

Djibouti

We would like to bring your attention to the following excerpts of **Treaty Body Concluding Observations and Special Procedure reports** relating to **issues of interest and concern to UNHCR** with regards to **Djibouti**.

Treaty Body Concluding Observations

Committee on the Rights of the Child

CRC/C/15/Add.131

28 June 2000

5. The Committee welcomes the recent amendment to the Penal Code which has, under the provisions of its article 333, set severe sanctions penalizing the practice of female genital mutilation.

6. The Committee takes note of the problems which have hampered the implementation of the Convention in the State party, in particular the regional conflicts which have led to a significant influx of refugees, the impact of the civil war which ended in 1994, and the continuing violence in the north of the country which has caused internal displacements.

11. While acknowledging the State party's ratification of the Convention on the Elimination of All Forms of Discrimination against Women, the Committee is of the opinion that the ratification of other human rights instruments, and in particular of the International Covenant on Civil and Political Rights and its two Optional Protocols, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, would strengthen the efforts of the State party to meet its obligations in guaranteeing the rights of all children under its jurisdiction.

12. The Committee encourages the State party to consider the possibility of ratifying the other major international human rights instruments.

17. The Committee is concerned that data collection in the State party is insufficient to allow the systematic and comprehensive collection of disaggregated quantitative and qualitative data for all areas covered by the Convention in relation to all groups of children in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children.

18. The Committee recommends that measures be taken to establish a system to collect statistical and other data in all areas covered by the Convention. Such a system should cover all children up to the age of 18 years, with specific emphasis on the most vulnerable groups, including girls, children with disabilities, child labourers, children from nomadic groups living in rural areas, children living and/or working in

the streets, children living in institutions and refugee children. Technical assistance in this area from UNICEF, among others, is encouraged.

27. The Committee notes that the principle of non-discrimination (art. 2) is reflected in the Constitution of Djibouti as well as in domestic legislation and acknowledges efforts made to promote education for girls. It is still concerned that insufficient measures have been adopted to ensure that all children are treated equally and are guaranteed equal access to education, health and other social services. In this regard, it is extremely concerned about the persistent discriminatory attitudes faced by girls; it is also concerned about the discrimination faced by refugee and asylum-seeking children and about the impact of ethnic discrimination. The Committee is also concerned about the discrimination that appears to be experienced by children born out of wedlock, children with disabilities, children living and/or working on the streets, and children living in rural areas.

28. The Committee recommends that the State party increase its efforts to ensure implementation of the principle of non-discrimination and full compliance with article 2 of the Convention and address those cases which continue to affect all vulnerable groups, particularly girls, refugee children and those from different ethnic groups. The Committee also urges the State party to give particular attention to addressing discrimination against both girls and women, inter alia by 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.

31. The Committee is concerned that the insufficiently systematic birth registration in the State party prevents an accurate statement of the identity or age of a child, which can make it very difficult for the protection afforded to children by domestic legislation or by the Convention to be enforced. It is concerned in particular about the difficulties experienced in registering the birth of refugee children outside of the refugee camps and about the limited type of birth registration available in the camps.

32. In light of articles 1 and 7 of the Convention, the Committee recommends that the State party establish as quickly as possible the practice of systematic birth registration for all children born within the national territory, and encourages the State party to consider ratifying the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, and to adopt national legislation that is in conformity with these international instruments. The Committee further urges the State party to proceed with the registration of those children who have not been registered.

35. With respect to the situation of children deprived of a family environment, the Committee expresses its concern about the insufficient number of alternative care facilities and the limited capacity of existing institutions. Concern is also expressed about the fact that refugee children may be denied access to such facilities.

36. The Committee recommends that the State party make every effort to provide special protection and assistance for children deprived of a family environment, in accordance with the provisions of article 20 of the Convention, including through the development of a foster care system as well as by providing additional places in

existing institutions. It further recommends that an appropriate inspection mechanism be established to monitor the placement of children in institutions or in alternative care. The Committee also recommends that the State party increase its efforts to provide support for families and single parents, to discourage the abandonment of children.

