Right to work and to just and favourable conditions of work**

29. A 2008 OCHA report noted a high unemployment rate, estimated at about 60 per cent, particularly affecting the youth, women, persons with disabilities and the elderly.<sup>51</sup> The same year, the ILO Committee of Experts hoped that the Government would ensure legislative conformity of its labour laws with the principle of equal remuneration, as provided in the Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (No. 100). The Committee also hoped that the legislation would explicitly provide that all benefits, such as transport expenses, are to be applied to men and women workers on an equal basis.<sup>52</sup>

30. In 2008, the ILO Committee of Experts noted that under the terms of section 212 of the Labour Code, minors over 16 years of age may become members of unions, unless their father, mother or guardian opposes membership. The Committee considered that no distinction based on age is authorized by the Convention concerning Freedom of Association and Protection of the Right to Organize (No. 87), and therefore requested the Government to take the necessary measures to amend section 212 of the Labour Code.<sup>53</sup>

31. In 2007, the ILO Committee of Experts referred to reports of numerous arrests of trade unionists, physical aggression against demonstrators and strikers, raids on the homes of trade unionists, acts of anti-union harassment and the prohibition to hold trade union elections. The Committee recalled that the rights of workers' and employers' organizations can only be exercised in a climate that is free from violence, pressure or threats of any kind against the leaders and members of these organizations, and it is for governments to ensure that this principle is respected.<sup>54</sup>

32. While CRC noted that child labour is prohibited by law, it noted with regret that this prohibition is not always enforced and that children are often involved in various types of non-hazardous work, including domestic work, agriculture, livestock and other informal activities. It also expressed regret that a shortage of inspectors reduced the likelihood of investigation of reports of child labour. Furthermore, it expressed concern that children are involved in work in inhuman and degrading conditions and are particularly vulnerable to drugs, HIV/AIDS, sexually transmitted diseases and early pregnancies.<sup>55</sup>

## **7. Right to social security and to an adequate standard of living**

33. CRC noted the 2001 Poverty Reduction Strategy Paper (PRSP) and welcomed, inter alia, a microcredit programme for women and a programme for essential development needs targeting underprivileged communities. Nevertheless, it was concerned that the rates of relative and extreme poverty remain very high.<sup>56</sup> According to the 2007 CCA report, in 2002 relative poverty affected 74.4 per cent of the population, whereas 42.2 per cent of the population was touched by extreme poverty.<sup>57</sup>

34. A 2008 OCHA report noted that living conditions have been worsened by drought and the global food crisis.<sup>58</sup> According to a 2008 United Nations Statistics Division source, the proportion of children under 5 moderately or severely underweight increased from 17.9 per cent



in 2002 to 28.9 per cent in 2006.<sup>59</sup> CRC expressed concern that almost half of the population currently faces food shortages and that a fifth of the population depends on emergency food assistance.<sup>60</sup> Furthermore, there is a scarcity of water mainly due to poor water quality and poor access to available resources, as highlighted by the 2008 OCHA report.<sup>61</sup> According to a survey up to 49.1 per cent of people in rural areas do not have access to a protected source of drinking water, out of whom at least 30 per cent resort to unprotected sources that do not conform to minimum sanitary requirements.<sup>62</sup>

35. CRC recommended that Djibouti strengthen its efforts to reduce the rates of relative and extreme poverty in the population, in particular with regard to alleviating the effects of the world-food crisis. It also recommended that that Djibouti pay special attention to families in the development of its poverty reduction strategies, that it provides access to clean water, adequate sanitation, food and shelter in all regions and communities of the country, including to the nomadic population.<sup>63</sup>

36. While CRC noted that budgetary allocations for health have been increasing, it remained concerned that the health sector continues to experience financial difficulties. It was also concerned at, inter alia, the shortage of qualified health personnel and the continued high levels of infant, under-five and maternal mortality rates.<sup>64</sup> A 2006 UNICEF report noted that one in eight children die before five years of age and one in 10 die before their first birthday.<sup>65</sup> According to a 2006 WHO report, the major causes of morbidity and mortality are infectious diseases and the situation is aggravated by the weakness of the health structures that suffer from a lack of equipment, inadequate maintenance of facilities and a shortage of trained and motivated personnel.<sup>66</sup> CRC recommended that Djibouti continue and strengthen measures to ensure that health care is both accessible and affordable and that the problems of infant and maternal mortality and malnutrition are given a high priority, including through awareness-raising campaigns and activities to encourage exclusive breastfeeding of children.<sup>67</sup>

