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resolution 16/21**

Djibouti

The present report is a compilation of the information contained in the reports of treaty bodies and special procedures, including observations and comments by the State concerned, and of the Office of the High Commissioner for Human Rights (OHCHR), and in other relevant official United Nations documents. It is presented in a summarized manner due to word-limit constraints. For the full text, please refer to the document referenced. This report does not contain any opinions, views or suggestions on the part of OHCHR other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

I. Background and framework

A. Scope of international obligations¹

International human rights treaties²

| | <i>Status during previous cycle</i> | <i>Action after review</i> | <i>Not ratified/not accepted</i> |
|--|---------------------------------------|---|--|
| Ratification, accession or succession | ICESCR (2002) | ICERD (2011) | OP-CAT |
| | ICCPR (2002) | OP-CRC-AC (2011) | ICRMW |
| | ICCPR-OP 2 (2002) | OP-CRC-SC (2011) | CPED |
| | CEDAW (1998) | CRPD (2012) | |
| | CAT (2002) | | |
| Reservations, declarations and/or understandings | CRC (1990) | | |
| | CRC (Withdrawal of reservation, 2009) | OP-CRC-AC (Declaration, art. 3.2, age of recruitment 18 years (2011)) | |
| Complaint procedures, inquiry and urgent action ³ | ICCPR-OP 1 (2002) | OP-CRPD, art. 6 (2012) | ICERD, art. 14 |
| | CAT, art. 20 (2002) | | OP-ICESCR ICCPR, art. 41 OP-CEDAW CAT, arts. 21 and 22 OP-CRC-IC ICRMW CPED |

Other main relevant international instruments⁴

| | <i>Status during previous cycle</i> | <i>Action after review</i> | <i>Not ratified</i> |
|---------------------------------------|---|----------------------------|--|
| Ratification, accession or succession | Rome Statute of the International Criminal Court | | Convention on the Prevention and Punishment of the Crime of Genocide |
| | Palermo Protocol ⁵ | | Conventions on stateless persons ⁹ |
| | Conventions on refugees ⁶ | | Additional Protocol III to 1949 Geneva Conventions ¹⁰ |
| | Geneva Conventions of 12 August 1949 and Additional Protocols I and II ⁷ | | UNESCO Convention against Discrimination in Education |
| | ILO fundamental conventions ⁸ | | ILO Conventions Nos. 169 and 189 ¹¹ |

1. The Committee on the Elimination of Discrimination against Women (CEDAW) and the Committee against Torture (CAT) welcomed the ratification by Djibouti of international human rights treaties and encouraged the ratification of those to which it was not yet a party, namely ICRMW and CPED.¹² CEDAW noted the delegation's statement that the process of ratification of OP-CEDAW had been initiated and called on Djibouti to accelerate efforts to ratify it.¹³ CAT, noting the commitment made by Djibouti during the dialogue, recommended the ratification of OP-CAT, as soon as possible.¹⁴ Additionally, Djibouti was invited to consider ratifying ILO Convention No. 189¹⁵ and to accede to or

ratify the Conventions relating to the Status of Stateless Persons and on the Reduction of Statelessness¹⁶ as well as the UNESCO Convention against Discrimination in Education.¹⁷ CAT further recommended that Djibouti make the declarations envisaged under articles 21 and 22 of the Convention.¹⁸

B. Constitutional and legislative framework

2. CAT welcomed the fact that, under article 37 of the Constitution, international treaties ratified by Djibouti took precedence over domestic laws and might be applied directly in domestic judicial proceedings.¹⁹

3. CAT recommended that Djibouti ensure that customary law and customary practices are compatible with its human rights obligations; and explain the hierarchy between customary law and domestic law.²⁰

4. CEDAW noted with concern that the provisions of the Family Code concerning unequal rights of women and men during marriage and the dissolution thereof were incompatible with CEDAW.²¹ CEDAW called upon Djibouti to repeal or amend the discriminatory provisions of the Family Code.²²

5. UNESCO encouraged Djibouti to enshrine the right to education, compulsory and free schooling in its Constitution.²³

6. CAT noted the commitment of Djibouti to amend its domestic law in the light of its obligations deriving from the international conventions it has ratified, and urged Djibouti to include torture in its Criminal Code as an offence punishable by appropriate penalties that take into account the gravity of the acts committed, together with a definition of torture that includes all the elements of article 1 of CAT.²⁴

7. CAT, while noting that statements made as a result of torture may not be invoked in any proceedings, remained concerned that the law did not explicitly prohibit the act of obtaining confessions under duress. CAT urged Djibouti to ensure that the law governing evidence adduced in judicial proceedings is brought into line with the Convention so as to explicitly exclude any confessions obtained under torture.²⁵

C. Institutional and human rights infrastructure and policy measures

8. CAT welcomed the establishment in August 2011 of a Legal and Judicial Reform Commission responsible for updating legislation and bringing it into line with international human rights obligations.²⁶