41. While welcoming the adoption of a national plan of action and the State party's commitment to adopt the Integrated Management of Childhood Illnesses (IMCI) strategy, the Committee is concerned at the poor health status of children in Djibouti. It is particularly concerned at the persistently high rates of infant and under-five mortality, maternal mortality, child malnutrition and smoking, and at the insufficient data collection with regard to child health. While welcoming the adoption of "baby-friendly" hospital initiatives, the Committee is also concerned about the risk of mother-to-child transmission of HIV, given the high rates of HIV infection. The Committee regrets the decline in spending on the health sector and the reduction in vaccination coverage.

42. The Committee encourages the State party to increase its efforts in the health sector, including through the strengthening of data collection and disease surveillance mechanisms, the allocation of adequate resources and the reinforcement of training and support for health sector staff. It recommends that the State party ensure equitable access to existing health care services, that it make every effort to increase vaccination coverage, including by ensuring the maintenance of a cold chain, and that it undertake effective collection and recording of data in this respect. The Committee recommends that effective measures be taken to provide information and support to HIV-infected mothers to prevent HIV transmission, in particular by providing safe alternatives to breastfeeding. The Committee recommends that the State party address the social factors preventing vulnerable groups (including women and children) from seeking health care, and that particular efforts be made to reach refugee and displaced children and those living on the streets. The Committee urges the State party to develop effective partnerships with NGOs and civil society groups, and to seek the technical assistance of United Nations agencies such as WHO and UNICEF in this respect.

43. While welcoming the recognition by the State party of the importance of this problem, and the prohibition of the practice in the new Penal Code, the Committee expresses its concern about the widespread practice of female genital mutilation. It acknowledges the efforts made to complement legal reform with activities to raise awareness and sensitize health professionals and the effort made to involve traditional leaders in the effort to change traditional attitudes.

44. The Committee urges the State party to continue to take effective measures to eradicate this practice, and encourages it to benefit from the experience of other States that have addressed similar issues. The Committee recommends that the adoption of legal and judicial provisions in this area be accompanied by further efforts to engage the community in the process of changing cultural attitudes, including by assisting traditional practitioners to seek alternative employment, and if necessary by ensuring the enforcement of the legal sanctions contemplated by article 333 of the new Penal Code in order to set an example.

47. *The Committee welcomes the recent efforts of the State party to improve the situation of education in terms of elaborating and carrying out educational programmes, and takes note of efforts made to seek international assistance in this area. However, the Committee remains seriously concerned about the low rates of school enrolment and attendance and the high drop-out and illiteracy rates, as well as about the extent of gender disparities in this respect. It is also concerned about the limited number of trained teachers and school facilities, and further concerned by information indicating that refugee children are denied access to education outside of refugee camps.*

48. *The Committee recommends that the State party continue its efforts to promote and facilitate school attendance, particularly among girls and refugee children. In light of article 28 of the Convention, the Committee recommends that the State party take effective measures to ensure that primary education is available to all, to improve the quality of teaching and to reduce drop-out rates. The Committee encourages the State party to seek to strengthen its educational system, if necessary by seeking further international assistance, from UNICEF and UNESCO, among others.*

49. *While acknowledging the challenges faced by the State party as a result of the regional conflicts which repeatedly lead to the arrival of a disproportionate number of asylum-seekers, the Committee is concerned about the problems experienced by refugee children. It is concerned about the absence of national legislation defining the legal basis for asylum or for granting stateless status. It is also concerned about the resulting absence of an appropriate legal framework for the protection of accompanied and unaccompanied child refugees and asylum-seekers, and about the lack of health and education services for all refugee children, including those living outside the refugee camps.*

50. *The Committee urges the State party to make every effort to implement the rights of refugee children, in accordance with article 22 of the Convention and of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. It recommends that the State party adopt national legislation for the determination of refugee status, making suitable provision for the special procedures required for child refugees. In light of the provisions of articles 2, 10, 24 and 28 of the Convention, the Committee further recommends that the State party develop an appropriate legislative and administrative framework to facilitate family reunification and adequate access to all social services and to schools for refugee children outside the camps.*

- End of excerpts -

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