



# Convention on the Rights of Persons with Disabilities

Distr.: General  
11 November 2019

Original: English  
English, French, Russian and  
Spanish only

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## Committee on the Rights of Persons with Disabilities

### List of issues in relation to the initial report of Djibouti\*

#### A. Purpose and general obligations (arts. 1–4)

1. Please provide information on the measures taken to review and harmonize domestic laws and policies with the Convention, at national and local levels, reflecting the human rights model of disability. Please provide the Committee with information on the Act on the Promotion and Protection of the Rights of Persons with Disabilities, adopted on 25 February 2018, and outline its compatibility with the Convention.
2. Please indicate whether a national plan of action on economic and social inclusion of persons with disabilities has been adopted and, if so, the main features thereof, as well as the extent to which microcredit programmes have had a positive impact on persons with disabilities. Please also indicate the measures taken to support and enable organizations of persons with disabilities, including of women and of children with disabilities, to participate in the formulation of policies, programmes and regulations relevant to persons with disabilities.

#### B. Specific rights (arts. 5–30)

##### Equality and non-discrimination (art. 5)

3. Please provide information on the measures taken to:
  - (a) Ensure that existing anti-discrimination legislation includes an explicit prohibition of discrimination on the basis of disability across all sectors and areas of life, including the denial of reasonable accommodation as a form of prohibited discrimination;
  - (b) Prevent, investigate and sanction all forms of discrimination against persons with disabilities, and ensure effective, accessible and affordable access to remedies by all persons with disabilities.

##### Women with disabilities (art. 6)

4. Please provide information on the measures adopted to:
  - (a) Ensure that a disability perspective is included in gender equality policies and programmes and that a gender perspective is included in disability-specific policies and programmes;
  - (b) Prevent and protect women and girls with disabilities against multiple and intersectional forms of discrimination, and ensure that there is appropriate recourse to justice and redress;

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\* Adopted by the pre-sessional working group at its twelfth session (23–27 September 2019).



(c) Ensure the participation and inclusion of women and girls with disabilities in decision-making bodies, particularly women and girls with disabilities living in rural areas, older women with disabilities and women and girls with disabilities belonging to minority groups, nomadic populations, or internally displaced or refugee families. Please indicate any existing empowerment measures.

#### **Children with disabilities (art. 7)**

5. Please provide information on:

(a) The measures adopted to ensure that the principle of the best interests of the child and respect for the evolving capacities of children with disabilities are duly considered in mainstream strategies, programmes and policies on the rights of the child, on an equal basis with other children;

(b) The National Strategic Action Plan for Children, as far as children with disabilities are concerned, and the main results of the studies commissioned by the State party since 2014 on children with disabilities, including on how their findings were considered in the development of multisectoral action plans;

(c) The steps taken to develop legislation and policies to prevent and properly address violations of the rights of children with disabilities and to ensure that they receive support and protection, and to hold the perpetrators accountable;

(d) The steps taken to ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and that they are provided with disability and age-appropriate assistance to realize that right.

#### **Awareness-raising (art. 8)**

6. Please provide information on:

(a) The awareness-raising measures targeted at public and private actors undertaken to combat stigmatization, stereotypes, harmful practices and deep-rooted cultural beliefs against persons with disabilities, including those based on gender and age, in particular in rural areas, and to address the fact that disability is still considered a “taboo”, “burden” or even a “curse” (CRPD/C/DJI/1, para. 36);<sup>1</sup>

(b) The extent to which persons with disabilities, through their representative organizations, are involved in the design, implementation, monitoring and evaluation of awareness-raising strategies and campaigns.

#### **Accessibility (art. 9)**

7. Please provide information on:

(a) The extent to which the establishment of the State Secretariat for Housing in 2011 has addressed the challenges of persons with disabilities in accessing housing;

(b) The measures adopted to guarantee that all persons with disabilities have access, on an equal basis with others, to the physical environment, to information and communications, and to other facilities and services open to or provided to the public in urban and rural areas;

(c) The steps taken to guarantee to all persons with disabilities access to affordable, sustainable and accessible transport and to printed or electronic information and communications provided to the public, by, inter alia, providing such information in Braille and other alternative and augmentative modes and means of communication.

