



## **Economic and Social Council**

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### **Committee on Economic, Social and Cultural Rights**

## **Implementation of the International Covenant on Economic, Social and Cultural Rights**

**Combined initial and second periodic reports submitted by  
States parties under articles 16 and 17 of the Covenant**

**Djibouti\***

[21 July 2010]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

## Contents

	<i>Paragraphs</i>	<i>Page</i>
Abbreviations.....		3
I. Introduction.....	1–6	4
II. General provisions of the International Covenant on Economic, Social and Cultural Rights.....	7–193	4
Article 1: The right of the people.....	7–16	4
(a) External self-determination.....	8–9	5
(b) Internal self-determination.....	10–15	5
(c) Right to freely dispose of and exploit natural wealth and resources.....	16	6
Article 2: Guarantees concerning the exercise of economic, social and cultural rights.....	17–27	6
Article 3: Gender equality.....	28–37	8
Articles 4 and 5.....	38	9
Article 6: The right to work.....	39–58	9
Article 7: Corollaries to the right to work.....	59–83	12
Article 8: Trade union rights.....	84–94	16
Article 9: The right to social security.....	95–105	17
Article 10: Protection of the family, maternity and children.....	106–119	19
Article 11: The right to an adequate standard of living.....	120–150	20
(a) The right to the continuous improvement of living conditions.....	120–123	20
(b) The right to adequate food.....	124–129	21
(c) The right to water.....	130–140	22
(d) The right to adequate housing.....	141–150	23
Article 12: The right to health and social protection.....	151–168	24
Articles 13 and 14: The right to education.....	169–177	26
Article 15: The right to enjoy the benefits of culture.....	178–188	28
Conclusion.....	189–193	29
List of reference documents.....		30

## Abbreviations

DF	Djibouti franc
EDAM-IS	Djiboutian Household Survey – Social Indicators
EDIM	Djiboutian Multiple Indicators Survey
GDP	gross domestic product
ILO	International Labour Organization
MIGA	Multilateral Investment Guarantee Agency
PPP	purchasing power parity
PRSP	Poverty Reduction Strategy Paper
UDT	Djiboutian Labour Union
UGTD	General Union of Djiboutian Workers

## **I. Introduction**

1. The Republic of Djibouti sets great importance on human rights and believes it has a duty to promote and protect all the human rights and fundamental freedoms of its people.

2. Djibouti ratified the International Covenant on Economic, Social and Cultural Rights on 5 November 2002.

3. In the present combined initial and periodic report, Djibouti will describe the mechanisms and measures introduced by successive Governments to protect, promote and define the economic, social and cultural rights of its citizens.

4. It has drafted the report on the basis of the guidelines and suggestions of the Committee on Economic, Social and Cultural Rights on the submission of such reports by States parties.

5. Since ratifying the Covenant, Djibouti has constantly put substantial effort into promoting and protecting human rights and, to that end, has ratified many international and regional human rights instruments:

- The Convention on the Rights of the Child, in 1990;
- The African Charter on Human and Peoples' Rights, in 1991;
- The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, in 2005;
- The Convention on the Elimination of All Forms of Discrimination against Women, in 1999;
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 2002;
- The International Covenant on Economic, Social and Cultural Rights;
- The International Covenant on Civil and Political Rights and the two optional protocols thereto, in 2003;
- The International Convention on the Elimination of All Forms of Racial Discrimination.

6. To demonstrate its commitment to respecting principles, the Government of Djibouti has also ratified the Optional Protocols to the Convention on the Rights of the Child, on the involvement of children in armed conflict, and on the sale of children, child prostitution and child pornography, while submitting its candidature for one of the posts of vice-president of the Human Rights Council.

## **II. General provisions of the International Covenant on Economic, Social and Cultural Rights**

### **Article 1**

#### **The right of the people**

7. The right of peoples to self-determination, as defined in article 1 of the Covenant and in all the international human rights instruments generally has three aspects:

(a) The right to external self-determination or, in other words, the right of peoples under colonial or racist regimes, under foreign occupation or having been forcibly incorporated in another State, to determine their own future. This aspect of free determination has been recognized and endorsed by resolutions of the United Nations General Assembly, including No. 1314 (XII) of 12 December 1948, No. 1514 (XV) of 14 December 1960 and No. 2625 of 1970;

(b) The right to internal self-determination, which implies, on the one hand, the freedom to choose a social system and a form of government and, on the other hand, the obligation to organize national and subnational elections at regular intervals;

(c) The right of peoples to freely dispose of their wealth and natural resources.

**(a) External self-determination**

8. Formerly known as the French Territory of the Afars and the Issas, which had been under French colonial influence for more than 100 years (colonized by France in 1862), Djibouti won national and international sovereignty on 27 June 1977 after three referendums (1958, 1967 and 1977). The first referendum (1958) took place against the background of the demand for self-determination throughout Africa. The colonial administration of the time played on the divisions between the communities to derail the project. The 1967 referendum raised the spectre of annexation of the territory by its neighbours, Ethiopia and Somalia. However, with almost all the countries of the continent having already won independence, the colonial authorities were forced in 1975 to recognize the territory's claim to independence. The popular referendum of 8 May 1977 then brought about an independent Djibouti on 27 June of that year.

9. Two constitutional acts drawn up on the eve of independence brought together all the principles that served as the basis for the internal and international self-determination of the Djiboutian people.

**(b) Internal self-determination**

10. Since independence, Djibouti has spared no effort in establishing and improving its democratic political system, which preserves the democratic rights of the nation of Djibouti. In 1992, the right to free determination was enshrined in the Constitution adopted on 15 September of that year, which, in its preamble, lays out the country's commitment to the principles of democracy and human rights as defined by the Universal Declaration of Human Rights and the African Charter on Human and Peoples' Rights.

11. Article 1 of the Constitution recognizes equality before the law, and guarantees government by the people and for the people by giving full sovereignty to the Djiboutian people. The executive, legislative and judicial powers constitute the country's institutions and ensure the proper functioning of its national institutions.

12. The people of Djibouti exercise their powers through direct universal suffrage in both presidential and legislative elections. In the firm belief that the authority of the State emanates from the people as a whole, Djibouti is committed to complying with the principles enshrined in article 1, paragraphs 1 and 2, of the Covenant.

13. As provided for by the Constitution, the Government's initiative to implement decentralization resulted in 2006 in the application of laws and regulations organizing local authorities throughout the country.

14. Since independence, the State of Djibouti has established the legal means to recognize and protect the modus vivendi of local communities:

- By recognizing the local authorities (Constitution, art. 5);

- By adopting the Act on Decentralization and the Status of the Regions (Act No. 174/an/02);
- By recognizing the right to own property, which may not be infringed except in the case of lawful public need, subject to fair and prior compensation (Constitution, title II, art. 12).

15. The communities of both the north and the south of the country, particularly in rural areas, thrive because of the traditional systems of land management. The systems are based on the customary law of the Sultanate and the *Xeer Issas* system of common law, respectively. The State recognizes the legitimacy of these traditions that manage the countryside. The *Okals* are the traditional representatives of local communities, duly identified and recognized by the State, who are consulted for their opinions. For example, in 2008, the Ministry of Agriculture engaged in consultations with the local communities affected by a project to make use of surface waters and introduce sustainable land management in the regions of Day, Dikhil and both Grand Bara and Petit Bara.

(c) **Right to freely dispose of and exploit natural wealth and resources**

16. Djibouti enjoys and disposes freely of its natural wealth and resources, in the conditions and subject to the reservations established by the Constitution and related laws. Exploitation of the country's natural wealth and resources contributes to the socioeconomic development of the population, both locally and nationally. The exploitation of salt in the Lake Assal region is a very interesting example. While industrial exploitation has been put in the hands of an international company, the State has guaranteed the local population the right to exploit the salt, as it has always done, taking it by caravan to the Ethiopian highlands.

