



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

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Item 4 of the provisional agenda

Consideration of reports of States parties

### Replies of Djibouti to the list of issues in relation to its combined third to fifth periodic reports\*

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\* The present document is being issued without formal editing.



## Part I

### Reply to the questions raised in paragraph 1 (a) of the list of issues (CRC/C/DJI/Q/3-5)

1. Under article 37 of the Constitution, “duly ratified treaties or agreements shall, from the moment of publication, take precedence over domestic law, provided that each agreement or treaty is applied by the other party and conforms to the relevant provision of treaty law”.
2. This constitutional provision means, in short, that ratified human rights treaties form an integral part of legislation and have authority even above that of domestic law. It is therefore not necessary to adopt a comprehensive law on children’s rights.
3. However, as mentioned in the country’s various periodic reports, Djibouti has built up an extensive legal framework covering all aspects of children’s rights.
4. In addition to the international and regional instruments aimed at guaranteeing the rights and well-being of children, examples of relevant legislation include:
  - Act No. 48/AN/99/4ème L on health policy, which establishes and provides the means to realize the right to health
  - Act No. 96/AN/00/4ème L of 10 August 2000 on the education system of Djibouti, which guarantees free and compulsory education for all children aged 6 to 16 years
5. Other laws reflect key children’s rights concepts such as the best interests of the child, giving due weight to the views of the child and, in the context of children in conflict with the law, the imprisonment of minors as a measure of last resort.

### Reply to the questions raised in paragraph 1 (b) and (d) of the list of issues

6. The children’s rights enshrined in the Convention on the Rights of the Child are addressed and implemented in a cross-cutting manner, in the sense that almost all government departments and a large number of public and civil society institutions are involved.
7. These include the Ministry of Education, the Ministry of Health, the Ministry for Women and the Family, the Ministry of Social Affairs, the Ministry of Agriculture and the Ministry of Justice, to name but a few.
8. These six departments, which make up a third of all ministerial departments, receive more than 60 per cent of the national budget.
9. To ensure transparent budgeting, all ministerial departments are involved in drawing up the national budget through two mechanisms: the budget conference and the budget review.

### Reply to the questions raised in paragraph 1 (c) of the list of issues

10. Like any other national policy, the National Strategic Action Plan for Children in Djibouti was prepared through a participatory process, with input provided by the children’s parliament and children’s rights organizations.

### Reply to the questions raised in paragraph 2 of the list of issues

11. To ensure effective coordination between the various ministries and departments working on children’s rights, a national child protection platform was established by decree on 3 August 2021. The aims of the platform are defined in articles 1 and 2 of the decree.

#### Article 1

“The national child protection platform is hereby established to strengthen coordination between the various government institutions, United Nations agencies, and non-governmental and civil society organizations for the benefit of all children in Djibouti. The platform is under the authority of the Ministry for Women and the Family.”

#### Article 2

“The platform provides support to the National Children’s Rights Council and works to protect all children in the country, whether nationals, migrants or refugees.”

12. The platform is chaired by the Secretary-General of the Ministry for Women and the Family and brings together all actors involved in the protection and realization of children’s rights, including public sector and civil society actors and technical and financial partners.

13. The decree establishing the platform was the subject of a training and information campaign.

#### **National Human Rights Commission**

14. Since the 2014 reform, the National Human Rights Commission has received substantial support from the Government and donors, which has enabled it to discharge its duties effectively.

15. These efforts on the part of Djibouti and technical and financial donors have ensured that the Commission has the resources needed to operate effectively.

16. These allocations have strengthened the Commission’s human resources: the number of trained staff members has increased from 8 in 2016 to 15 currently. Its resources have also been strengthened with the help of development partners.

17. Since 2019, the resources allocated to the Commission by the Ministry of the Budget have been included in the section on transfers to public authorities, which ensures that the Commission has complete financial independence.

18. These resources have enabled the Commission to organize more activities for the promotion and protection of human rights and to participate in international and regional seminars.

19. With the support of United Nations agencies, including the regional office of the Office of the United Nations High Commissioner for Human Rights, the Commission has organized training for elected representatives, public officials and civil society activists.

20. The Commission has strengthened its complaints mechanism by drawing up a manual on the processing of complaints.

21. The Commission regularly visits places of detention and prepares reports setting out its recommendations.

22. The Commission is also working on reform initiatives to ensure compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and has applied to the Global Alliance of National Human Rights Institutions for accreditation with a view to obtaining A status.

#### **Reply to the questions raised in paragraph 3 of the list of issues**

23. Human rights defenders working on children’s rights enjoy the same constitutional protection as other persons with respect to the exercise of the right to freedom of expression, association and opinion.