9. CAT regretted that the National Human Rights Commission (NHRC) was not in conformity with the Paris Principles. Its members, including its Chair and Vice-Chair, were appointed by the President of the Republic, which compromised its independence. CAT urged Djibouti to strengthen the role and terms of reference of the National Human Rights Commission and ensure its compliance with the Paris Principles.²⁷ CEDAW made a similar recommendation with particular reference to its mandate to work on women's rights.²⁸

10. CAT encouraged Djibouti to request accreditation of the National Human Rights Commission by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights to ensure that it complies with the Paris Principles.²⁹

11. While welcoming the national machinery for the advancement of women, comprising the Ministry for the Advancement of Women and Family Planning (2008), CEDAW was concerned that its capacity has not been strengthened, especially at regional

level, to implement the National Strategy for the Integration of Women in Development (2003–2010). It recommended that Djibouti strengthen existing national machinery at all levels; and provide training on gender equality to women and men working in government departments at national and regional level.³⁰

12. CEDAW recommended that Djibouti give priority attention to women's rights, non-discrimination and gender equality, including by taking into account the Committee's recommendations in the preparation and implementation of the National Gender Policy; incorporate a result-oriented approach, including specific indicators and targets, in the National Gender Policy;³¹ and ensure that the draft National Gender Policy prioritizes combating violence against women.³²

13. UNHCR, referring to initiatives having a positive impact on its population of concern, namely refugees and asylum seekers, noted that a National Child Council had been created to supervise the implementation of the national strategic action plan, assessing its effectiveness and advising on political and strategic matters.³³

14. Notwithstanding information provided, CAT regretted the lack of a dedicated, independent and effective complaints mechanism and urged Djibouti to establish an independent complaints mechanism specifically devoted to allegations of torture and ill-treatment committed by law enforcement, security, military and prison officials, with a mandate to conduct prompt and impartial investigations into such allegations and prosecute perpetrators.³⁴

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies³⁵

15. CAT noted with appreciation that Djibouti had been able to prepare and submit its reports to the United Nations treaty bodies. Nevertheless, the Committee regretted that these reports had been submitted with some delay.³⁶

1. Reporting status

| <i>Treaty body</i> | <i>Concluding observations included in previous review</i> | <i>Latest report submitted since previous review</i> | <i>Latest concluding observations</i> | <i>Reporting status</i> |
|--------------------|--|--|---------------------------------------|--|
| CERD | – | – | – | Initial report overdue since 2012 |
| CESCR | – | 2010 | – | Initial and second reports pending consideration in 2013 |
| HR Committee | – | 2012 | – | Initial report pending consideration in 2013 |
| CEDAW | – | 2009 | July 2011 | Fourth report due in 2015 |
| CAT | – | 2010 | Nov. 2011 | Second report due in 2015 |
| CRC | | | | Third to fifth reports overdue since 2012 Third to fifth reports overdue since 2012 |
| | Oct. 2008 | – | – | Initial OP-CRC-SC and OP-CRC-AC reports due in 2013 |
| CRPD | – | – | – | Initial report due in 2014 |

2. Responses to specific follow-up requests by treaty bodies

Concluding observations

| <i>Treaty body</i> | <i>Due in</i> | <i>Subject matter</i> | <i>Submitted in</i> |
|--------------------|---------------|--|---------------------|
| CEDAW | 2013 | Female genital mutilation and violence against women. ³⁷ | – |
| CAT | 2012 | Legal safeguards for detainees; prompt, impartial and effective investigations; punishing perpetrators of acts of torture or ill-treatment; and conditions of detention. ³⁸ | – |

B. Cooperation with special procedures³⁹

| | <i>Status during previous cycle</i> | <i>Current status</i> |
|--|--|---|
| Standing invitation | No | No |
| Visits undertaken | – | – |
| Visits agreed to in principle | – | IE on Somalia (2011) |
| Visits requested | – | Special Rapporteur on Peaceful Assembly |
| Responses to letters of allegations and urgent appeals | During the period under review, four communications were sent, all of which were responded to by Djibouti. | |

16. CAT recommended that Djibouti permit visits from, inter alia, the Special Rapporteur on torture; the Special Rapporteur on extrajudicial, summary or arbitrary executions; Working Group on Arbitrary Detention; and the Special Rapporteur on human rights defenders.⁴⁰

C. Cooperation with the Office of the High Commissioner for Human Rights

17. In 2012, OHCHR explained that Djibouti had submitted reports to all United Nations treaty bodies due in part to the financial and technical support of the East African regional office in Addis Ababa (EARO) to the Interministerial Committee responsible for the drafting of overdue reports. Regarding the implementation of UPR recommendation 67.31, OHCHR reported that an amended Presidential Decree had been adopted stipulating that the “National Human Rights Commission is independent and does not receive instructions from any authority”. With the support of EARO, the National Human Rights Commission was able to prepare its first three-year action plan. With respect to the implementation of UPR recommendation 67.36, EARO organized a workshop on human rights for journalists in November 2011, in partnership with the UNESCO regional office, the Ministry of Culture and Communication, and the National Human Rights Commission. As a result participants created an Association of Journalists on Human Rights which would focus on coverage of issues such as women’s and children’s rights and the situation of migrants.⁴¹