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<sup>1</sup> Unless otherwise indicated, paragraph numbers in parentheses refer to the State party’s report (CRPD/C/DJI/1).

**Situations of risk and humanitarian emergencies (art. 11)**

8. Please provide information on the efforts made to:

(a) Align the Act of 13 March 2006 on national risk and disaster management policy with the Convention and the Sendai Framework for Disaster Risk Reduction 2015–2030;

(b) Ensure the inclusiveness and accessibility of preparedness and disaster risk reduction measures and management strategies, of all persons with disabilities, particularly persons who are deaf, hard of hearing or deafblind and persons with visual impairments, in consultation with organizations of persons with disabilities;

(c) Train rescue and emergency personnel, regularly and effectively, on the specific provision of rescue and emergency relief responses for persons with disabilities, while ensuring the inclusion of an age and disability perspective based on human rights.

**Equal recognition before the law (art. 12)**

9. Please explain:

(a) The steps taken in reviewing the compatibility of the Family Code with the Convention, particularly as regards repealing article 166, which specifically provides for the deprivation of the legal capacity of persons with disabilities;

(b) The steps taken to abolish the guardianship regime and replace it with a supported decision-making regime to comply with the Convention, taking into account the Committee's general comment No. 1 (2014) on equal recognition before the law.

**Access to justice (art. 13)**

10. Please provide information on the measures taken to ensure effective access to justice for persons with disabilities, on an equal basis with others, and how organizations of persons with disabilities have been involved throughout this process. Please indicate the procedural and age-appropriate accommodations, throughout legal processes, including judicial and administrative processes, available to persons with disabilities.

11. Please indicate:

(a) The measures taken to ensure the training of justice system personnel on the rights of persons with disabilities, on the provisions of the Convention and its implementation in national law;

(b) Whether legal aid for persons with disabilities in all areas of law is available, on an equal basis with others.

**Liberty and security of the person (art. 14)**

12. Please provide information on the measures taken to repeal any discriminatory provisions in criminal procedural laws or criminal laws – specifically part II, chapter II, of the Criminal Code – according to which persons with disabilities, particularly persons with intellectual or psychosocial disabilities, are declared “unfit to stand trial”, “unfit to plea”, incapable or exempt from criminal prosecution, leading to involuntary detention.

13. Please inform the Committee about the measures taken to revise and amend laws, policies and practices that allow for the involuntary detention and hospitalization of persons with disabilities, on the basis of perceived or actual impairment.

**Freedom from torture and cruel, inhuman or degrading treatment or punishment (art. 15)**

14. Please provide information on:

(a) The measures taken to eliminate seclusion, physical, chemical and mechanical restraints and other forms of ill-treatment in all settings, such as family settings, residential institutions, psychiatric institutions, hospitals, prisons and educational services,

particularly for persons with intellectual or psychosocial disabilities (see also A/63/175, paras. 37–76; A/66/268, paras. 67–68, 81 and 86; and A/HRC/28/68, paras. 53–55, and 76);

(b) The existing independent entities that have the mandate and expertise to monitor the situation of persons with disabilities as regards the prevention of torture and other cruel, inhuman or degrading treatment or punishment;

(c) The measures taken to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as recommended by the Committee against Torture in 2011 (CAT/C/DJI/CO/1, para. 26).

#### **Freedom from exploitation, violence and abuse (art. 16)**

15. Please provide information on:

(a) The efforts being made to prevent and punish violence, abuse and harmful practices against women and children with disabilities, particularly in rural areas and refugee camps;

(b) The mechanisms available to persons with disabilities who are victims of exploitation, violence or abuse to report such incidents, and the protection and support services available, such as accessible temporary shelters, psychological support or legal aid.

#### **Protecting the integrity of the person (art. 17)**

16. Please specify the measures in place, at national and local levels, to protect the integrity of persons with disabilities, especially in the context of mental health treatment.