### **Reply to the questions raised in paragraph 4 of the list of issues**

24. Following the establishment of a department responsible for the rights of women and the family, activities to raise awareness of children's rights were regularly carried out in 2021. The Ministry for Women and the Family organized extensive national campaigns to raise awareness of children's rights with a focus on the 10 basic rights. These campaigns reached an audience of 5,000 women, men, girls and boys.

25. Another major event to promote human rights is Children's Rights Week, which takes place from 18 to 24 November each year. During the week in question, many activities relating to the rights of the child take place throughout the country. The following took place in 2021:

- 18 November 2021: a presentation on the organization and functioning of the children's parliament
- 21 November 2021: a stocktaking workshop on the situation of abused children
- 22 November 2021: a workshop on prenatal check-ups and malnutrition
- 24 November 2021: a ceremony to celebrate World Children's Day, under the patronage of the Prime Minister

26. The activities that take place during Children's Rights Week are covered in the media in the national languages – Afar, Arabic and Somali – to ensure that they are accessible to the entire population.

### **Best interests of the child**

27. This concept has been incorporated into national law, including family law, and into court proceedings.

28. In all cases involving children, the court must take the best interests of the child into account in its decisions.

29. Regarding children in vulnerable situations, the Government worked with the International Organization for Migration to develop and implement a procedure for determining the best interests of children, which is aimed at improving the consistency and quality of services that affect the lives of children.

### **Reply to the questions raised in paragraph 5 of the list of issues**

30. Since the colonial period, all newborns have had the right to birth registration, and the country has a modern, computerized civil registry system, which is being automated.

31. Since the beginning of the decentralization process in the early 2000s, civil registry management has been entrusted to the decentralized authorities, namely the regional councils in the regions and the Mayor's Office in Djibouti City.

32. However, the system is not without its challenges. Not all births are registered, particularly in rural areas and in some parts of large cities.

33. Many parents are still unaware of the importance of the right to birth registration and do not declare the births of their children.

34. The Ministry of Decentralization carried out a study of the birth registration system, which was an opportunity to assess how it was working and identify its strengths and weaknesses:

- Strengths:
  - A modern and digitized legal and institutional framework
  - Well-trained and available civil registry officers

- High level of community awareness of the importance of the right to birth registration
- Weaknesses:
  - Challenges in access to birth registration in remote rural areas
  - Challenges in access to registration for children born outside medical facilities, even though there is a fairly straightforward regularization procedure
  - Some parents do not consider the registration of children at birth to be a basic right

35. To remedy this situation, Djibouti will undertake a number of measures to improve the civil registry infrastructure and the delivery of civil registry services, to bring civil registry services closer to communities, and to improve communication on civil registry matters by strengthening efforts to raise community awareness of birth registration.

### **Reply to the questions raised in paragraph 6 of the list of issues**

36. Djibouti does not approve of corporal punishment as a means of instilling values and respect in students. In fact, corporal punishment in both school and family settings is generally subject to corrective measures.

37. Corporal punishment has been banned in schools since the issuance of note No. 441/IP/2004/MEN/Direction générale of 1 April 2004, which was prepared by the inspectorate of the basic education department.

38. This year, the Ministry of Education has drawn up and disseminated a protocol on the establishment of a school violence prevention and protection mechanism at all educational institutions. The definition of violence against female students and staff is reiterated in the protocol.

39. Teachers and school officials have attended training and information sessions on these issues.

40. On 13 February 2020, Djibouti adopted a law to establish a comprehensive system to prevent violence against women and children and provide protection and care for victims.

41. To ensure effective protection, the law includes definitions of all forms of violence against children and provides for the implementation of programmes to eliminate violence against children in the family, in the social environment and in educational, vocational training, health-care, cultural, sports and media settings.

42. The programmes also include a comprehensive care system and provide for legal assistance, health care, counselling and fair and equitable redress.

43. The law also provides for the establishment of shelters for victims of violence.

44. The project has begun to take shape: a department for children who are victims of violence has been established, and the procedure for building the shelter has begun.

### **Reply to the questions raised in paragraph 7 of the list of issues**

45. The efforts made by Djibouti over the past 20 years have borne fruit, and the prevalence of female genital mutilation, which had been around 95 per cent in the 1990s, has fallen dramatically to 78 per cent among young girls.

46. The latest survey, from 2019, shows an even more encouraging trend, namely a very low prevalence among girls aged under 10 years: 21 per cent in urban areas and 62 per cent in rural areas.