## **Article 2**

### **Guarantees concerning the exercise of economic, social and cultural rights**

17. In general, all the rights set forth in the Covenant are recognized and partially realized by Djibouti.

18. In addition to the support programmes run with the help of Djibouti's development partners, the Government also respects the principles set forth in the Constitution and national rules, confirming its determination to promote and protect the nation's economic, social and cultural rights.

#### **Constitutional, legislative and regulatory measures**

19. The Constitution, laws, regulations and all national documents clearly comply with the rights set forth in the Covenant.

20. Articles 10 to 20 of the Constitution commit the country's institutions to respecting the rights and duties of the human person. The provisions of its chapter II testify to the importance Djibouti attaches to respect for economic, social and cultural rights, namely the rights freely to form associations and trade unions, subject to compliance with the formalities prescribed by laws and regulations. The right to strike is also recognized. It is exercised within the framework of the applicable laws. In no case may it infringe on the freedom of employment, as specified in article 15.

21. Finally, article 18 in the same chapter recognizes that: "Any alien who is lawfully in the national territory shall enjoy the protection of the law in respect of both person and property."

22. Adding to those constitutional principles, Djibouti has adopted a series of laws and regulations strengthening the promotion and protection of the economic, social and cultural rights of its population:

- The Investment Code, 1994;
- The new Commercial Code, 2009;
- The Family Code, 2002;
- The new Labour Code, 2006;
- The Nationality Code;
- Act No. 28/AN/08/6 L, on Protection, the Suppression of Fraud, and Consumer Protection;
- Act No. 53/AN/09/6 L on a new Code of Public Contracts;
- Act No. 187/AN/07/5 L on the Status of Press and Audiovisual Media Staff;
- Act No. 50/AN/09/6 L on the Protection of Industrial Property;
- Act No. 210/AN/07/5 L on Combating Trafficking in Persons.

#### **Promotion and protection of investment**

23. Djibouti, a developing country, has also shown that it is prepared to take advantage of the cooperation in the field of economic and technical development and to learn from the experience and successes of other countries such as Malaysia, Tunisia and Morocco in order to achieve progress. Located at the crossroads of a market of more than 350 million inhabitants covering the countries of the Common Market for Eastern and Southern Africa and those of the Arabian Peninsula, Djibouti has managed to achieve much since market liberalization and the adoption of the 1994 Investment Code, which encourages foreign investment interested in reaching the rest of the region.

24. These strengths, together with Djibouti's port infrastructure (Doraleh Port Complex, Tadjourah Mineral Port) and airport, further boost the financial and monetary advantages that make Djibouti a safe financial platform thanks to the stability of its currency, the Djibouti franc (DF), fixed since 1949 at 177.721 DF to the dollar.

25. The development of the private sector is a factor in Djibouti's economic growth, which has seen positive trends, with a growth in gross domestic product (GDP) of 4.2 per cent in 2006 compared to real growth in GDP of 3.2 per cent in 2005. The ambitious policy of promoting foreign investment is thus validated by economic development, which has significantly boosted the national economy. The investment rate in Djibouti stood at 30.1 per cent of GDP in 2006 compared to only 19 per cent in 2005.

26. To insure foreign direct investments against country risk, Djibouti signed the Multilateral Investment Guarantee Agency (MIGA) Convention on 30 January 2006. It was subsequently passed by Parliament on 28 July 2006, and Djibouti thus became the 170th member of MIGA on 12 January 2007. Foreign direct investments doubled between 2004 and 2006. As the main driver of economic growth in recent years, private investment has seen an unprecedented expansion. This has allowed Djibouti to consolidate its performance in the area of foreign direct investments and to maintain their impact on the country's socioeconomic development.

#### **Commercial promotion and protection**

27. Djibouti also subscribes to the principles of the Universal Declaration of Human Rights and has ratified the other United Nations instruments that ensure the protection of

the economic, social and cultural rights of citizens, who are equal without distinction on grounds of language, origin, race, sex or religion, in accordance with the provisions of article 1 of the Constitution.

### **Article 3**

#### **Gender equality**

28. The following articles of the Constitution establish the principle of equality of the sexes:

- Article 1 establishes the principle of equality before the law without distinction on grounds of language, race, sex or religion;
- Article 3 recognizes that the nation of Djibouti is composed of all those whom it recognizes as members and who accept the resultant duties, without distinction on grounds of language, race, sex or religion;
- Article 5 guarantees the principle of enjoyment of civil and political rights without distinction on grounds of sex.

#### **Social and economic discrimination**

##### *In respect of women*

29. To effectively combat all forms of discrimination and, more specifically, economic discrimination, Djibouti has adopted legislation to combat discrimination against women, in particular, with a series of legislative texts:

- An act establishing a quota of at least 10 per cent for elective office; and
- An act establishing a quota of at least 20 per cent of women in positions of responsibility in the administration.

30. Djibouti also promotes the recruitment of women in the education and health sectors.

31. In addition to the principles relating to equality between women and men expressed in the Constitution, Djibouti also restates its willingness to establish a legal framework to support those principles through the different strategies implemented by the Ministry for the Promotion of Women, Well-being of the Family and Social Affairs.

32. In 2002, Djibouti ratified the Convention on the Elimination of All Forms of Discrimination against Women, removing all obstacles to implementation of its strategies to promote the active involvement of Djiboutian women in the country's economic, social and cultural development. The Government's policy, which began with the National Strategy for the Integration of Women in Development and is led by the Ministry for the Advancement of Women, has established the fight against direct and indirect gender-based discrimination as a national priority. It has set up an interministerial technical committee to coordinate the actions and the mechanisms introduced by various Government departments to promote and protect women's rights.

##### *Gender equality*

33. In respect of equality between men and women in their most basic rights as citizens, that is, the right to assume positions of responsibility or even political posts, the Government established, in the Act adopted on 13 November 2002, a quota system for elective offices and posts in the State administration. Its article 2 provides that, in

parliamentary elections, “political parties submitting lists of candidates must include on their lists a proportion of one sex or the other equivalent to at least 10 per cent of the seats to be filled”. Djibouti met this requirement in the 2003 parliamentary elections, enabling women to exercise their civic rights.

34. Djiboutian women enjoy the same economic, social and cultural rights as men, without any discrimination based on gender. In addition to the basic texts such as the Constitution and the framework acts, there is also a range of legislation based on mechanisms that protect their economic, social and cultural rights.

*Equal right to work in just and favourable conditions*

35. Title 1, article 1, of the Labour Code adopted in 2006 to guarantee social and economic rights stipulates that: “Within the meaning of the Labour Code, a worker is any person, regardless of sex or nationality, who agrees to place his or her professional activity, subject to remuneration, under the supervision and authority of another natural person or public or private legal entity.”

36. Djiboutian legislation makes no distinction between men and women in terms of wages. Women have access to bank loans on the same basis as men and there is no discrimination at any stage of entry into the labour market, as noted in the October 2009 report on implementation of the Convention on the Elimination of All Forms of Discrimination against Women.

37. In its three-year action plan for the period 2010–2012, the Ministry for the Advancement of Women has included a women’s entrepreneurship programme, the main aims of which are:

- To create a framework and a favourable legal environment for the emergence of businesses;
- To provide more opportunities for access to information, training, support, advice, business development services, markets and funding.

## **Articles 4 and 5**

38. See paragraph 40 (c) of the harmonized guidelines on a common core document.

## **Article 6**

### **The right to work**

39. Like all developing countries, Djibouti is facing the scourge of unemployment. The country’s fragile economy and the accumulated delay in introducing structural reforms, as well as the constraints arising from the period of structural adjustment with the International Monetary Fund (in 1997) have all significantly curtailed the impact of measures taken by the State to reduce unemployment. In addition, the lack of skilled labour and high energy costs prevent Djibouti developing an employment-generating industrial policy. Djibouti has no mining resources, which could have offered strong employment opportunities. The same is true for agriculture, because of the vagaries of the climate (droughts and lack of rainfall).