#### **Liberty of movement and nationality (art. 18)**

17. Please provide updated information on the measures taken to ensure that refugees with disabilities obtain official identity documents, on an equal basis with others, so as to facilitate their exercise of the right to liberty of movement, and that those subject to an expulsion order are able to lodge an appeal with the courts to overturn the decision to grant such an order.

18. Please explain the measures taken to ensure the registration of children with disabilities immediately after birth, particularly in rural areas and among immigrant and refugee groups.

#### **Living independently and being included in the community (art. 19)**

19. Please provide information on:

(a) Whether the housing units that were built in 1996 for the members of the military injured during the internal armed conflict of 1992 are integrated with or separated from the housing estates that are available to others;

(b) Whether persons with disabilities who did not acquire their injuries directly through the internal armed conflict of 1992 have access to the housing units supplied by the State party from 1996 onwards; and, in line with general comment No. 5 (2017) on living independently and being included in the community, please indicate the measures taken to reintegrate those who live outside their community of choice;

(c) The budgetary allocations in place for the provision of personal assistance for persons with disabilities.

#### **Personal mobility (art. 20)**

20. Please provide information on the policies and measures in place to support persons with disabilities to have access to affordable mobility aids and assistive devices in the local market, particularly in rural areas, and the efforts being made to produce them locally and to increase local capacity for their repair and maintenance.

**Freedom of expression and opinion, and access to information (art. 21)**

21. Please provide information on:

(a) The dates for the commencement of the “Internet for All” programme (para. 101), as well as what the programme will involve;

(b) Any specific measures taken to ensure the availability of public and private media and all information to persons with disabilities in accessible and usable formats, such as Braille, sign language and Easy Read;

(c) The steps being taken to officially recognize the sign language of Djibouti in law and to increase the number of qualified sign language interpreters.

**Respect for privacy (art. 22)**

22. Please provide information on the measures in place to enforce the legal provision to respect the right to privacy of persons with disabilities, particularly women and girls with disabilities, and to sanction any violations and provide remedies.

**Respect for home and the family (art. 23)**

23. Please provide information on the legal and other measures taken to:

(a) Repeal provisions that are not in accordance with the Convention, including articles 7, 23 and 39 (2) of the Family Code;

(b) Protect the rights of persons with disabilities, particularly persons with intellectual or psychosocial disabilities, with respect to the family, parenthood (including adoptive and foster parents) and relationships, and increase awareness among the public about these rights;

(c) Provide support to children with disabilities and their families, and parents with disabilities to carry out their parental responsibilities.

**Education (art. 24)**

24. In view of the adoption of the 2018 law that guarantees the right to education for persons with disabilities on an equal basis with others, please indicate the measures taken to ensure, in practice, the enjoyment of the right to education of all children with disabilities, particularly those who belong to the nomadic population, out-of-school children with disabilities, and refugee and internally displaced children with disabilities. Please also explain:

(a) The measures taken to develop a legal and policy framework for quality inclusive education and its timeline for implementation, indicating human, technical and financial resources;

(b) The number of teaching and support staff who have been trained in Braille, sign language and accessible modes of teaching, and on the core competencies and values required for working in an inclusive educational environment (para. 114);

(c) The measures taken in line with article 24 of the Convention, general comment No. 4 (2016) on the right to inclusive education and the efforts to move from segregated education to inclusive education for children with disabilities, including those who are blind or visually impaired.

**Health (art. 25)**

25. Please provide information on:

(a) The availability of accessible health-care facilities, services and equipment, and public health services in urban and remote rural areas for persons with disabilities;

(b) The measures taken to ensure persons with disabilities, particularly women and girls with disabilities, have access to comprehensive health-care services, including

services related to sexual and reproductive health rights, on an equal basis with others, in accordance with the 2014 Act on the establishment of a Universal Health Insurance Scheme;

(c) Any measures in place to ensure the right to the free and informed consent of persons with disabilities, including persons with intellectual or psychosocial disabilities, with regard to medical treatment or interventions;

(d) The training activities provided to health personnel and traditional healers on the rights of persons with disabilities and the effective involvement of persons with disabilities, through their representative organizations, in these activities.