III. Implementation of international human rights obligations

A. Equality and non-discrimination

18. CEDAW was concerned about the persistence of adverse cultural norms, practices, traditions, patriarchal attitudes and deep-rooted stereotypes which perpetuate discrimination against women and contribute to violence against women and harmful practices, including female genital mutilation, polygamy and early marriage.⁴² CEDAW was also concerned about the position of Djibouti with regard to provisions of the Family Code concerning the husband's role as the head of the family and women's unequal inheritance share, which could not be changed as they were rooted in "higher socio-cultural and religious values".⁴³ CEDAW urged Djibouti to put in place a comprehensive strategy to eliminate harmful practices and stereotypes, including efforts, in collaboration with civil society, to educate and raise awareness about the subject, targeting women and men at all levels of society, including traditional and religious leaders; strengthen understanding of the equality of women and men; and continue working with the media to enhance a positive and non-stereotypical portrayal of women.⁴⁴

19. Referring to the multiple forms of discrimination faced by, inter alia, older women, orphaned and vulnerable girls, women with disabilities and refugee and migrant women, CEDAW recommended that Djibouti adopt measures, including temporary special measures, to eliminate any such discrimination including, as applicable, in political and public life, education, employment and health; and to protect disadvantaged women from violence, abuse and exploitation.⁴⁵

B. Right to life, liberty and security of the person

20. CAT noted with concern the acknowledgement by Djibouti that abuses, notably acts of torture, had been committed by police officers and that there had been no serious investigation of those cases, which contributed to such offences going unpunished. CAT invited Djibouti to investigate and punish such acts; and publicly reaffirm the prohibition of torture, condemn the practice thereof and make clear that anyone who commits, is complicit in or participates in such acts will be subject to criminal prosecution.⁴⁶

21. CAT took note of: the commitments of Djibouti made in the course of the dialogue with the Committee to improve conditions in places of detention, specifically by renovating or even constructing some buildings in Gabode central prison, and by reopening and renovating prisons in the regions; as well as efforts to improve access to health services. CAT urged Djibouti to bring the conditions of detention in police stations, prisons and other places of detention into line with the Standard Minimum Rules for the Treatment of Prisoners as well as other relevant standards; reduce prison overcrowding, by considering non-custodial punishment; and strengthen judicial supervision of conditions of detention.⁴⁷

22. CEDAW welcomed the amendment of article 333 of the Djibouti Criminal Code, criminalizing female genital mutilation (FGM).⁴⁸ CAT recognized that its provisions had not been applied owing to the lack of complaints filed against this practice. CAT remained concerned that FGM was still very widespread, and in particular that there were many cases of infibulation — an extreme form of FGM — especially in rural areas. It remained concerned that cases of mutilation were generally not reported and therefore neither prosecuted nor punished.⁴⁹ CEDAW recalled the recommendations addressed to Djibouti including during the universal periodic review of Djibouti (A/HRC/13/17, paras. 67.18, 67.25, 68.3 and 68.8) and by the Committee on the Rights of the Child (CRC/C/DJI/CO/2, para. 56), and CAT endorsed those recommendations as well as those made by CEDAW in

(CEDAW/C/DJIU/CO/1-3, paras. 18–19). CEDAW urged Djibouti to: enforce article 333 of the Criminal Code, by punishing perpetrators; intensify awareness-raising campaigns and training efforts to eradicate FGM and its underlying cultural justifications; and educate all those concerned on the harmful effects of FGM on women's and girls' reproductive health. CAT recommended combating violence against women and children and harmful traditional practices; and creating conditions allowing victims to report harmful traditional practices and domestic and sexual violence without fear of reprisal or stigmatization.⁵⁰

23. CEDAW noted measures taken to address violence against women, such as the distribution of guides for judges, lawyers and civil society on legal responses and victim assistance as well as the establishment by the main women's rights organization in Djibouti of information, guidance and counselling centres, including in the Ali-Adeh refugee camp. However, CEDAW was concerned that: gender-based violence cases were usually settled within the family; marital rape was not criminalized; abortion following rape was illegal; and concerned about reported sexual violence in the Ali-Adeh camp without access to justice for victims.⁵¹

24. CEDAW noted the intention of Djibouti to review its legislation on violence against women and called on Djibouti to: prosecute domestic and sexual violence against women and girls and punish perpetrators; amend the Criminal Code to criminalize marital rape and decriminalize abortion in cases of rape; provide mandatory training to judges, prosecutors and the police on the strict application of the Criminal Code; strengthen victim assistance and rehabilitation; and ensure the physical security of refugee women and girls.⁵² UNHCR recommended that Djibouti ensure the physical security of refugees by increasing the number of law enforcement personnel in the camp and by providing legal assistance to victims of sexual and gender-based violence.⁵³

25. CAT urged Djibouti to amend its Criminal and Family Codes to prohibit corporal punishment in all settings; and raise public awareness of non-violent forms of discipline.⁵⁴

26. CEDAW remained concerned about girls' exploitation in the worst forms of child labour, including domestic work, and recommended Djibouti to protect girls and boys from exploitative child labour, through increased inspections and fines for employers, in accordance with ILO Convention No. 182, and to regulate and monitor the working conditions of domestic workers.⁵⁵

