Child Rights References in the Universal Periodic Review

Summary:
A compilation of extracts featuring child-rights issues from the reports submitted to the first Universal Periodic Review. There are extracts from the 'National Report', the 'Compilation of UN Information' and the 'Summary of Stakeholder's Information'. Also included is the 'Final Report' and 'Conclusions and Recommendations' from the Review.

Djibouti - 4th Session - 2009
Monday 2nd February: 3pm - 6pm

National Report
54. The ultimate aim of the Outline Act was to enable all children of school age to go to school, and it therefore established an obligation to enrol all children aged between 6 and 16 in school and guaranteed basic education for all, free of charge.

83. The advancement and protection of women and children are underpinned by unwavering political determination, the work of an emerging women's civil society, young but dynamic, and the adoption of non-discriminatory legislation. However, the weight of tradition and women's high illiteracy rates mean that these efforts require support.

88. As to children’s rights, and in particular the right to be registered at birth, the registration rate remains low in rural areas.

90. Various recommendations were made following consideration of Djibouti’s periodic report on its implementation of the Convention on the Rights of the Child in September 2008. These included:
(a) Strengthening action to promote the observance and realization of all rights recognized to children under the Convention;
(b) Expediting the establishment of a national mechanism to coordinate activities on children;
(c) Adoption of a national action plan on children addressing all the rights enshrined in the Convention;
(d) Increase in budget allocations for children at the national and local levels;
(e) Establishment of a centralized data collection system to collect data in the areas addressed by the Convention;
(f) Continuation and strengthening of awareness-raising efforts regarding the Convention and children’s rights, especially in rural areas;
(g) Continuation and strengthening of collaboration with civil society on promotion and protection of rights and on national coordination. Steps will be taken to comply with these recommendations.

91. Street children and begging by children from the unsettled population are new phenomena in Djibouti.

106. In accordance with its commitments, Djibouti has begun the process of ratifying the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and the International Convention on the Elimination of All Forms of Racial Discrimination.


UN Compilation
3. CRC welcomed the adoption of the Law against trafficking in human beings in 2007; the Law on the protection of persons living with HIV/AIDS in 2007; the Law on the Labour Code in 2006; the Family Code in 2002; and the Outline Act on the education system in 2000.11 CRC further welcomed, as highlighted also by UNHCR,12 the amendment to the Penal Code which has set, under the provisions of its article 333, severe sanctions penalizing the practice of female genital mutilation.13

5. In 2008, CRC welcomed the establishment of the Ministry for the Advancement of Women, Family Welfare and Social Affairs.15 It
recommended that Djibouti establish an independent body to monitor the implementation of the Convention on the Rights of the Child, in accordance with the Paris Principles. Such a body should be able to receive and investigate complaints from, or on behalf of, children on violations of their rights and should be provided with the necessary human and financial resources. 16

7. CRC welcomed the 2005 National Plan of Action to Combat Abuse and Sexual Exploitation of Children; the Accelerated Strategy for Child Survival and Development; and the 2005 national integrated early childhood development policy. It encouraged Djibouti to adopt a National Plan of Action on Children that addresses fully all of the rights of the child enshrined in the Convention. 18

11. In 2000, CRC noted that the principle of non-discrimination is reflected in the Constitution as well as in domestic legislation. 25 It urged Djibouti to give particular attention to addressing discrimination against both girls and women by, inter alia, reviewing domestic legislation so as to ensure that discriminatory provisions, including those affecting inheritance rights, are removed and that adequate protection from discrimination is provided. 26 The 2007 CCA report noted that inequalities between men and women continue to be a major challenge for the country. Gender disparities are observed in the fields of education, economy and decision making. 27

12. In 2008, CRC welcomed efforts to ensure that all children have access to education, health and other social services. Nevertheless, it regretted that disparities remain, in particular with regard to children living on the streets, migrant children, refugee children and children with disabilities. 28 It noted with concern that around 10 per cent of children in Djibouti do not have a birth certificate and that the non-provision of birth certificates particularly affects non-Djiboutian children. It was also concerned that Djibouti’s efforts to improve birth registration are limited to school-going children, in a small number of schools in the capital city, therefore leaving out a significant portion of the population. 29

13. CRC welcomed the passing of a law in 2006 implementing measures against discrimination and stigmatization of persons living with HIV/AIDS and their families. 30 It also noted with appreciation the draft law relating to the social inclusion of persons with disabilities. It noted with regret, however, that recommendations stemming from a two-day workshop held in 2006 on the need to improve occupational and social reintegration of persons with disabilities still remain unachieved. 31

17. While CRC noted Djibouti’s indication that corporal punishment has been forbidden in schools, it was concerned that children are still subjected to corporal punishment, particularly in the home. It recommended that Djibouti explicitly prohibit by law all forms of violence against children, including corporal punishment, in all settings, and that it promote the use of alternative forms of discipline. 36

18. In 2008, CRC noted Djiboutian law does not specifically provide for the separation of children from their parents, as a last resort, in cases of abuse or neglect. It further noted that the separation of a child from his or her parents is, in general, not easily feasible due to a lack of appropriate infrastructure. It was concerned that existing legislation has not been used to deal seriously with child abuse, and that punishment for perpetrators of such acts generally are light. 37

19. CRC expressed concern about the high number of children, in particular girls, involved in prostitution and the lack of facilities to provide services for sexually exploited children. It recommended that Djibouti develop and strengthen legislative measures to address the issues of sexual exploitation and sexual abuse; ensure the prompt investigation and the prosecution of perpetrators of sexual offences against children; and continue to implement appropriate policies and programmes for prevention, recovery and social reintegration of child victims. 38 It was also concerned at the very high number of children who are still in the streets and recommended that Djibouti strengthen efforts to provide protection for these children. 39