## Reply to the questions raised in paragraph 9 of the list of issues

47. In 2018, a multidimensional poverty study was carried out to determine the structure and depth of poverty in Djibouti. This study demonstrated that a number of forms of deprivation exist among poor families in the country. The Multidimensional Poverty Index has recently shown the impact of the investments made in this regard. According to a study carried out by the Ministry of Social Affairs and Solidarity in 2019, for the first time in Djibouti, multidimensional poverty, which is calculated using 12 indicators rather than on a solely monetary basis, fell by 6.5 per cent between 2012 and 2017.

48. The percentage of the population living in multidimensional poverty fell by 15 points over the same period.

## Reply to the questions raised in paragraph 10 of the list of issues

### Results of the Master Plan

49. The implementation of the 2010–2019 Master Plan for Education was evaluated in 2020. The results were positive and encouraging, even though some of the objectives set out in the Master Plan had not been met.

50. Overall, school enrolment has increased significantly in Djibouti over the past 15 years. Student flow data show that the completion rate was 76 per cent at the middle level and 65 per cent at the secondary level in 2019, up from 50 per cent and 35 per cent, respectively, in 2006.

51. The number of children enrolled in primary school increased by 10 per cent between the 2009/10 and 2019/20 school years. The increase was greater in the five regions (19 per cent) than in Djibouti City (7 per cent). The increase was particularly large in rural areas.

52. The gender parity index remained stagnant at the primary level, with an increase of 1 per cent, but has improved significantly at the middle level (9 per cent) and sharply at the general secondary level (33 per cent), to the extent that it is now higher than at the primary level (0.91 versus 0.87).

53. Teaching conditions and learning outcomes have improved, but a large proportion of students still complete primary school without having acquired the basic skills needed to succeed at middle school.

54. The internal efficiency of the education system has improved considerably and exceeds the average for countries with a comparable level of economic development.

55. Although significant progress has been made in terms of access to education and the quality of educational services, levels of schooling remain low among the children of nomads, refugee children and children with disabilities.

<i>Gross enrolment ratio</i>	2009	2017	2020
Pre-primary (4–5 years)	5% (2010)	35% (2020)	
Primary	75%	80.5%	94.05%
Secondary	46%	82.6%	
Technical and vocational education and training	15%	45%	

<i>Gender parity index</i>	2009	2017	2020
Primary	0.86	1	0.99
Secondary	0.73	0.85	0.91

### **Support for children with disabilities at school**

56. In the education sector, the country has a policy of inclusion for all children. Measures have thus been taken to ensure that the most underprivileged children are not disadvantaged. For example, school transport is provided for children with special needs and children living in rural areas, there are school canteens in the regions and dormitories in some rural schools, and textbooks and education kits are provided free of charge at the primary level. Strategies have been implemented to bring educational provision closer to communities, such as the establishment of combined schools and the opening of high school classes in the main towns of sub-prefectures.

57. The evaluation of the 2010–2019 Master Plan for Education states that: “Public sector educational provision for children with special needs has improved considerably in the past decade. A department for special needs education was established by decree on 12 May 2011, but schooling for deaf and hard-of-hearing children began as early as 2004. In the 2020/21 school year, 25 deaf and hard-of-hearing students were enrolled at the primary level, 31 at the middle level and 12 at the vocational secondary level. A school for blind and visually impaired students opened in the 2013/14 school year. It currently has 39 students at the primary and middle levels. Lastly, since 2017, children with mental disabilities have been taught by specialized teachers, in partnership with the State Secretariat for Social Affairs. In the 2020/21 school year, there were 19 specialized teachers for 86 students. The department for special needs education has conducted awareness-raising campaigns to encourage the parents of children with special needs to enrol them in school.”

58. The National Agency for Persons with Disabilities has an entire department, the Inclusive Education Department, dedicated to monitoring and providing targeted support for children with disabilities in schools.

59. The National Agency helps the parents of children with disabilities to enrol them in school and, depending on the nature of the child’s disability, refers them to the following specialized, disability-friendly schools:

- The centre for children with special needs under the Ministry of Education and Vocational Training, for children with visual impairments, educational difficulties or autism spectrum disorders
- The Djibouti school for deaf and hard-of-hearing children, for children with hearing impairments

60. The National Agency has helped 57 children with disabilities to enrol in school.

### **Equipment and materials**

- Supplies, including materials in Braille and talking watches, have been distributed to the school for children with special needs with a view to enhancing inclusivity
- With the support of the United Nations Children’s Fund, education kits have been distributed to 325 children with disabilities

### **Legal framework**

61. As part of efforts to strengthen the legal framework for the protection and promotion of the rights of persons with disabilities, the mobility inclusion card introduced pursuant to Decree No. 2020-306/PRE of 2 December 2020 allows students with disabilities to obtain school uniforms and textbooks free of charge and exempts them from paying enrolment fees at the higher education level.