27. UNICEF reported in 2011 that growing instability in the region had increased the number of children who were migrants, living on the street or orphans, the majority of whom had limited access to social services and no external support.⁵⁶

28. UNHCR pointed out that Djibouti had become a hub for mixed migratory movements across the Red Sea, mainly through Obock, a town known as a centre of human trafficking and smuggling activities.⁵⁷ CEDAW noted measures taken to combat trafficking, particularly of women and children, who were often abused by traffickers and subjected to forced labour and sexual exploitation in the countries of destination. CAT and CEDAW urged Djibouti to adopt a comprehensive strategy to combat trafficking in human beings, particularly women and girls, including refugees and migrants; protect and compensate victims and investigate trafficking allegations and prosecute perpetrators.⁵⁸

C. Administration of justice, including impunity, and the rule of law

29. While noting the establishment of a prison guard corps within the Legislation and Human Rights Directorate of the Ministry of Justice Penal Affairs and Human Rights; and the National Human Rights Commission's visits to Gabode prison, police stations, gendarmerie units and other places of detention or prisons, CAT remained concerned at insufficient efforts to ensure sustained monitoring and inspection of places of deprivation of

liberty, and recommended the establishment of an effective and independent national system to monitor and inspect all places of deprivation of liberty and ensure systematic follow-up to the outcome of such monitoring. CAT also recommended that Djibouti strengthen its cooperation with NGOs and increase its support to enable them to independently monitor conditions in places of deprivation of liberty.⁵⁹

30. CAT noted that Djibouti had recognized that acts of torture had taken place and had neither been investigated nor prosecuted, and had acknowledged that the weakness of domestic legislation contributed to impunity. It urged Djibouti to ensure that all allegations of torture or ill-treatment are subject to prompt, impartial, thorough and effective investigations and that perpetrators are prosecuted and sentenced to penalties commensurate with the grave nature of the acts committed; and fully remedy this impunity.⁶⁰

31. CAT continued to be concerned about, *inter alia*, the lack of any thorough investigations into the arrests during the demonstrations of 18 February 2011 of more than 300 persons, several of whom were alleged to have been subjected to torture and ill-treatment in gendarmerie custody, and recommended that Djibouti immediately conduct independent, impartial and thorough investigations into those incidents and that such investigations be undertaken by independent experts responsible for examining all information thoroughly, reaching conclusions as to the facts and the measures taken, and providing compensation to the victims and their families, including the means for them to achieve as full rehabilitation as possible. CAT requested Djibouti to provide detailed information on the outcome of all those investigations.⁶¹

32. CAT was concerned about discrepancies between the fundamental legal safeguards offered by the Constitution and the Code of Criminal Procedure; and reported lengthy pretrial detention and slow proceedings. It urged Djibouti to ensure all fundamental legal safeguards to all detainees from the very outset of their detention; and implement all fundamental legal safeguards for persons in psychiatric institutions.⁶²

33. While welcoming the law on legal aid, CEDAW was concerned that women's ability to claim their rights was limited, especially in rural areas. It recommended that Djibouti remove barriers faced by women in gaining access to justice.⁶³

34. CEDAW was also concerned that disputes concerning violations of women's rights, especially sexual violence, were often settled through traditional justice mechanisms, such as payment of a symbolic amount to the victim's family without consulting or compensating the victim. It recommended that Djibouti sensitize the public on the importance of addressing violations of women's rights through judicial rather than customary mechanisms.⁶⁴

35. CAT remained concerned about the absence in Djibouti of rehabilitation programmes for torture victims and urged Djibouti to strengthen its efforts to ensure redress for victims of torture and ill-treatment.⁶⁵

36. CAT regretted the absence of a comprehensive juvenile justice system oriented to the education and social integration of children in conflict with the law and urged Djibouti to establish a juvenile justice system in compliance with the Beijing Rules and the Riyadh Guidelines.⁶⁶ CAT urged Djibouti to ensure that minors, whether in pretrial detention or convicted, are effectively separated from adults.⁶⁷

D. Right to marriage and family life

37. While welcoming efforts to strengthen women's rights in the Family Code (2002),⁶⁸ CEDAW was concerned about discrimination against women in marriage and family

relations under the Family Code, such as that: women might enter into marriage only with the consent of a guardian and might not get married to a non-Muslim man unless the latter converted to Islam; derogations from the minimum marriage age were permitted subject to the consent of the legal guardian of the minor or authorization by a judge; polygamy was retained; only the husband might file for divorce without providing justification, while the wife must provide proof of injuries suffered or, alternatively, renounce her rights as a divorced woman, and might be ordered to pay damages to the husband; and a woman's inheritance share was less than half that of a man's and a daughter's share was half that of a son's.⁶⁹ CEDAW called upon Djibouti to eliminate discrimination against women and girls in all matters relating to marriage, family relations and succession.⁷⁰