37. CRC welcomed Djibouti's efforts to combat HIV/AIDS, including through, inter alia, the creation of a national programme to fight pandemics (2003-2007); the setting up of a new institutional and organizational framework to address the issue; and the setting up of a Solidarity Fund in 2004 to assist AIDS orphans. Nevertheless, it was concerned that the prevalence of HIV/AIDS remains high and, without policy and other interventions could rise even higher.<sup>68</sup>

38. CRC noted with interest that Djibouti's Plan of Action to combat drug abuse (2002-2005) developed awareness-raising and information activities targeted at youth in difficult situations. However, it noted with concern that there are no adequate and confidential services for adolescent healthcare and that teenage pregnancy is an increasing problem.<sup>69</sup> It recommended, inter alia, that Djibouti elaborate clear policies and, when applicable, legislation addressing the prevention of adolescent health-related issues, in particular early pregnancies and drug abuse.<sup>70</sup>

## **8. Right to education and to participate in the cultural life of the community**

39. In 2008, CRC welcomed the large-scale master plan for reform of the educational system and the increased share of Djibouti's budget that is allocated to education. Furthermore, it noted improvements in enrolment rates in primary and secondary schools, training of teachers, quality of education and equipment of schools, including free meals for children from disadvantaged families. Nevertheless, it expressed its concern that, with increasing age, the majority of children do not go to school and gender disparities, reflecting societal attitudes and poverty, remain a concern. It was also concerned about regional disparities,<sup>71</sup> and recommended that

Djibouti take effective measures to, inter alia, ensure that primary education is available to all; increase school enrolment rates; diminish regional and socio/cultural disparities, particularly those related to gender; continue teacher training; and include human rights education and child rights in the curricula of schools.<sup>72</sup>

40. A 2008 World Bank report mentioned that the proportion of male students significantly surpasses that of females and that since 2000, food subsidies were provided to encourage Djiboutian families to enrol girls in school.<sup>73</sup> The same report mentioned that the adult literacy rate in 2003 was 29 per cent.<sup>74</sup>

41. The 2007 CCA report noted that in spite of the progress made, almost 45 per cent of the children, whose majority are girls, are not provided education, especially in the rural areas, and more than 20 per cent of the registered pupils do not complete their cycle of primary education.<sup>75</sup> Furthermore, the public expenditure on education as percentage of gross national income decreased from 9.3 per cent in 2004 to 8.4 per cent in 2006, as indicated by the UNESCO Institute for Statistics.<sup>76</sup>

### **9. Migrants, refugees and asylum-seekers**

42. A 2008 OCHA report noted that there are 8,500 registered refugees and an estimated 20,000 asylum-seekers and mixed migrants in Djibouti.<sup>77</sup> The same report mentioned that the national asylum-seeker reception mechanisms are fragile and do not guarantee full respect for the basic needs of the populations such as immediate medical assistance, and shelter and food for the people waiting to be screened. In late 2007, the Government started to implement stricter measures on the north coast of Djibouti and at the main border entry points to control the influx of new arrivals.<sup>78</sup>

43. In 2008, CRC noted that social and psychological rehabilitation of refugee children outside the camps is carried out mainly by NGOs and national associations and was concerned that no systematic measures were undertaken to ensure that refugee children have access to health care, education and other services.<sup>79</sup> In 2000 CRC, as highlighted by UNHCR,<sup>80</sup> was concerned by information indicating that refugee children were denied access to education outside of refugee camps.<sup>81</sup> In 2008, CRC recommended that Djibouti take all measures to ensure the protection of the rights of refugee children, both inside and outside refugee camps. It also recommended that Djibouti adopt a full-fledged refugee legislation that provides for the expedited treatment of asylum claims, integrates child-sensitive asylum procedures and recognizes child-specific forms of persecution.<sup>82</sup>

### **10. Internally displaced persons**

44. In 2008, a United Nations fact-finding mission noted that the clashes of 10 to 12 June 2008 between the Djibouti Armed Forces (DAF) and the defence forces of a neighbouring country, as well as the subsequent militarization of Doumeira and Moulhoule, have reportedly caused the displacement of some 207 families, which were temporarily relocated to two sites in the Obock district.<sup>83</sup> Although the number of displaced persons is relatively low, the militarization of the area has had a negative impact on the population in many ways. For example, the sudden influx into the area of hundreds of armed forces personnel has further overstretched the scarce resources available, water and pasture in particular.<sup>84</sup>

### III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

45. In 2008, CRC noted that Djibouti had made efforts to harmonize its legislation with the Convention, in particular through the adoption of the Family Code, the Labour Code, the Nationality Code and laws on the orientation of educational and health policies. It noted with regret, however, that the implementation of the provisions in these laws is hindered by a lack of human and financial resources.<sup>85</sup>