40. However, with Djibouti’s new-found economic growth, the concern to combat unemployment has been put at the heart of State policies. Tax incentives (especially with the establishment of free trade zones) are encouraging businesses to take on workers. The

National Agency for Employment and Vocational Training, which was set up by decree in 2007, is striving to promote employment through:

- The introduction of a national recruitment and vocational retraining programme;
- The establishment of a databank on labour market supply and demand.

41. In addition, and in the light of some obstacles encountered, Djibouti revised its Labour Code in 2006 (because of administrative complications) to bring it into line with the situation on the job market and also to encourage recruitment by businesses. One example of the new Code's flexibility is that administrative authorization is no longer required for redundancies.

42. Despite unemployment being endemic, Djibouti is not only working at macroeconomic level to combat it, but also has specific programmes to promote the recruitment of women and young people, in particular, and vulnerable categories in general.

### **Women**

43. Act No. 173/an/02 introduced the National Strategy for the Integration of Women in Development, together with a national plan of action. The priority areas of the Strategy are:

- Decision-making;
- Health;
- Education;
- Women's participation in the economy.

44. The Strategy was established because it had been found that:

- Women, particularly in rural areas, are in a very insecure situation, as they are seriously affected by poverty and vulnerability. The Strategy is the Government's response to this, and it focuses on the four areas mentioned above. Today, 10 years after its introduction, the situation of women has improved slightly. For example, to improve reproductive health, the Government has established obstetric facilities throughout the country.

45. Recent years have brought other achievements as well:

- The establishment of a vocational training centre for young girls who have dropped out of school, in Balbala;
- The provision of microcredit to help women enter the economy;
- The establishment of a popular savings fund.

### **Young people**

46. Youth unemployment, which affects both school dropouts and young graduates, is of concern in Djibouti. The response of the State has been:

- To increase the availability of vocational training (adapted national service for young people who have dropped out of school, establishment of technical schools);
- To provide credit facilities for young graduates who want to set up a business.

### **Persons with disabilities**

47. Djibouti has ratified the International Labour Organization (ILO) Convention as well as the Convention on Non-discrimination.

48. The country's Labour Code prohibits discrimination in employment against persons with disabilities. Furthermore, its article 119 (title III, chapter III) states that "employers who employ persons with disabilities shall benefit from tax measures for each of those employees". The State helps *Vivre plus fort* (Live stronger), an association that brings together persons with disabilities, to raise awareness in the business community to encourage the creation of job opportunities for them.

### **Informal economy**

49. Official statistics estimate that 42 per cent of all jobs are in the informal economy. This affects all economic sectors to varying degrees (catering, textiles, tourism, domestic work, construction and transport). Although it has been ignored in the past, the informal economy is now at the centre of concern. Studies have shown that the informal production system is closely linked to the mainstream economy. This interdependence has led Djibouti to adapt its macroeconomic and microeconomic frameworks and to take "appropriate measures to guide the informal sector toward the modern economy".

50. Djibouti favours this approach because, given its economic structure, the dynamics of modern wage employment may not be sufficient to reduce unemployment and absorb new entrants into the labour market. It has put in place a legal framework for microfinance activities as a strategy to provide a structure for and bring about gradual change in the informal sector.

51. A savings fund has also been set up to facilitate access to credit. It is now planned to introduce regulations for the urban transport sector.

52. The informal sector employs a large majority of women; the authorities believe that developing the informal sector will enhance the value set on the work of women. The State is indeed aware that some activities in the informal sector are income-generating opportunities for women who lack qualifications or skills and have opted for these activities as an alternative path (by means of microcredit and savings banks).

53. In respect of access to basic services and social protection, informal sector workers, on presentation of a certificate of financial hardship (which recognizes them as being non-salaried), have access to the various health services. In neighbourhoods and regions where there is a high concentration of informal sector activity, access to basic social services is facilitated by both public structures and community structures. In its work to combat poverty, the State has for some time been investing substantially in social development through:

- (a) The introduction of solar energy (by equipping houses, etc.);
- (b) The construction of infrastructure to improve access (local community health centres, community development centres, etc.).

### **Legal guarantees**

54. The Labour Code provides maximum protection for workers against unfair dismissal. In the cases of both fixed term and open-ended employment contracts, it allows a worker who has been sacked to appeal to the competent court for an assessment of the dismissal. In addition, as well as being required to give the proper period of notice in the case of an open-ended contract (Labour Code, art. 56), the employer must also comply with the strict procedure provided for in articles 42, 50 and 51.

55. Redundancy and dismissal on disciplinary grounds do not fall under the definition of unfair dismissal. Article 58 of the Code recognizes dismissal without notice as unfair dismissal and requires the employer to pay "to the other party damages to an amount

corresponding to the pay and all forms of benefits that the worker would have enjoyed during the period of notice that was not actually respected”.

### **Right to training**

56. Given the specific nature of the country’s labour market, which is focused on a service economy, as well as its small size, the vocational training that is available has two shortcomings in terms of both diversity and quantity. The education system, until recently modelled on those of the francophone countries, has not set overriding importance on vocational training. The new National Education Act, which resulted from the National Consultations (2000), has now made vocational training a priority, with the establishment of vocational and further training centres. The State has increased the number of vocational training institutions. The vocational and further training centre and the vocational training secondary school now provide a wider range of courses, notably with the introduction of training in new technologies. Alongside these training possibilities linked to the school curriculum, the State has also introduced training targeted at young school dropouts and women.

These are:

- Adapted national service;
- The Young Women’s Training Centre.

57. Some of these centres are managed by associations such as the National Union of Djiboutian Women, which runs a vocational training centre for young girls who have dropped out of school. Other centres are managed by charities such as the Catholic mission. The young girls are taught cookery, sewing, office technology or hairdressing.

58. In addition, the Labour Code (arts. 67, 76 and 78) provides for the possibility of learning and in-service training for workers. The State’s strategy is to connect workers into the labour market by providing them with relevant vocational training.

## **Article 7**

### **Corollaries to the right to work**

59. Article 1 of Djibouti’s Constitution guarantees “equality for all before the law without distinction on grounds of language, origin, race, sex or religion”. The promotion and protection of the population’s economic, social and cultural rights form part of the framework of a pluralist democracy, a State governed by the rule of law and decentralization since the new Constitution was adopted in 1992.

60. The 1992 Constitution, in contrast to the constitutional laws that governed Djibouti in its first 15 years of independence, puts emphasis on economic, social and cultural rights, as well as human rights and freedoms. In the preamble, Djibouti endorses the Universal Declaration of Human Rights and the African Charter on Human and Peoples’ Rights and undertakes to guarantee the full development of individual and collective rights and freedoms, as well as the harmonious development of the national community.

61. In addition to its national standards, Djibouti has honoured its commitments by ratifying all the conventions that promote and protect the rights of its citizens. To that end, the following have all been ratified:

- The Convention of the International Labour Organization;
- The Forced Labour Convention, 1930 (No. 29);

- The Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87);
- The Migration for Employment Convention (Revised), 1949 (No. 97);
- The Equal Remuneration Convention, 1951 (No. 100);
- The Abolition of Forced Labour Convention, 1957 (No. 105);
- The Discrimination (Employment and Occupation) Convention, 1958 (No. 111);
- The Minimum Age Convention, 1973 (No. 138);
- The Worst Forms of Child Labour Convention, 1999 (No. 182);
- The Maternity Protection Convention, 2000 (No. 183).

#### **Legislative measures relating to wages**

62. Article 136 of the Labour Code defines a salary as “the basic wage and any additional emoluments whatsoever payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker’s employment”. These same provisions stipulate that “the salary set by the labour contract is the result of enterprise agreements, collective agreements or an agreement between the parties to the contract”.

#### **Minimum wage**

63. As it is adapted to the context of globalization, the new Labour Code, adopted as Act No. 133/AN/05/5 L by the National Assembly on 28 January 2006, makes no provision for establishing a minimum income.