26. Noting that the State party mentions in its report the prevention programmes directed at the general public (paras. 129–130), please clarify the content and budget allocations of such programmes and whether they are accessible to persons with disabilities. Please clarify how this compares with the budget allocation to ensure that persons with disabilities have access to health services and programmes, on an equal basis with others, as required by the Convention.

#### **Habilitation and rehabilitation (art. 26)**

27. Please indicate how persons with disabilities, especially women with disabilities, through their representative organizations, are involved in the planning and implementation of habilitation and rehabilitation facilities and services.

#### **Work and employment (art. 27)**

28. Please provide information on:

(a) The proportion of persons with disabilities who are employed in the public and private sectors, disaggregated by sex;

(b) The measures taken to ensure the implementation of the principle of equal remuneration for work of equal value;

(c) Whether the denial of reasonable accommodation in the workplace constitutes discrimination and, if so, what penalties are applied and remedies are available to victims of discrimination;

(d) Whether the draft decree aimed at strengthening the relevant labour legislation (paras. 138–141) has come into force and how the fund provided for therein is administered.

#### **Adequate standard of living and social protection (art. 28)**

29. Please indicate:

(a) The budgetary and other measures that are in place to guarantee to persons with disabilities the right to social protection and whether the strategy based on social safety nets has been renewed and, if so, its main features (para. 61);

(b) Whether persons with disabilities are entitled to benefits under general poverty reduction schemes on an equal basis with others; how disability is mainstreamed into such schemes; what specific measures are in place for persons with disabilities, particularly for women, girls and older persons with disabilities; and whether the schemes cover disability-related expenses.

#### **Participation in political and public life (art. 29)**

30. Please provide information on the measures taken to:

(a) Ensure that persons with intellectual or psychosocial disabilities, including women, participate in political and public life, and that persons with disabilities have access to polling stations and to electoral materials in accessible formats, and that they can cast their vote in an independent and confidential manner, on an equal basis with others;

(b) Promote the participation of persons with disabilities, particularly women with disabilities, in the conduct of public affairs, indicating the percentage of women with disabilities in elected positions and senior administrative positions.

**Participation in cultural life, recreation, leisure and sport (art. 30)**

31. Please provide information about the strategy in place to:

(a) Ensure that persons with disabilities, including children with disabilities, can participate in inclusive sporting, leisure and cultural activities, indicating the budget allocation;

(b) Ratify and implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

**C. Specific obligations (arts. 31–33)**

**Statistics and data collection (art. 31)**

32. Please provide information on the measures taken to collect appropriate information, including disaggregated statistics and research data, to enable the State party to formulate and implement policies to give effect to the Convention. Please indicate whether the Washington Group short set of questions on disability and the related methodology have been adopted and how persons with disabilities, through their representative organizations, have been involved in the process.

**International cooperation (art. 32)**

33. Please explain how persons with disabilities, through their representative organizations, are involved in:

(a) Foreign policy decisions, in particular in accessing international cooperation funds that are intended for disability-specific projects or that target persons with disabilities;

(b) Designing, presenting and negotiating issues relevant to them in international and regional forums and discussions on foreign policy, with respect to both disability-specific and other policies, with the purpose of mainstreaming the human rights model of disability in policies.

34. Please provide information on any measures taken for the ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa adopted by the African Union in 2018.

**National implementation and monitoring (art. 33)**

35. Please provide information on:

(a) The mandate, activities, and structure of the National Agency for Persons with Disabilities established in 2018, the human, technical and financial resources available for its effective functioning, and clarify whether it is the entity that has been identified as the focal point for the implementation of the Convention within the State party, as well as any measures taken to establish a coordinating mechanism;

(b) The methods for appointing members of the National Human Rights Commission, the measures taken to ensure its compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and the human, technical and financial resources allocated to enable it to carry out its mandate effectively;

(c) The extent to which persons with disabilities and their representative organizations are involved in the monitoring of the implementation of the Convention.