E. Freedom of expression, association and peaceful assembly, and right to participate in public and political life

38. Noting that defamation remained criminalized under Articles 425–427 of the Penal Code of Djibouti and was punishable by a fine and up to a year's imprisonment, UNESCO encouraged the Government to decriminalize defamation and subsequently incorporate it into the civil code in accordance with international standards.⁷¹

39. UNESCO reported that all national media outlets were State-owned and that there were very few private media and encouraged Djibouti to implement existing measures and adopt new ones for the free establishment of independent media outlets.⁷²

40. UNESCO stated that there continued to be reports of journalists being arrested without charge, such as in the case of Houssein Ahmed Farah, who worked for an opposition news website, in August 2012. UNESCO recommended, inter alia, that journalists and media workers be allowed to practise their profession independently in a free, pluralistic and safe environment.⁷³

41. UNESCO observed that there was not yet a freedom of information law in the country and encouraged the Government to begin the process of introducing a freedom of information law to enable public information to be accessed easily and freely by the public in accordance with international standards.⁷⁴

42. While welcoming measures taken, CEDAW recommended that Djibouti enforce existing and adopt additional quotas and accelerate the equal representation of women and men in elected and appointed political bodies; ensure participation of women, including women with disabilities, in the planning, implementation, monitoring and evaluation of development policies and community projects; increase the number of women diplomats, particularly women ambassadors; and provide training on gender equality to politicians, journalists, teachers and traditional and religious leaders, especially men.⁷⁵

F. Right to work and to just and favourable conditions of work

43. In 2012, the ILO Committee of Experts on the Application of Conventions and Recommendations (ILO Committee of Experts) noted with deep concern the comments made by the International Trade Union Confederation (ITUC) dated 4 and 31 August 2011 concerning the application of ILO Convention No. 87, in particular the allegations concerning the obstacles preventing the Labour Union of Djibouti (UDT) from developing its activities. The Committee noted that most of the facts reported in the communications of ITUC, dated August 2011, were the subject of a complaint being examined by the Committee on Freedom of Association (Case No. 2753). Furthermore, the Committee requested the Government once again to provide its observations on the comments made by

ITUC in August 2009 and August 2010 denouncing persistent harassment and anti-union discrimination, as well as the violent repression of strikes.⁷⁶

44. Regarding the application of ILO C. 98, the ILO Committee of Experts noted with concern in 2012 that the trade union situation seems to be deteriorating. The Committee noted the comments of ITUC, dated 26 August 2009, indicating that the ILO Mission to Djibouti had offered some hope of an opening, but that the commitments made on that occasion by the Government, including those relating to the reinstatement of workers and trade unionists who had suffered abusive dismissal, had not been given effect. The Committee noted the comments of ITUC, dated 31 August 2011, denouncing once again acts of anti-union discrimination and interference. The Committee notes that most of the facts reported in the ITUC communication are contained in a complaint being examined by the Committee on Freedom of Association (Case No. 2753). The Committee requested the Government to provide its observations in reply to the communication from ITUC, and to take measures to ensure the trade union rights of UDT and its officials.⁷⁷

45. CEDAW, while noting measures taken and efforts made, was concerned about discrimination against women in the labour market, including: the very high unemployment rate among women and the concentration of women in unpaid work and in low-paid jobs in the informal economy without social protection. It recommended that Djibouti step up technical and vocational training for women, including in traditionally male dominated fields and in the agricultural sector; extend the National Social Security Fund to informal sector workers, including women; enforce the principle of equal pay for work of equal value and amend article 259 of the Labour Code (2006) to bring it into conformity with article 137; expand women's access to microfinance and microcredit; amend the Labour Code to prohibit and introduce sanctions for sexual harassment in the workplace and increase penalties for termination of employment based on pregnancy.⁷⁸

G. Right to social security and to an adequate standard of living

46. The World Food Programme (WFP) reported in July 2012 that households lived in chronic poverty, which was exacerbated by the lack of work opportunities, high food prices which never returned to their 2007 pre-crisis levels and a recurring drought which prevented the renewal of pasture, and decimated herds. According to WFP water access was difficult. Almost half the population did not even have access to 15 litres of water per person per day, a necessary minimum set by humanitarian standards.⁷⁹

47. CEDAW, while noting that 80 per cent of Djibouti's population lived in urban areas, expressed concern that rural women were particularly affected by poverty, food insecurity, lack of safe drinking water and adverse climatic conditions, such as drought. CEDAW recommended, inter alia, that Djibouti continue its efforts to create income-generating activities for women in rural areas; and improve women's and girls' access to safe drinking water and adequate sanitation in rural areas by building new wells, taps and sanitation facilities.⁸⁰ UNESCO reported on a South to South cooperation programme which trained five illiterate women from rural areas for six months as technicians on the installation and maintenance of solar panels.⁸¹