64. This principle does not date solely from the 2006 Labour Code, as the acts of 1973 that repealed the provisions of the Daach Act allowed the rules of the labour market to determine the national minimum wage without any statutory instruments. However, there are many jobs that have a paltry “minimum wage” compared to that of the two most widely represented sectors, the civil service and the private sector. In addition to the paltry nature of their wages, workers who have informal jobs that are not included in national legislation have no welfare coverage either; we have managed to identify some of the sectors concerned:

- Personal care services;
- Household help;
- Stallholders;
- Caretaker services.

65. These jobs offer wages of no more than US\$ 100, and are very often taken by foreigners who are in the country in an irregular situation. The above-mentioned jobs are done by men or women, without distinction. The list, which is not exhaustive, is available from the Civil Service Department.

#### **System of indexation – Regulation**

66. At the heart of the Government’s strategy, employment and combating unemployment form one of the authorities’ main areas of action in the fight against poverty, as unemployment affects more than 60 per cent of the active population, predominantly women and young people.

67. In 2007, the President pointed out in the Government's road map that: "Unemployment and underemployment are issues vital to the survival and consolidation of our nation's social base; this means that employment must be a fundamental objective, common to all the sectoral policies and a major value in all our strategies to combat poverty."

68. In this context, the Government began to formulate a coherent policy to encourage the creation of local businesses, training and the integration of young people into the labour market, which requires the involvement of all the country's socioeconomic stakeholders (workers' and employers' organizations and civil society) in the efforts of the National Agency for Employment and Vocational Training and Recruitment.

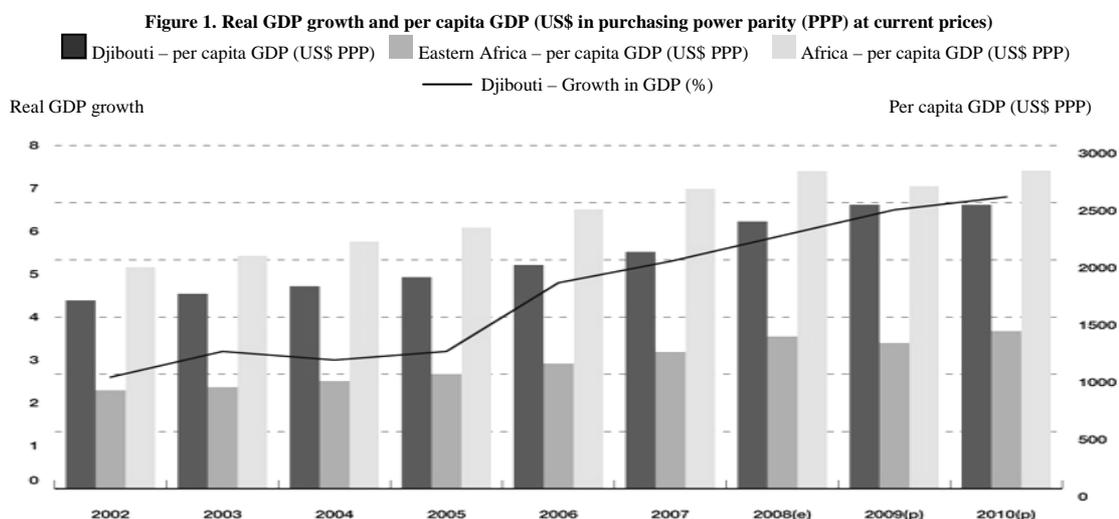
69. In spite of relatively strong economic growth over the past 10 years, the rate of job creation has remained well below the level needed to bring any significant reduction in the country's unemployment rate.

70. With many proactive measures to promote employment, specifically the creation of a business development fund for job applicants, a national recruitment and vocational retraining programme and the National Agency for Employment, Vocational Training and Recruitment, Djibouti is continuing to build up its policy of jobs for all, supported by all Government departments. The fact that there is no minimum wage and the preference for self-regulation of wages by the labour market fit in with this "jobs for all" policy, leaving employers and workers free to set salaries according to the work provided.

71. Other Government measures also help to regulate living standards without any intervention on wages; they include:

### The rate of inflation

72. Inflation has risen, from 5 per cent in 2007 to 11.9 per cent at the end of December 2008, because of the increase in food and oil prices.



*Source:* Data from International Monetary Fund and national authorities; authors' calculations for estimates (e) and forecasts (p).

### Price of basic foodstuffs

73. The abolition of import duty on basic food products is one example of positive action by the authorities. This means that the Djiboutian housewife has suffered no or at least little loss of purchasing power as a result of inflation.

### **Working conditions**

74. Title III of the new Labour Code makes very specific provision for working conditions for both nationals and foreigners, regardless of sex.

75. Article 83 provides that the length and schedule of work are set by the employer in compliance with the regulations laid down by the Labour Code. It states, *inter alia*, that the length and schedule of work shall be displayed in the workplace and communicated to the labour inspector. That notwithstanding, the length of work may not exceed 48 hours per week, except in agricultural establishments, in line with the provisions of article 84.

76. Under article 88, overtime is remunerated at a premium rate set by convention or by collective agreement.

77. In addition to the weekly rest day and those days decreed as public holidays, such as the first day of the Muslim year or the anniversary of the country's independence, scheduled for 27 June, the General Civil Service Regulations (for the Civil Service) and section 4 of Title III of the new Labour Code (for collective agreements) provide for the protection and promotion of the most basic social rights, that is, paid leave for employees. These measures are designed to allow employees to enjoy their rights to paid leave in line with the conventions they agree to, depending on the sector they work in. The importance set on this right by the national authorities is shown in article 106, which provides that: "It is formally prohibited to grant compensatory payments in lieu of leave."

78. To help reconcile professional life with family and personal life, the employer is required to set reduced working hours for daily tasks on a smaller scale, or when made necessary by the nature of the work.

79. Although several laws and regulations (Act No. 192/AN/02/4 L establishing a Quota System for Elective Offices and the State Administration, and two implementing orders) were adopted between 2002 and 2008 to introduce a quota system for elective offices and the State administration, these measures to promote and protect the social and economic rights of Djibouti's women have not been enough to help women establish their professional position. They thus remain underrepresented in positions of responsibility. In politics, parliament and the judiciary, there are two women ministers, nine women parliamentarians and two women presidents of Court. They are still very poorly represented in all spheres of public sector decision-making. Unemployment affects women much more than men; the Djiboutian Household Survey of Social Indicators (EDAM-IS) 2002 shows that 68.8 per cent of active women (able to work) are unemployed compared to 54.6 per cent of men. However, the Labour Code affirms the principle of non-discrimination between the sexes and enshrines the principle of equal pay for equal work.

### **Occupational safety and health**

80. Article 258 of the new Labour Code allows collective agreements to make provision for protecting workers against sexual harassment. However, as no complaints have been registered with the national courts, the Ministry for the Promotion of Women and Well-being of the Family, in partnership with the Ministry of Health, the Ministry of Waqf Property and the National Union of Djiboutian Women, has introduced a project to combat gender-based violence, with technical and financial support from the United Nations Population Fund.

81. Djibouti sets particular importance on the right to health and hygiene in all working environments. The first act establishing the General Civil Service Regulations, adopted shortly after independence in 1983, provided for a health council to organize areas related to the health of civil servants. National health and hygiene legislation also addresses the

private sector, with chapter IV, article 121, of the new Labour Code, on safety and health at work and social services in companies, guaranteeing workers the following:

- Suitable facilities;
- An environment free of any danger that could lead to accidents at work;
- Permanently clean premises;
- Machinery maintained in the best possible conditions of safety and cleanliness;
- Motors and rotating machines fitted with the necessary protection to prevent injury to workers.