### **Reply to the questions raised in paragraph 11 of the list of issues**

62. Since gaining independence, Djibouti has welcomed tens of thousands of people fleeing neighbouring countries that often face war, terrorism and climate crises.

63. This phenomenon has taken on unprecedented proportions in recent years. In addition to the refugees hosted in dedicated camps by the Office of the United Nations High Commissioner for Refugees (UNHCR), thousands of migrants transit Djibouti on their way to the countries of the Arabian Gulf.

64. One consequence is that Djibouti has a very large number of persons in an irregular situation.

65. As a result, it is difficult to fully guarantee all their basic rights, and mothers prefer not to give birth at health facilities.

66. These children are not known to the civil registry, and their births are therefore often not registered.

### **Refugee children**

67. Since 2013, Djibouti has delegated the task of issuing birth certificates for refugee children born in the country to the sub-prefectures of Ali-Addeh and Holhol, where the majority of refugees live.

68. Birth declarations are issued by the health centres operated by the Ministry of Health in Ali-Addeh and Holhol and, for Yemeni refugees, the medical hospital in Obock.

69. A joint team from the National Committee on Assistance for Refugees and Disaster Victims and UNHCR transmits the birth declarations to the sub-prefecture of Ali-Addeh or Holhol or to the regional council of Obock, as appropriate. With financial support from UNHCR, which is building the capacity of the institutions responsible for issuing birth certificates for refugee children, the National Committee also ensures that the applicable fees are paid.

70. The National Committee on Assistance for Refugees and Disaster Victims, the governmental body responsible for assisting and protecting refugees, oversees the process of registering the birth of each refugee child and obtaining a birth certificate for him or her. With the support of UNHCR, the National Committee, which is mandated to ensure international protection for refugees, continues to raise awareness of birth registration procedures and the importance of legal documents among the refugee community, including with a view to preventing statelessness among children.

### **Reply to the questions raised in paragraph 12 of the list of issues**

71. There have been no changes since the submission of the report.

## **Part II**

### **Reply to the questions raised in paragraph 13 of the list of issues**

72. There have been no changes since the submission of the report.

## **Part III**

### **Reply to the questions raised in paragraph 14 of the list of issues**

73. In addition to its impact on employment, growth has enabled Djibouti to inject substantial resources into social sectors. In this context, the 2018–2022 National Social Protection Strategy states that, taken as a whole, the budgets of the social ministries have remained large and represent more than a quarter of the State budget, at 27.23 per cent in 2016 and 28.46 per cent in 2017, which is equivalent to 10.11 per cent of the gross domestic product, estimated at 340 billion Djibouti francs in 2017.

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**Reply to the questions raised in paragraph 15 of the list of issues**

74. These results can be attributed in large part to the National Family Solidarity Programme implemented since 2016. Under the Programme, which involves conditional and unconditional cash and quasi-cash transfers, the number of poor households receiving transfers increased from 3,662 in 2017 to 12,362 in 2020. The goal of the National Family Solidarity Programme is to provide support to all extremely poor households, which were estimated to number 19,800 in the fourth round of the Djibouti Household Survey.

75. In addition, an impact study conducted in April 2019 among a large sample of households that receive transfers under the National Family Solidarity Programme showed that:

- 88 per cent of households have seen their living conditions improve
  - 20 per cent of households have increased their food consumption
  - 65 per cent of households reported that the mother and children go to a health centre if they are ill
  - 13 per cent of households have developed an income-generating activity thanks to the Programme

76. To achieve the strategic objectives of socioeconomic inclusion and sustainable development, the Ministry of Social Affairs and Solidarity launched the National Social Protection Strategy covering the period 2018–2022 and secured the buy-in of all partners through a specific bill.

77. The Strategy is a rights-based initiative aimed at cultivating a welfare society in the long term while strengthening the resilience of citizens in the short and medium term.

**Reply to the questions raised in paragraph 17 of the list of issues**

78. The Ministry of Education and Vocational Training is conducting a survey to identify children with disabilities in schools at the primary, middle and secondary levels. The results of the survey will help to provide more detailed answers to the Committee's questions in this regard. There are some disabilities that are not considered as such by schools. For example, a child who wears spectacles will rarely be considered to have a disability. The available information is thus very incomplete and includes only "significant" disabilities.

79. As for the remaining questions, no changes have taken place since the submission of the report.

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