H. Right to health

48. While noting important measures taken, CEDAW was concerned about: the high maternal mortality rate, due to FGM, early pregnancy and unsafe abortion; the low rate of contraceptive use; and the high prevalence of HIV/AIDS among women. CEDAW also noted the intention of Djibouti to review its legislation on abortion and recommended the

decriminalization of abortion in cases of rape and where the life or health of the pregnant woman or girl is in danger, and the provision of safe abortion and post-abortion services. Additionally, CEDAW called on Djibouti to: decentralize health structures; raise awareness about contraceptive methods; provide women and men living with HIV/AIDS with free antiretroviral treatment; and de-stigmatize persons living with or affected by HIV/AIDS.⁸² In a report of a joint field visit in March 2012 by six United Nations organizations it was stated that data gave a prevalence rate of HIV/AIDS of 2.9 per cent, the highest in the sub-region.⁸³

I. Right to education

49. CEDAW⁸⁴ and UNESCO⁸⁵ welcomed the Education System Act (2000) introducing free compulsory education for girls and boys aged 6 to 16 years. Other measures welcomed included scholarships and food rations to girls and incentives for parents to send their daughters to school.⁸⁶ CEDAW was concerned about the: slow increase in girls' enrolment at the primary level and their low enrolment at the secondary level, especially in rural areas; emphasis on traditionally female-dominated fields in professional training; and the low female literacy rate. It called on Djibouti to continue taking such measures to ensure equal access of girls and women to all levels of education, such as: addressing barriers to women's and girls' education such as negative cultural attitudes, early marriage, excessive domestic duties and health problems related to FGM; training and recruitment of female teachers; ensuring girls' safety and addressing their health needs including by building separate and functioning latrines; awareness-raising about the importance of women's and girls' education; and facilitating technical and vocational training and adult literacy programmes.⁸⁷

J. Persons with disabilities

50. CEDAW recommended that Djibouti provide educational opportunities for girls and boys with disabilities, by integrating them into mainstream education.⁸⁸

K. Migrants, refugees and asylum seekers

51. UNHCR commended Djibouti for its hospitality to asylum-seekers and refugees.⁸⁹ In addition to serving as a safe haven for refugees fleeing persecution and conflicts in the region, Djibouti had been used both as a transit and destination country by thousands of impoverished migrants in search of better economic opportunities.⁹⁰

52. CAT⁹¹ and UNHCR⁹² expressed concern that applicants for asylum or refugee status remained in an undefined legal situation for much too long with a risk of expulsion. CAT recommended that Djibouti ensure that the National Asylum Eligibility Commission functions properly and that persons subject to an expulsion order are able to appeal to the courts against the decision. CAT urged Djibouti to adopt a legislative framework regulating expulsion, refolement and extradition.⁹³

53. UNHCR clarified that more than 70 per cent of refugees were women and children and nearly 90 per cent of the refugee population lived in refugee camps.⁹⁴ UNHCR reported that while basic refugee rights were in principle recognized the enjoyment of those rights was denied in practice.⁹⁵ UNHCR recommended that Djibouti increase its efforts to implement the National Strategic Action Plan for Children. This could be done, for instance, through the instruction to educational authorities at all levels on the rights of foreign children to have access to formal education.⁹⁶ UNHCR further stated that it was

aware of the existence of particular populations in Djibouti who were at risk of statelessness and recommended that Djibouti ensure the registration of all births in the country to prevent statelessness in line with article 7 of CRC.⁹⁷

L. Right to development and environmental issues

54. WFP reported that with limited natural resources, a weak manufacturing sector, geological and climatic conditions which were not favourable to agriculture, Djibouti had traditionally relied on rents from foreign military bases, foreign aid and port revenues which contributed to 70 per cent of its GDP. Economic growth had not translated into poverty reduction or an improvement in the employment situation. Unemployment remained high, with youth unemployment estimated to be as high as 75 per cent. About 70 per cent of the population lived in urban areas. The remaining 29 per cent were mainly nomadic pastoralists.⁹⁸ WFP also reported that agriculture covered 3 per cent of needs.⁹⁹ In a report on a joint field visit in March 2012 by six United Nations organizations it was stated that the arid soil in Djibouti was unproductive, with 89 per cent of the country desert.¹⁰⁰ Climate change and desertification were increasingly recognized as challenges for Djibouti.¹⁰¹

M. Human rights and counter-terrorism

55. On 21 October 2011, four mandate holders sent a letter to Djibouti related to their joint study on global practices in relation to secret detention in the context of countering terrorism. The joint study was part of a consultative process with States. In the same spirit of cooperation, the mandate holders would like to continue engaging with States in ensuring appropriate follow-up to the joint study. In this context, they invited Djibouti to provide them with information on measures taken to investigate the allegations contained in the joint study and, if found true, to rectify the situation in compliance with international human rights norms and standards; to implement the related recommendations; and to provide any other relevant information.¹⁰²

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation on Djibouti from the previous cycle (A/HRC/WG.6/4/DJI/2).