82. The health and safety committee provided for in articles 126 to 130, composed of the head of the establishment, the safety officer or workshop supervisor, a staff delegate and the company doctor or nurse from the Social Protection Agency, is responsible for:

- (a) Reviewing health and safety conditions;
- (b) Ensuring that the laws, regulations and instructions on health and safety are applied;
- (c) Conducting inquiries into the causes of serious work-related accidents and occupational diseases and proposing remedial, as well as preventive, measures;
- (d) Drawing up and implementing a programme to improve health and safety conditions in the company's operations;
- (e) Compiling annual statistics on accidents at work and occupational diseases;
- (f) Disseminating a quarterly information sheet to all workers giving information on health protection and sound work practices;
- (g) Fostering, maintaining and developing an awareness of safety among the workers;
- (h) Taking any necessary action to promote safer working methods and procedures;
- (i) Providing training for workers in the areas of hygiene, safety and health in the workplace;
- (j) Ensuring that fire and rescue teams are set up and trained;
- (k) Helping to identify sources of pollution and preparing an emergency response plan.

83. This means that all economic, cultural and social rights (social security and social insurance) are recognized for both sexes and exercised in conditions of equality by both men and women, as stipulated in the law and collective agreements.

## **Article 8**

### **Trade union rights**

84. Article 15 of the Constitution recognizes the right freely to form trade unions, on the same basis as that to form associations. The freedom of association is confirmed in several articles of the Labour Code. These are:

- Article 212 on the freedom to form trade unions in all sectors of the economy;
- Article 213 on the independence of the statutes and regulations of trade unions;

- Article 215 on the formalities governing the legality of the trade unions' existence.

85. The procedures and administrative formalities for setting up a trade union are very simple.

86. The Ministry of Labour carries out a quick check of the legality of the application and then issues a receipt recognizing the trade union's existence.

87. The preamble to the Constitution recognizes the right to strike where notice of at least 48 hours is given. This right is exercised without hindrance.

88. In the case of civil servants, the General Civil Service Regulations make exceptional provisions for the event of total shutdown or public disorder; the President has the authority to requisition civil servants. However, this provision will disappear in the framework of the forthcoming reform of the General Civil Service Regulations (Government undertaking).

89. The exercise of freedom of association is protected by both the Constitution and the Labour Code. Djibouti has also ratified the ILO Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), and the Right to Organize and Collective Bargaining Convention, 1949 (No. 98).

90. The freedom of association of trade unions is not restrictive. There are two main free and independent trade union confederations in Djibouti: the Djiboutian Labour Union (UDT) and the General Union of Djiboutian Workers (UGTD). These two confederations have freely joined international organizations (International Confederation of Free Trade Unions, International Confederation of Arab Trade Unions).

91. The history of trade unions in Djibouti dates back to the colonial period: trade union activists were already calling for the country's independence in 1977.

92. Historically, the leaders of the independentist movement began their activism in the trade unions. Mr. Mahamoud Harbi, the country's first post-independence leader, began to challenge colonial exploitation by organizing striking workers at the Djibouti salt flats in the 1950s. Mr. Ahmed Dini Ahmed, one of the fathers of national independence, was also active in the health sector unions before becoming a political leader.

93. From independence to 1992, there was only one trade union, chaired by a member of the single party of the time. Multiple trade unionism is thus recent in the country. That is why some trade unionists exploit the trade union system. Collective bargaining mechanisms are governed by the Labour Code in general, and by collective agreements more specifically.

94. However, following the constraints imposed by the structural adjustment policy in 1996, Act 140 liberalized recruitment on the labour market. The new situation accelerated collective bargaining by industrial branch and economic sector. Many sectors have thus overhauled their collective agreements. The banking and telecommunications sectors have recently acquired new agreements. The transport and port sectors and the public institutions are in the process of renewing their collective agreements.

## **Article 9**

### **The right to social security**

95. Article 57 of the Constitution allows both the legislative and the executive branches to establish the basic principles of the right to work, the right to organize and social security.

96. Decree No. 69-1883/SG/CG of 31 December 1969 organizing and establishing the regulations and funding system of the Social Benefits Fund initiated the long process of organizing Djibouti's system of social protection.

97. The system is run by the Ministry of Employment and Recruitment through a number of social benefit funds, namely:

- The National Pension Fund;
- The Social Protection Agency;
- The Military Pension Fund.

98. The social protection system has just taken form after the merger of two funds, the Social Protection Agency and the National Pension Fund (to form the National Social Security Fund, established in 2009). The poverty reduction strategy paper (PRSP) was part of the reason that the authorities adopted a creative approach to programmes focused on the needs of interconnected groups of vulnerable individuals.

99. Available to workers in the formal sector, the social insurance and social security programmes cover retirement, disability and survivors' pensions, as well as health insurance, which was previously available only to workers in the formal private sector and State contractual workers; coverage has now been expanded since the adoption of the bill establishing the National Social Security Fund in 2009.

100. Article 29 of Act No. 154/AN/02/4 L of 31 January 2002 on the Regulations governing the Social Protection Agency and the general pension system for salaried workers, allocated the contributions of public and private employers, and not those of the employees registered there, to the Agency's various plans as follows:

- (a) Family benefits plan (plan A): 5.5 per cent;
- (b) Industrial accidents and health-care plan (plan B): 6.2 per cent;
- (c) Old age plan (Plan V): 8 per cent.

101. In Djibouti, again under article 29 of Act No. 154, the percentage of the basic annual pension that is subject to tax is:

- (a) 10 per cent of any pension less than level P1, initially set at DF 200,000;
- (b) It then increases in a linear manner to 50 per cent for a pension of level P2, initially set at DF 400,000;
- (c) It then increases in a linear manner to 100 per cent for a pension of level P3, initially set at DF 1 million;
- (d) It then remains at 100 per cent for a higher pension at level P3.

102. These percentages, like the rate of solidarity tax, can of course be reassessed by Order of the Council of Ministers.

103. Article 78 of the Act provides that persons who hold a Social Protection Agency retirement pension of less than or equal to DF 50,000, and members of their families, may benefit from the right to free medical care provided by the Agency.

104. In Djibouti, although men and women have the right to benefit from all the fundamental rights and freedoms on an equal footing, there are still areas where discrimination clearly exists, such as in the National Pension Fund Act of 28 October 1992, which provides in its article 52 that: "The surviving spouse of a female civil servant may be entitled to the pension if it is proven that, on the death of his wife, the person concerned had a disability or an incurable disease which made him permanently incapable of work."

105. In access to health care, domestic legislation makes no distinction between citizens and foreign nationals in that, as long as the latter have posts that give them the right to health care, health centres have the obligation to care for them on the same basis as Djiboutian citizens.

## **Article 10**

### **Protection of the family, maternity and children**

#### **Family law**

106. Djibouti has ratified:

- The Convention on the Rights of the Child, in 1990;
- The African Charter on Human and Peoples' Rights, in 1991;
- The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, in 2005;
- The Convention on the Elimination of All Forms of Discrimination against Women, in 1999;
- The International Covenant on Civil and Political Rights and the two optional protocols thereto, in 2003.

107. In addition to these instruments, the Constitution recognizes the equality of citizens before the law and their fundamental rights. Article 57 mandates the executive and legislative authorities to take all the necessary measures for the organization of the family.

108. The Family Code complements the rights recognized to the different members of the family. Adopted in 2002, its article 16 gives women the same rights as and equality with men in the marriage contract. In other words, since the promulgation of this regulation, Djiboutian women can choose their spouse freely, and enjoy the same rights and responsibilities during the marriage and at its dissolution, although the Code only transcribed normal practice into print.

109. Under the "other benefits" mentioned in Act No. 154/AN/02/4 L of 31 January 2002 on the Regulations governing the Social Protection Agency and the general pension system for salaried workers, the Agency pays marriage and family benefits to members whose remuneration is no more than DF 50,000. These provisions apply to all workers who are members of the Fund, without distinction on grounds of race.

110. To better meet the Millennium Development Objectives in the field of maternal health, Djibouti aims, through its maternal health protection plan, to reduce the rates of maternal and infant morbidity and mortality.

111. The reproductive health programme for the period 2003–2007 helped to build up family planning programmes, prenatal and postnatal consultations, the fight against female genital mutilation and gender-based violence, adolescent reproductive health promotion, and services dealing with the prevention of sexually transmitted diseases and HIV.