46. A 2007 UNDG report noted that while seeing an increasing economic growth in recent years, the income gap between the richest and poorest has widened and increased social exclusion of the most vulnerable parts of the population.<sup>86</sup> Furthermore, while some health and education indicators demonstrate positive changes, others, such as nutrition, water and sanitation, remain alarming, as noted by CRC in 2008.<sup>87</sup>

47. A 2006 WHO report referred to the fact that the country regularly suffers from the unstable situation in the Horn of Africa, the presence of tens of thousands of refugees and displaced persons, extreme climatic variations and the particularly limited financial resources available in the country to implement the reconstruction and development programmes.<sup>88</sup>

### IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

#### Pledges by the State

48. In 2006 Djibouti committed itself to continue its contribution to the promotion and protection of human rights at all levels. Furthermore, Djibouti pledged to ratify ICERD, OP-CRC-SC, and OP-CRC-AC.<sup>89</sup>

### V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

49. The 2003-2007 United Nations Development Assistance Framework (UNDAF) listed four domains of cooperation: (a) reduction of poverty and promotion of social development; (b) promotion of good governance and of human rights; (c) promotion of sustainable health and fight against the expansion of HIV/AIDS and other communicable diseases and (d) conservation of water resources and rationalization of their use.<sup>90</sup> The 2008-2012 UNDAF noted the following three axes of the United Nations programme: (a) support for local development with a view to improving the living conditions of the most underprivileged population; (b) improvement of the access to the basic social services of quality, in particular for the vulnerable population; and (c) reinforcement of the governance and the partnership with a view to respecting human rights.<sup>91</sup>

#### Notes

<sup>1</sup> Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://untreaty.un.org/>.

<sup>2</sup> The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights

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ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CPD	Convention on the Rights of Persons with Disabilities
OP-CPD	Optional Protocol to Convention on the Rights of Persons with Disabilities
CED	International Convention for the Protection of All Persons from Enforced Disappearance

<sup>3</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

<sup>4</sup> 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

<sup>5</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at [www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).

<sup>6</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No.105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

<sup>7</sup> Pledges and commitments undertaken by Djibouti before the Human Rights Council, as contained in the note verbale dated 20 April 2006 sent by the Permanent Mission of Djibouti to the United Nations addressed to the President of the General Assembly, p. 2, available at: <http://www.un.org/ga/60/elect/hrc/djibouti.pdf>.

<sup>8</sup> Concluding Observations of the Committee on the Rights of the Child (CRC/C/DJI/CO/2), paras. 76-77

<sup>9</sup> Ibid., paras. 8-9.

<sup>10</sup> Bilan Commun de Pays (BCP) République de Djibouti, 2007, p. 36, available at, <http://www.undg.org/docs/8191/CCA2007.pdf>.

<sup>11</sup> CRC/C/DJI/CO/2, para. 3.

<sup>12</sup> UNHCR submission to the UPR on Djibouti, p. 1, citing CRC/C/15/Add.131, para. 5, available at, <http://www.ohchr.org/EN/HRBodies/UPR>.

<sup>13</sup> CRC/C/15/Add.131, para. 5.

<sup>14</sup> Bilan Commun de Pays (BCP) République de Djibouti, 2007, p. 36.

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<sup>15</sup> CRC/C/DJI/CO/2, para.12.

<sup>16</sup> Ibid., para.17.

<sup>17</sup> UNFPA, *State of World Population*, 2004, p. 32, available at, <http://www.unfpa.org/swp/2004/english/ch1/index.htm>.

<sup>18</sup> Ibid., paras. 14-15.

<sup>19</sup> The following abbreviations have been used for this document:

CESCR	Committee on Economic, Social and Cultural Rights
HR Committee	Human Rights Committee
CEDAW	Committee on the Elimination of Discrimination against Women
CAT	Committee against Torture
CRC	Committee on the Rights of the Child

<sup>20</sup> The questionnaires included in this section are those which have been reflected in an official report by a special procedure mandate-holder.

<sup>21</sup> See (a) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities sent in 2006; (b) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants sent in 2006; (c) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons sent in 2006; (d) report of the Special Representative of the Secretary-General on human rights defenders (E/CN.4/2006/95 and Add.5), questionnaire on the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms sent in June 2005; (e) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous people sent in August 2007; (f) report of the Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the sent in July 2005; (g) report of the Special Rapporteur on the right to education (E/CN.4/2006/45), questionnaire on the right to education for girls sent in 2005; (h) report of the Working Group on mercenaries (A/61/341), questionnaire concerning its mandate and activities sent in November 2005; (i) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs sent on July 2006; (j) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2005/78), questionnaire on child pornography on the Internet sent in July 2004; (k) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2004/9), questionnaire on the prevention of child sexual exploitation sent in July 2003; (l) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices.