² 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 |
| OP-ICESCR | Optional Protocol to ICESCR |
| 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 |

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| OP-CRC-SC | Optional Protocol to CRC on the sale of children, child prostitution and child pornography |
| OP-CRC-IC | Optional Protocol to CRC on a communications procedure |
| ICRMW | International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families |
| CRPD | Convention on the Rights of Persons with Disabilities |
| OP-CRPD | Optional Protocol to CRPD |
| CPED | International Convention for the Protection of All Persons from Enforced Disappearance |

- ³ Individual complaints: ICCPR-OP 1, art 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and CPED, art. 31; Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; CPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13; Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; CPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12; Urgent action: CPED, art. 30.
- ⁴ Information relating to other relevant international human rights instruments, including regional instruments, may be found in the pledges and commitments undertaken by Djibouti before the Human Rights Council, as contained in the note verbale dated 12 March 2009 sent by the Permanent Mission of Djibouti to the United Nations addressed to the President of the General Assembly, and contained in document A/63/791.
- ⁵ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- ⁶ 1951 Convention relating to the Status of Refugees and its 1967 Protocol.
- ⁷ 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); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva 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). 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.
- ⁸ 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 Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise 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.
- ⁹ 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.
- ¹⁰ 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.
- ¹¹ International Labour Organization Conventions No.169, concerning Indigenous and Tribal Peoples in Independent Countries and No.189 concerning Decent Work for Domestic Workers.
- ¹² CEDAW/C/DJI/CO/1-3, 21 July 2011, para. 43, and CAT/C/DJI/CO/1, 17–18 November 2011, para. 28.
- ¹³ CEDAW/C/DJI/CO/1-3, para. 38.
- ¹⁴ CAT/C/DJI/CO/1, para. 26.
- ¹⁵ CEDAW/C/DJI/CO/1-3, para. 29 (g).
- ¹⁶ CAT/C/DJI/CO/1, para. 16 and UNHCR submission to the UPR on Djibouti, p.7.
- ¹⁷ UNESCO submission to the UPR on Djibouti, para. 28.

- 18 CAT/C/DJI/CO/1, para. 27.
- 19 Ibid., para. 4.
- 20 Ibid., para. 21.
- 21 CEDAW/C/DJI/CO/1-3, para. 12.
- 22 Ibid., para. 37. See also CEDAW/C/DJI/CO/1-3, para. 13.
- 23 UNESCO submission to the UPR on Djibouti, para. 30.
- 24 CAT/C/DJI/CO/1, para. 8.
- 25 Ibid., para. 20.
- 26 Ibid., para. 5.
- 27 Ibid., para. 13.
- 28 CEDAW/C/DJI/CO/1-3, para. 15. See also CEDAW/C/DJI/CO/1-3, para. 7.
- 29 CAT/C/DJI/CO/1, para. 13.
- 30 CEDAW/C/DJI/CO/1-3, para. 15(a) and (b). See also CEDAW/C/DJI/CO/1-3, para. 7.
- 31 Ibid., para. 15 (c) and (d).
- 32 Ibid., para. 21 (e).
- 33 UNHCR submission to the UPR on Djibouti, p. 3.
- 34 CAT/C/DJI/CO/1, para. 15.
- 35 The following abbreviations have been used for this document:
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| CERD | Committee on the Elimination of Racial Discrimination |
| 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 |
| CMW | Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families |
| CRPD | Committee on the Rights of Persons with Disabilities |
| CED | Committee on Enforced Disappearances |
| SPT | Subcommittee on Prevention of Torture |
- 36 CAT/C/DJI/CO/1, para. 7.
- 37 CEDAW/C/DJI/CO/1-3, para. 44.
- 38 CAT/C/DJI/CO/1, para. 30. See also, letter dated 1 December 2012 from CAT to the Permanent Mission of Djibouti in Geneva, available at <http://www2.ohchr.org/english/bodies/cat/docs/followup/ReminderDjibouti01122012.pdf> (accessed on 16 January 2013).
- 39 For the titles of special procedures, see www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx and www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx.
- 40 CAT/C/DJI/CO/1, para. 25.
- 41 OHCHR Report 2011, pp. 223–224.
- 42 CEDAW/C/DJI/CO/1-3, para. 16.
- 43 Ibid., para. 12.
- 44 Ibid., para. 17.
- 45 Ibid., paras. 34–35.
- 46 CAT/C/DJI/CO/1, 2011, para. 9.
- 47 Ibid., para. 17.
- 48 CEDAW/C/DJI/CO/1-3, para. 6. See also, CAT/C/DJI/CO/1, para. 21.
- 49 CAT/C/DJI/CO/1, para. 21. See also, CEDAW/C/DJI/CO/1-3, para. 18.
- 50 CEDAW/C/DJI/CO/1-3, para. 19 and CAT/C/DJI/CO/1, para. 21.
- 51 Ibid., para. 20.
- 52 Ibid., paras. 20–21.
- 53 UNHCR submission to the UPR on Djibouti, p. 5.
- 54 CAT/C/DJI/CO/1, para. 23.
- 55 CEDAW/C/DJI/CO/1-3, paras. 28–29.
- 56 UNICEF, 2011 UNICEF Humanitarian Action for Children, p.2., accessed at: http://www.unicef.org/hac2011/files/HAC2011_4pager_Djibouti.pdf.
- 57 UNHCR submission to the UPR on Djibouti, p. 2.