112. In Djibouti, in line with the Act establishing the General Civil Service Regulations and the provisions of the new Labour Code, women are entitled to take leave for childbirth and breastfeeding.

113. For private sector workers, this period is eight weeks before the expected date of delivery to six weeks after the actual date of delivery. During this period of leave, the woman receives the full salary that she was earning at the time she stopped work. Half of

this allowance is paid by the Social Protection Agency and half by the employer. The woman also retains her right to free health care and benefits in kind.

114. The protection of women's social rights during pregnancy is enshrined in article 114 of the new Labour Code, which states that: "Except in the event of serious misconduct unrelated to her pregnancy or of the employer being unable to maintain the contract, no employer may dismiss a woman who is clearly pregnant or medically certified to be pregnant."

115. Under article 100 of the new Labour Code, men may claim three days of parental leave.

116. The minimum working age in Djibouti is set at 16; in accordance with the international conventions on children's rights the country has ratified and the related provisions of the new Labour Code (arts. 108, 109, 110 and 111), young people below that age may not work.

#### **Economic and social rights of asylum seekers and their families**

117. Despite the Government's efforts to provide assistance to these groups, in line with its international commitments, no national study of the issue has been made.

#### **Legislation and mechanisms related to family reunification of migrants**

118. In addition to the many Government-supported actions to help migrants from neighbouring countries that are in a war situation, such as Somalia, Ethiopia and Eritrea, Djibouti has also adopted Act No. 210/AN/07/5 L on Combating Trafficking in Persons.

#### **Domestic violence**

119. To mark International Women's Day on 8 March 2007, the President inaugurated a support, information and counselling centre for girls and women victims of violence in the premises of the National Union of Djiboutian Women. The centre is run and managed by a team of volunteers comprised of professionals working in different public sectors (criminal investigation service, health service, courts with jurisdiction for the status of persons, etc.).

### **Article 11**

#### **The right to an adequate standard of living**

##### **A. The right to the continuous improvement of living conditions**

120. Government policies have always put priority on combating poverty. Since independence in 1977, the country has constantly faced the problem of poverty, despite the efforts of the Government, supported by its various development partners. The persistence of poverty can be explained by:

- Climatic constraints;
- The limited size of the labour market;
- The lack of skills (in terms of training) of a large part of the population.

121. Djibouti assesses the extent of poverty in the country by making a distinction between absolute poverty and relative poverty. These two concepts use multiple criteria such as education, health and ownership of property to assess the poverty of households and individuals.

122. Djibouti has adopted a determined policy to combat poverty. When the structural adjustment programme was introduced in 1977, the State already put emphasis on social programmes to ensure that the effects of macroeconomic restructuring did not have an impact on social development. This proactive policy continued with the establishment in 2007 of the National Social Development Initiative. The Initiative is the second-generation PRSP (the first PRSP was implemented between 2004 and 2006) and a result of the political determination to make the fight against poverty and insecurity a national requirement on the path to social development. An appropriate budget has been established and the Initiative has also benefited from the support of development partners.

123. Following on from the National Social Development Initiative, the Government has set up a State Secretariat for National Solidarity to facilitate access for vulnerable population groups to economic, social and cultural rights. The Djiboutian Social Development Agency implements all the projects and programmes under the National Initiative's action plan:

- Promoting access to meet basic social needs;
- Working to achieve the Millennium Development Goals;
- Encouraging good democratic and financial governance;
- Ensuring growth, macroeconomic stabilization and competitiveness.

#### **B. The right to adequate food**

124. The climate and the recurrent droughts make agriculture and livestock production very problematic everywhere in the country. Djibouti's food security depends completely on imports (vegetables and fruit from Ethiopia, rice from Asia). The authorities are particularly careful to ensure that access to basic foodstuffs is not dependent on the world economy (hikes in kerosene prices, economic crisis). This is why the Government has decided to exempt all basic products (rice, sugar, oil, etc.) from import duty.

125. Since 2005, the Minister of Health has implemented the national nutrition programme, which has several components:

- Early detection of malnutrition;
- An awareness plan to monitor anaemia in pregnant women;
- Health information.

126. The Government is running this programme in conjunction with development partners such as the United Nations Children's Fund and the World Food Programme. Health staff and associations work to raise awareness in neighbourhoods and through the media.

127. Given its climatic problems, Djibouti faces many obstacles in promoting and making best use of livestock production and agriculture. The Government nevertheless encourages local initiatives, making boreholes available, supporting agricultural projects carried out by herders organized in cooperatives, and providing them with the services of veterinarians and agronomists.

128. Since 2007, in the framework of the National Social Development Initiative, the Government has undertaken an ambitious programme, centred on rural areas, to ensure access to food by promoting an agropastoral production system focused on date palm cultivation.

129. Food security for the population is an absolute priority for Djibouti. It is addressed in a variety of ways, with the aim of achieving adequate food security for all citizens, both men and women, by:

- Cultivating arable land in neighbouring countries;
- Providing tax incentives for private investment in the farming sector in particular and in the primary sector in general;
- Setting up the Djiboutian Food Security Company.

### **C. The right to water**

130. The concept of the right to water is integral to the Millennium Development Goals, to which Djibouti, like many other developing countries, has committed itself. However the country's climate (annual rainfall of 150 mm) means that it has a significant water deficit, which affects the water supply in both towns and countryside.

131. It is estimated that between 20 and 25 per cent of Djiboutian households do not have direct access to clean water. Most of them are in the rural areas where distance and quantity contribute to the chronic shortage.

132. The authorities have long considered the issue of water as a national priority (exploitation, processing, distribution, etc.). Djibouti has the following institutional set-up in respect of water:

- A National Council on Water Resources, set up in 1989;
- A master plan for water, produced in 1999;
- A Water Directorate, set up in 2000.

133. Most recently, in 2008, the Ministry of Agriculture, Livestock and the Sea, which is responsible for water resources, recorded some 227 community wells and 48 pumping stations in the country as a whole.

134. The three-year plan up to 2011 provides for:

- The excavation of 95 new boreholes and 10 cement wells; and
- The development of about 100 hydraulic installations (48 reservoirs, 15 microlakes, 5 small dams and 100 underground storage tanks).

135. In 2006, the Djibouti National Water Agency became the Djibouti National Water and Sanitation Agency in order to integrate the aspect of wastewater treatment in the general approach to water. The Agency's network is the sole water distribution system in urban areas.

136. It has set up public water fountains in many new districts and towns outside the capital to provide for vulnerable populations. In rural areas, the Rural Water Department is responsible for access to water in villages and hamlets, through the provision of boreholes.

137. Since 2000, the authorities have been working on a strategy to provide the rural population and their livestock with reliable access to water. The strategy is based on:

- The installation of solar panels on boreholes;
- The use of surface waters, with the construction of dams and underground storage tanks;
- The maintenance of wells.

138. The authorities have also opted for participatory management, which involves local stakeholders (regional councils, associations and traditional structures) in water management.

139. The two recurrent problems that hamper full enjoyment of the right to water are water shortages and the salinity of some groundwaters. Djibouti is working towards the introduction of desalination techniques to cope with the water shortages that particularly affect the capital, where three quarters of the population is concentrated. The Department of Health and Epidemiology, working with the Centre for Studies and Research, monitors both domestic water supplies and mineral water (there are three companies supplying mineral water in the country). However, because of the shortages and high levels of salinity (especially in the capital), tap water still does not meet the standards set by the World Health Organization.

140. Joint action by the Ministry of Health and the Ministry of Agriculture and Water Resources has helped to raise public awareness about drinking water (e.g., heat the water for infants, etc.). The local and regional authorities enforce strict regulations to protect the aquifers. The Agency has made combating wastage of water (estimated at 30 per cent) a priority, particularly by committing itself to renewing old pipes.