<sup>22</sup> OHCHR, 2007 Report on activities and results, p.72, available at, [http://www.ohchr.org/Documents/Press/OHCHR\\_Report\\_07\\_Full.pdf](http://www.ohchr.org/Documents/Press/OHCHR_Report_07_Full.pdf).

<sup>23</sup> OHCHR, 2008 Report on activities and results.

<sup>24</sup> Press Release: OHCHR Regional Office for East Africa, 13 October 2008, p.1.

<sup>25</sup> CRC/C/15/Add.131, para. 27.

<sup>26</sup> Ibid., para. 28.

<sup>27</sup> Bilan Commun de Pays (BCP) République de Djibouti, 2007, p. 7.

<sup>28</sup> CRC/C/DJI/CO/2, para. 26.

<sup>29</sup> Ibid., para. 33.

<sup>30</sup> Ibid., para. 57.

<sup>31</sup> Ibid., para. 47.

<sup>32</sup> A/HRC/4/20/Add.1 pp. 109-115.

<sup>33</sup> E/CN.4/2006/Add.1 para. 58.

<sup>34</sup> Bilan Commun de Pays (BCP) République de Djibouti, 2007, p. 36.

<sup>35</sup> CRC/C/DJI/CO/2, para. 55.

<sup>36</sup> Ibid., paras. 35-36.

<sup>37</sup> Ibid., para. 45.

<sup>38</sup> Ibid., paras. 70-71.

<sup>39</sup> Ibid., paras. 68-69.

<sup>40</sup> Ibid., para.44.

<sup>41</sup> Ibid., para.72.

<sup>42</sup> Ibid., para.73.

<sup>43</sup> ILO Committee of Experts on the Application of Conventions of Conventions and Recommendations, Doc. No. 092007DJI105, para. 2.

<sup>44</sup> CRC/C/DJI/CO/2, para.39.

<sup>45</sup> Ibid., para.40.

<sup>46</sup> CRC/C/DJI/CO/2, paras. 41-42.

<sup>47</sup> A/HRC/4/37/Add.1 paras. 239.

<sup>48</sup> Ibid., paras 236 and 240

<sup>49</sup> Ibid., paras. 237-239 and 241-243.

<sup>50</sup> A/HRC/7/28/Add.1, paras. 735-741

<sup>51</sup> OCHA, Joint Appeal: Response plan for drought, food and nutrition crisis, 2008, p. 26, available at,

[http://ochadms.unog.ch/quickplace/cap/main.nsf/h\\_Index/2008\\_JointAppeal\\_Djibouti/\\$FILE/2008\\_JointAppeal\\_Djibouti\\_SCREEN.pdf?OpenElement](http://ochadms.unog.ch/quickplace/cap/main.nsf/h_Index/2008_JointAppeal_Djibouti/$FILE/2008_JointAppeal_Djibouti_SCREEN.pdf?OpenElement).

<sup>52</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, 2008, Geneva, Doc. No. 092008DJI100, para. 1.

<sup>53</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, 2008, Geneva, Doc. No. 092008DJI087, para. 3.

<sup>54</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, 2007, Geneva, Doc. No. 062007DJI087, para. 1.

<sup>55</sup> CRC/C/DJI/CO/2, para.66.

<sup>56</sup> Ibid., para.60.

<sup>57</sup> Bilan Commun de Pays (BCP) République de Djibouti, 2007, p. 12.

<sup>58</sup> OCHA, Joint Appeal: Response plan for drought, food and nutrition crisis, 2008, p. 26.

<sup>59</sup> United Nations Statistics Division coordinated data and analyses, available at, <http://mdgs.un.org/unsd/mdg>.

<sup>60</sup> CRC/C/DJI/CO/2, para.60

<sup>61</sup> OCHA, Joint Appeal: Response plan for drought, food and nutrition crisis, 2008, p. 9.

<sup>62</sup> Ibid., pp. 9-10

<sup>63</sup> CRC/C/DJI/CO/2, paras. 61.

<sup>64</sup> Ibid., para. 49

<sup>65</sup> UNICEF, Child Alert: Horn of Africa, 2006, p. 6, available at, [www.unicef.org/chilalert/hornofafrica/content/Child\\_Alert\\_HoA\\_FINAL.pdf](http://www.unicef.org/chilalert/hornofafrica/content/Child_Alert_HoA_FINAL.pdf).