- ⁵⁸ CAT/C/DJI/CO/1, para. 22 and CEDAW/C/DJI/CO/1-3, paras. 22–23. See also CEDAW/C/DJI/CO/1-3, para. 6 (c).
- ⁵⁹ CAT/C/DJI/CO/1, para. 12.
- ⁶⁰ *Ibid.*, para. 10.
- ⁶¹ *Ibid.*, para. 14.
- ⁶² *Ibid.*, para. 11.
- ⁶³ CEDAW/C/DJI/CO/1-3, paras. 10–11.
- ⁶⁴ *Ibid.*, paras. 12–13.
- ⁶⁵ CAT/C/DJI/CO/1, para. 18.
- ⁶⁶ *Ibid.*, para. 11.
- ⁶⁷ *Ibid.*, para. 17(d).
- ⁶⁸ CEDAW/C/DJI/CO/1-3, paras. 6(a) and 12.
- ⁶⁹ *Ibid.*, para. 36.
- ⁷⁰ *Ibid.*, para. 37. See also, CEDAW/C/DJI/CO/1-3, para. 13.
- ⁷¹ UNESCO submission to the UPR on Djibouti, paras. 24 and 32.
- ⁷² *Ibid.*, paras. 26 and 33.
- ⁷³ *Ibid.*, paras. 27 and 36.
- ⁷⁴ *Ibid.*, paras. 25 and 34.
- ⁷⁵ CEDAW/C/DJI/CO/1-3, paras. 24–25.
- ⁷⁶ International Labour Conference, 101st session, 2012, Report of the ILO Committee of Experts on the Application of Conventions and Recommendations, Observation concerning Freedom of Association and Protection of the Right to Organise (No. 87), p. 128, available from http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_174843.pdf
- ⁷⁷ International Labour Conference, 101st session, 2012, Report of the ILO Committee of Experts on the Application of Conventions and Recommendations, Observation concerning the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) , p. 129, available from http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_174843.pdf
- ⁷⁸ CEDAW/C/DJI/CO/1-3, paras. 28–29. See also CEDAW/C/DJI/CO/1-3, para. 6.
- ⁷⁹ World Food Programme, *Emergency Food Security Assessment in Rural Areas*, Djibouti, July 2012, p. 9.
- ⁸⁰ CEDAW/C/DJI/CO/1-3, paras. 32–33.
- ⁸¹ UNESCO submission to the UPR on Djibouti, para. 17.
- ⁸² CEDAW/C/DJI/CO/1-3, paras. 30–31.
- ⁸³ Report of the joint field visit to the Republic of Djibouti of the Executive Boards of UNDP/UNFPA/UNOPS/UNICEF, UN-Women and WFP 18 to 22 March 2012, 4 May 2012, document UNW/2012/CRP.5- DP-FPA-OPS/2012/CRP.1 – E/ICEF/2012/CRP.17, para. 31.
- ⁸⁴ CEDAW/C/DJI/CO/1-3, para. 6(d).
- ⁸⁵ UNESCO submission to the UPR on Djibouti, para. 3.
- ⁸⁶ CEDAW/C/DJI/CO/1-3, para. 26, and Report of the joint field visit to the Republic of Djibouti of the Executive Boards of UNDP/UNFPA/UNOPS/UNICEF, UN-Women and WFP 18 to 22 March 2012, 4 May 2012, document UNW/2012/CRP.5- DP-FPA-OPS/2012/CRP.1 – E/ICEF/2012/CRP.17, para. 16.
- ⁸⁷ CEDAW/C/DJI/CO/1-3, paras. 26–27.
- ⁸⁸ *Ibid.*, para. 27 (f).
- ⁸⁹ UNHCR submission to the UPR on Djibouti, p. 3.
- ⁹⁰ *Ibid.*, p. 2.
- ⁹¹ CAT/C/DJI/CO/1, para. 16.
- ⁹² UNHCR submission to the UPR on Djibouti, p. 3.
- ⁹³ CAT/C/DJI/CO/1, para. 14.
- ⁹⁴ UNHCR submission to the UPR on Djibouti, p. 2.
- ⁹⁵ *Ibid.*, p. 5.
- ⁹⁶ *Ibid.*, p. 6.
- ⁹⁷ *Ibid.*, p. 6.

⁹⁸ World Food Programme, *Emergency Food Security Assessment in Rural Areas*, Djibouti, July 2012, p. 12.

⁹⁹ *Ibid.*, p. 24.

¹⁰⁰ Report of the joint field visit to the Republic of Djibouti of the Executive Boards of UNDP/UNFPA/UNOPS/UNICEF, UN-Women and WFP 18 to 22 March 2012, 4 May 2012, document UNW/2012/CRP.5- DP-FPA-OPS/2012/CRP.1 – E/ICEF/2012/CRP.17, para. 10.

¹⁰¹ Report of the joint field visit to the Republic of Djibouti of the Executive Boards of UNDP/UNFPA/UNOPS/UNICEF, UN-Women and WFP 18 to 22 March 2012, 4 May 2012, document UNW/2012/CRP.5- DP-FPA-OPS/2012/CRP.1 – E/ICEF/2012/CRP.17, para. 35.

¹⁰² A/HRC/19/44, p. 103.