#### **D. The right to adequate housing**

141. The policy assuring the right to housing is enshrined in the Economic and Social Policy Act of 2001. Djibouti has also acceded to the main United Nations texts that emphasize the right to housing directly or indirectly (Convention on the Rights of the Child, Convention relating to the Status of Refugees, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families). It furthermore adheres to the 1996 Istanbul Declaration on Human Settlements and the Habitat Agenda (Habitat II). Djibouti fully subscribes to the philosophy of the Universal Declaration of Human Rights, which sets housing as one condition for the exercise of the right to adequate living conditions (art. 25).

142. Housing is indeed an acute problem in Djibouti, particularly in the capital, where three quarters of the total population are concentrated. The 2000 Human Development Report estimated that 34 per cent of the population had permanent housing, the rest living in wooden huts or metal shacks. This percentage has improved in relative terms but, despite the Government's efforts, still no more than 50 per cent of the population has permanent housing.

143. The Ministry of Housing, Town and Country Planning and the Environment has introduced incentives to facilitate the acquisition of housing, especially with:

- The institutional and regulatory reform of urban development control;
- The provision of serviced land;
- The construction of social housing.

144. Responding to needs and despite budgetary problems, the Government has, over the past decade, speeded up the construction of housing estates each comprising hundreds of housing units for individual families:

- Hodane I: 842 housing units, and Hodane II: 642 housing units;
- Chelelley: 200 housing units;
- Gargaar: 285 housing units;
- Wadajir: 75 housing units.

145. The Government has also established plots:
- 384 peri-urban plots as part of an emergency project;
  - 556 residential plots;
  - Hundreds of plots in each of the regions outside the capital.
146. In terms of social housing, the Government has adopted a number of measures, including:
- 340 units to help the victims of the 1991 civil conflict, the Doumeira housing estate for families affected by the conflict with Eritrea;
  - The Hodane I and Hodane II (under construction) housing estates, with Hodane III soon to come for middle-income households;
  - The Gar Gar settlements for the poorest households.
147. The Government is also promoting access to landownership for families in the capital through a number of incentives (staggered payments, low costs, facilitated administrative requirements, etc.).
148. Government policy includes quotas for the elderly and for persons with disabilities in social housing.
149. The housing policy is implemented by two institutions, the Djibouti Property Company and the Habitat Fund. These two institutions use an urban development plan, currently being updated, for the city of Djibouti.
150. Still in the context of urban development, the authorities have cleared some housing to avoid certain neighbourhoods in the capital becoming ghettos, especially in terms of hygiene. The clearances have taken place in several neighbourhoods (Arhiba, Q. 6, Saline Ouest) where the floating population tends to live in poor conditions. The authorities are making plots of land on the outskirts of Balbala available to the people affected.

## **Article 12**

### **The right to health and social protection**

#### **Health**

151. Djibouti has subscribed to the objectives of Health for All defined by the Alma-Ata Conference in 1981. It has made considerable efforts to achieve the goals set by the World Health Organization:
- Health care for all;
  - Primary health care.
152. Djibouti has implemented several national health programmes; for the past 10 years Act No. 48/AN/99 4, laying down guidelines for national health policy, has established the right to health for all. It supports the principle of equality and solidarity in the area of health, and also recognizes improving maternal and child health as well as that of vulnerable groups (the poor, orphans, persons with disabilities, etc.) as a priority.
153. Several pieces of legislation have made it possible to realize the right to health:
- The National Health Development Plan (2002–2006);
  - The Second National Health Development Plan (2008–2012).

154. The Government has implemented several sectoral programmes in the framework of these Plans:

- Programme to combat HIV/AIDS, tuberculosis and malaria;
- Reproductive health programme;
- Vaccination programme;
- Essential development needs programme;
- Family planning programme.

155. The objective of all these health programmes is to ensure universal access to primary health care throughout the country.

156. Although somewhat belatedly, Djibouti has decided to focus on decentralizing health infrastructure to improve the accessibility of care. Thus, the regional medical hospital centres now have operational equipment for:

- Screening;
- Blood transfusions;
- Surgical operations;
- Radiology;
- Hospitalization.

157. In the more remote areas of the country, health units provide the population with basic health-care services.

158. In addition, the Department of Health frequently organizes community meetings to promote health awareness and prevention.

159. Despite budgetary constraints, the Government has long maintained the principle of free and equal access to health services. This principle still holds for citizens who have health insurance. The destitute, the disabled and orphans still have free access to primary care. In the city, other categories of the population are asked for a small symbolic contribution in the public sector, where the services actually cost more than in the private sector.

160. With regard to the quality of health care, the country has broken with the lax management practices that prevailed during the years of crisis, in particular by:

- Setting up a centre for the purchase of materials and essential drugs;
- Establishing community pharmacies where all medicines are sold at very affordable prices.

161. Still with the objective of ensuring the quality and availability of medicines, some drugs are provided for free by the State (antituberculosis drugs, combination therapy, drugs for pregnant women, contraceptives). The drugs distributed by the centre conform to World Trade Organization standards and medicines in private pharmacies mainly come from recognized Western companies.

162. Health staff receive high quality vocational training at the Higher Institute.

163. Maternal and child health is among the Government's major concerns, as demonstrated by the establishment in 2005 of a Directorate for Maternal and Child Health.

164. Under the reproductive health programme, the focuses for intervention are family planning, prenatal and postnatal consultations, and combating female genital mutilation and gender-based violence.

### **Family planning**

165. Family planning is an integral part of all training; the contraceptives that are offered and available include pills, injections and the intrauterine device. Take-up of family planning services is higher than in the 1990s.

166. In the context of prenatal and postnatal health care, the Government's reproductive health care programme sets safe motherhood as a priority objective. The Government has thus established emergency obstetric services throughout the country, and prenatal and postnatal consultations are free. According to the findings of the 2006 Djiboutian Multiple Indicators Survey (EDIM), in 2006, 82.3 per cent of women received prenatal care from qualified health-care staff at least once during their pregnancy.

167. The vaccination programme has been successful each year. This is mainly a result of the introduction of the Expanded Programme on Immunization at national level and the Government setting the goal of eradicating poliomyelitis. A comparison of immunization coverage in 2002 and 2006 clearly shows the progress achieved.

168. The fight against HIV/AIDS and sexually transmitted diseases is being stepped up each year, with the introduction of the Plan to combat AIDS in 2003, followed by its institutionalization with an Executive Secretariat to combat AIDS, malaria and tuberculosis, which is supported by development partners and involves collaboration between a number of Government departments and NGOs. The Secretariat runs several programmes: orphans and vulnerable children, peer training, advocacy for the employment of persons living with HIV, and others.

## **Articles 13 and 14 The right to education**

### **Primary education**

169. Significant progress has been made in the area of education in Djibouti since 2000. The net enrolment rate rose from 43 per cent in 2002 to 66 per cent in 2006. In urban areas, 67 per cent of children are enrolled in primary education; the figure for rural areas is 49 per cent. Gender parity has almost been achieved at national level, with a parity index of around 0.98 in primary education and 0.82 in secondary education in 2006.

170. The right to education is recognized in the preamble to the Constitution. Djibouti has also ratified the major international and African texts related to the right to education. Article 7 of the Act of 10 August 2000, which laid down new guidelines for the national educational system, set out the objectives for national education:

“The purpose of the education system is to make Djiboutians capable of contributing to the economic, social and cultural development of their country. The education system prepares children to be of use to the nation by ensuring that, on completion of their cycle of studies, they have the knowledge they need to understand the realities of their social environment. It must be comprehensive. Its aim is to develop children's intellectual capacity to allow them to participate in society and professional life, and exercise their citizenship to the full.”

171. The Government's national strategy, which resulted from the National Consultations of 1999 and was passed into legislation by the Act of 10 August 2000, aims to achieve a rate of 80 per cent enrolment in primary education in 2010, by:

- Giving all Djiboutians access to education in the framework of education for all;
- Reducing the disparity between the sexes;
- Improving the quality of education.