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- <sup>66</sup> WHO, Country Cooperation Strategy for WHO and Djibouti 2006-2011, Cairo, 2006, p. 17, available at, [http://www.who.int/countryfocus/cooperation\\_strategy/ccs\\_dji\\_en.pdf](http://www.who.int/countryfocus/cooperation_strategy/ccs_dji_en.pdf) .
- <sup>67</sup> CRC/C/DJI/CO/2, paras. 50.
- <sup>68</sup> Ibid., paras. 57-58.
- <sup>69</sup> Ibid., para.51.
- <sup>70</sup> Ibid., paras. 52 and 54.
- <sup>71</sup> Ibid., para.62.
- <sup>72</sup> Ibid., para.63.
- <sup>73</sup> World Bank, MENA Development Report, Washington 2008, pp. 28-29, available at, [http://siteresources.worldbank.org/INTMENA/Resources/EDU\\_Flagship\\_Full\\_ENG.pdf](http://siteresources.worldbank.org/INTMENA/Resources/EDU_Flagship_Full_ENG.pdf) .
- <sup>74</sup> World Bank, MENA Development Report, Washington 2008, p. 29.
- <sup>75</sup> Bilan Commun de Pays (BCP) République de Djibouti, 2007, p. 7.
- <sup>76</sup> UNESCO Institute for Statistics, available at, [http://stats.uis.unesco.org/unesco/TableViewer/document.aspx?ReportId=136&IF\\_Language=eng&BR\\_Topic=0](http://stats.uis.unesco.org/unesco/TableViewer/document.aspx?ReportId=136&IF_Language=eng&BR_Topic=0).
- <sup>77</sup> OCHA, 2008 Joint Appeal: Response plan for drought, food and nutrition crisis, p. 3. See also OCHA, Somalia Humanitarian Overview, 2008, Geneva, available at, <http://ochaonline.un.org/OchaLinkClick.aspx?link=ocha&docId=1094801>.
- <sup>78</sup> OCHA, 2008 Joint Appeal: Response plan for drought, food and nutrition crisis, p. 24.
- <sup>79</sup> CRC/C/DJI/CO/2, paras. 64.
- <sup>80</sup> UNHCR submission to the UPR on Djibouti, p. 4, citing CRC/C/15/Add.131, para. 47, available at, <http://www.ohchr.org/EN/HRBodies/UPR>.
- <sup>81</sup> CRC/C/15/Add.131, para. 47.
- <sup>82</sup> CRC/C/DJI/CO/2, para. 65.
- <sup>83</sup> Report of the United Nations fact-finding mission on the Djibouti-Eritrea crisis, S/2008/602, paras. 40-41.
- <sup>84</sup> Ibid., para. 42.
- <sup>85</sup> CRC/C/DJI/CO/2, paras. 10-11
- <sup>86</sup> UNDG, Resident Coordinator Annual Report on Djibouti, 2007, p. 2, available at, [http://www.undg.org/RCAR/07/finalized/pdfs/RCAR\\_2007\\_DJI\\_NAR.pdf](http://www.undg.org/RCAR/07/finalized/pdfs/RCAR_2007_DJI_NAR.pdf) .
- <sup>87</sup> CRC/C/DJI/CO/2, para.60
- <sup>88</sup> WHO, Country Cooperation Strategy for WHO and Djibouti 2006-2011, Cairo, 2006, p. 27, available at, [http://www.who.int/countryfocus/cooperation\\_strategy/ccs\\_dji\\_en.pdf](http://www.who.int/countryfocus/cooperation_strategy/ccs_dji_en.pdf) .
- <sup>89</sup> Pledges and commitments undertaken by Djibouti before the Human Rights Council, as contained in the note verbale dated April 20, 2006 sent by the Permanent Mission of Djibouti to the United Nations addressed to the President of the General Assembly, pp. 2-3, available at: <http://www.un.org/ga/60/elect/hrc/djibouti.pdf> .
- <sup>90</sup> UNDAF for Djibouti 2003-2007, pp. 7-47, available at, [http://www.undg.org/archive\\_docs/1878-Djibouti\\_UNDAF\\_\\_2003-2007\\_-\\_Djibouti\\_2003-2007.pdf](http://www.undg.org/archive_docs/1878-Djibouti_UNDAF__2003-2007_-_Djibouti_2003-2007.pdf).
- <sup>91</sup> UNDAF for Djibouti 2008-2012, p. 9, available at, <http://www.undg.org/docs/8201/UNDAF2007.pdf>.