### **Free public schools**

172. The Act of 2000, which resulted from the National Consultations, included free public schools as well as compulsory education for all Djiboutian children aged 6 to 16 years. This was a major step towards fulfilling the commitments made under the Convention on the Rights of the Child, which Djibouti has ratified. Specifically, since 2000, Djibouti has guaranteed free and compulsory basic education for its children. Hence there are, strictly speaking, no tuition fees for attending school in the country. However, the situation is different in the private schools, which are fee-paying (there are as yet very few private schools, although the number is increasing).

173. The issue of indirect costs related to school attendance differs between town and countryside:

(a) In town, the authorities have introduced a school zoning system, which means that children can be enrolled in junior and senior schools near to their homes. Textbooks are provided free of charge in primary education. In middle school, students make a token contribution for the "hire" of textbooks, which are returned at the end of the year;

(b) In the countryside and remote areas, the authorities have built residential facilities (dormitories, canteens) for the students who come from far away. They do not have to make any contribution for textbooks.

174. Secondary education in Djibouti is free. However, in fact, access to secondary education has long been limited by many factors, to the extent that there were only 1,500 students per year in the country's secondary schools in 1999. Today there are more than 10,000 students. Since 1999, the authorities have speeded up the establishment of technical and general secondary schools in all regions of the country. The State is trying to develop technical and vocational education in line with the requirements of the labour market and the specific needs of the regions. Thus, there are plans to set up an agricultural college in the south of the country and a high school specialized in maritime activities in the north.

175. Access to higher education was very limited until 2005, when Djibouti's first university opened. Prior to that, students who won a national bursary had the possibility of continuing their studies abroad, particularly in France. Today 3,000 students per year attend the national university whereas in the past only 400 students were eligible for higher education. Higher education is still in its infancy in Djibouti. And although it is free in principle, students from poor backgrounds do encounter problems with the indirect costs (registration fees, textbooks, access to new technologies).

176. Along with the national education system, literacy programmes, especially those for adults and women, have been made national priorities. In the framework of the National Strategy for the Integration of Women in Development (July 2002), 77 literacy centres have been set up throughout the country.

177. For a long time, the national education system ignored the teaching of mother tongues (Afar and Somali), preferring the official languages of French and Arabic. As a result of conclusions drawn during the National Consultations on the national education

system (on the identity crisis), Djibouti decided to include the learning of mother tongues (Somali and Afar) in the school curriculum. A number of pilot schools are currently experimenting with this prior to it being rolled out throughout the country.

## **Article 15**

### **The right to enjoy the benefits of culture**

178. Djibouti is a country of tolerance, described as a “land of exchanges and meetings”. The United Nations Educational, Scientific and Cultural Organization has to a certain extent enshrined the nation’s cultural tolerance by choosing it to host the Greater Horn Horizon Forum of intellectuals from the Horn of Africa.

179. In terms of international agreements, Djibouti is a party to the major texts that address the protection of cultural rights, including:

- The African Charter on Human and Peoples’ Rights;
- The Universal Declaration of Human Rights;
- The International Covenant on Economic, Social and Cultural Rights;
- The Convention on Cultural Diversity.

180. In institutional terms, culture is the responsibility of a ministerial department (under the Ministry of Communication, Culture and Telecommunications).

181. This inclusion of culture in the institutional structure is reflected in both television and radio programmes, which include many cultural broadcasts (on mother tongues, history and traditions).

182. The authorities are trying to encourage access to culture in several ways. Youth centres and culture centres have been transformed into community development centres. These are local centres that give the population access to culture, entertainment and sports.

183. They are located throughout the country, including in the rural areas. A number of different stakeholders (such as associations, traditional leaders and women) organize activities in the centres, which have become focal points for the preservation of local culture.

184. At the same time, the authorities also encourage cultural learning in schools through the Cultural and Sporting Association.

185. They have also established various cultural institutions:

- GOD, an art gallery;
- The Djiboutian Institute of Languages;
- The Djiboutian Artists’ Institute;
- A virtual museum (currently being set up).

186. To give further impetus to cultural activities, cultural competitions are organized during national theatre, music, poetry and traditional dance festivals.

187. The country’s cultural diversity lies in its languages and traditions. This is why the authorities have made the promotion of national languages (Somali and Afar) a priority, encouraging the creation of associations such as the Somali Pen Speaking Club and the Afar Pen Club.

188. Through these associations, the Government has organized symposiums on the status of the mother tongues (Somali in 2002 and Afar in 2003). The desire to avoid acculturation and to preserve the cultural and historical identities of its populations has led the Government to introduce the learning of mother tongues into the school curriculum.

## **Conclusion**

189. Since its accession to the International Covenant on Economic, Social and Cultural Rights, Djibouti has spared no effort to meet the objectives set by the Covenant, in order to promote the economic, social and cultural rights of its people. In ratifying all the treaties related to the Covenant, it has shown proof of its determination and will.

190. Although it gained its independence only recently, and despite its status as a developing country, Djibouti pays particular attention to the promotion and protection of economic, social and cultural rights.

191. Djibouti is facing several obstacles and difficulties because of the predominance of the informal sector, which makes it difficult to assess the state of the labour market, and creates shortcomings in terms of training or even in terms of the employability of women; despite this, it may be concluded that the various activities, strategies and plans of action for the promotion and protection of social, economic and cultural rights are receiving sufficient Government support.

192. The present report gives an idea of the projects carried out and the progress made. It has not always been easy to compile the report in ideal conditions (lack of the required statistics for the different areas, or even lack of basic sectoral data), but we believe that it nevertheless gives an overview of the country's achievements and shortcomings in the field of economic, social and cultural rights. As this is the first report that Djibouti has submitted, the practical difficulties we have encountered will certainly be overcome in the preparation of future reports.

193. In that regard, the results of the second census in the country's history (the first census was conducted in 1986), the results of which will appear after this report is prepared, will add to the data available on the rights related to the Covenant.

## List of reference documents

- Annex 1** Constitution of September 1992
- Annex 2** Constitutional Act No. 1
- Annex 3** Constitutional Act No. 2
- Annex 4** Act No. 174/AN/02/4 L on Decentralization and the Status of the Regions
- Annex 5** Act No. 50/AN/09/6 L on the Protection of Industrial Property
- Annex 6** Act No. 150/AN/02/4 L on Accession of the Republic of Djibouti to the International Treaties on Intellectual Property
- Annex 7** Investment Code
- Annex 8** Commercial Code
- Annex 9** Act No. 152/AN/02/4 L on the Family Code
- Annex 10** Act No. 133/AN/05/5 L on the Labour Code
- Annex 11** Act No. 79/AN/04/5 L on the Djiboutian Nationality Code
- Annex 12** Act No. 28/AN/08/6 L on Protection, the Suppression of Fraud, and Consumer Protection
- Annex 13** Act No. 53/AN/09/6 L on a new Code of Public Contracts
- Annex 14** Act No. 187/AN/07/5 L Status of Press and Audiovisual Media Staff
- Annex 15** Act No. 50/AN/09/6 L on the Protection of Industrial Property
- Annex 16** Act No. 210/AN/07/5 L on Combating Trafficking in Persons
- Annex 17** Act No. 192/AN/02/4 L establishing a Quota System for Elective Offices and the State Administration
- Annex 18** Decree No. 2002-0253/PR/MDCPF on Procedure for the Implementation of Act No. 192/AN/02/4 L of 13 November 2002 establishing a Quota System for Elective Offices and the State Administration
- Annex 19** Act No. 173/AN/02/4 L defining National Policy on the Inclusion of Women in Development
- Annex 20** Poverty Reduction Strategy Paper (PRSP)
- Annex 21** Act establishing the National Social Security Fund in 2009
- Annex 22** Act No. 154/AN/02/4 L of 31 January 2002 on the Regulations governing the Social Protection Agency
- Annex 23** Act of 28 October 1992
- Annex 24** Decree No. 2003-0240/PRE establishing the Adapted National Service
- Annex 25** National Social Development Initiative
- Annex 26** ATLAS of Djibouti, Jeune Afrique, 2007
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