20. CRC also urged Djibouti to ensure that inter-country adoption is performed in full compliance with the best interests of the child and that it provides appropriate legal guarantees for children, including non-nationals, throughout the adoption process, in order to avoid possible cases of sale or trafficking of children for adoption or other aims. 40

21. In 2008, CRC expressed concern about the lack of specialist courts for juvenile offenders. It was also concerned that juveniles as young as 13 years old can be detained for long periods of time, that there are no separate facilities to detain children apart from adults and that alternative responses to offences are at the discretionary power of the court. 41 It urged Djibouti to ensure that juvenile justice standards are fully implemented. It recommended that Djibouti establish a specialized justice system for children; ensure that persons working with children in the justice system receive appropriate training, that children are held in detention only as a last resort and for as short a time as possible, that children are held separately from adults and are not ill-treated in detention, and that cases involving juveniles are brought to trial as quickly as possible. 42

23. In 2008, CRC welcomed the fact that Djibouti requires parents to provide for their children and that a judge can order that maintenance be paid. However, it was concerned that the existing penalty for abandonment of the child is prison and a fine. 44 It recommended that Djibouti consider more effective ways of obtaining maintenance for children, such as automatic enforcement of the maintenance system and local mediation mechanisms. It also recommended that Djibouti undertake an in-depth and comprehensive study on the impact of polygamy in order to find out whether polygamy has negative consequences on the upbringing and development of children and, if so, to develop measures, including awareness-raising measures, to address those negative impacts. 45

24. CRC noted with concern the high numbers of vulnerable and orphaned children and recommended that Djibouti, inter alia, provide special protection for children deprived of a family environment and ensure that an appropriate monitoring mechanism is in place to monitor alternative care facilities and foster care/guardianship programmes. 46

32. While CRC noted that child labour is prohibited by law, it noted with regret that this prohibition is not always enforced and that children are often involved in various types of non-hazardous work, including domestic work, agriculture, livestock and other informal activities. It also expressed regret that a shortage of inspectors reduced the likelihood of investigation of reports of child labour. Furthermore, it expressed concern that children are involved in work in inhuman and degrading conditions and are particularly vulnerable to drugs, HIV/AIDS, sexually transmitted diseases and early pregnancies. 55
33. CRC noted the 2001 Poverty Reduction Strategy Paper (PRSP) and welcomed, inter alia, a microcredit programme for women and a programme for essential development needs targeting underprivileged communities. Nevertheless, it was concerned that the rates of relative and extreme poverty remain very high. According to the 2007 CCA report, in 2002 relative poverty affected 74.4 per cent of the population, whereas 42.2 per cent of the population was touched by extreme poverty.

35. CRC recommended that Djibouti strengthen its efforts to reduce the rates of relative and extreme poverty in the population, in particular with regard to alleviating the effects of the world-food crisis. It also recommended that Djibouti pay special attention to families in the development of its poverty reduction strategies, that it provides access to clean water, adequate sanitation, food and shelter in all regions and communities of the country, including to the nomadic population.

36. While CRC noted that budgetary allocations for health have been increasing, it remained concerned that the health sector continues to experience financial difficulties. It was also concerned at, inter alia, the shortage of qualified health personnel and the continued high levels of infant, under-five and maternal mortality rates. A 2006 UNICEF report noted that one in eight children die before five years of age and one in 10 die before their first birthday. According to a 2006 WHO report, the major causes of morbidity and mortality are infectious diseases and the situation is aggravated by the weakness of the health structures that suffer from a lack of equipment, inadequate maintenance of facilities and a shortage of trained and motivated personnel. CRC recommended that Djibouti continue and strengthen measures to ensure that health care is both accessible and affordable and that the problems of infant and maternal mortality and malnutrition are given a high priority, including through awareness-raising campaigns and activities to encourage exclusive breastfeeding of children.

37. CRC welcomed Djibouti’s efforts to combat HIV/AIDS, including through, inter alia, the creation of a national programme to fight pandemics (2003-2007); the setting up of a new institutional and organizational framework to address the issue; and the setting up of a Solidarity Fund in 2004 to assist AIDS orphans. Nevertheless, it was concerned that the prevalence of HIV/AIDS remains high and, without policy and other interventions could rise even higher.

38. CRC noted with interest that Djibouti’s Plan of Action to combat drug abuse (2002-2005) developed awareness-raising and information activities targeted at youth in difficult situations. However, it noted with concern that there are no adequate and confidential services for adolescent healthcare and that teenage pregnancy is an increasing problem. It recommended, inter alia, that Djibouti elaborate clear policies and, when applicable, legislation addressing the prevention of adolescent health-related issues, in particular early pregnancies and drug abuse.

Stakeholder Compilation
This section in French so not completed

Final Report

5. At the 2nd meeting, on 2 February 2009, H.E. Mr. Mohamed BARKAT ABDILLAHI, Minister of Justice, Penitentiary affairs, in charge of Human Rights, described the progress made as well as the constraints, limitations and efforts undertaken to place the human being at the heart of Djibouti policies. He also highlighted that its country was committed to promoting dialogue based on objectivity, impartiality and non-selectivity and that Djibouti attached great importance to the UPR, which represents a self-assessment and an opportunity to learn from other experiences. He recalled the country’s voluntary pledges made in 2006 on the occasion of its candidacy to the Human Rights Council, namely the ratification of the two Optional Protocols to the Convention on the Rights of the Child (CRC) and the International Convention of the Elimination of all Forms of Racial Discrimination (CERD); all those instruments had since been ratified. This was in addition to an already long list of international and regional human rights instruments to which Djibouti is party to and that the delegation enumerated.

9. Regarding children’s rights, he recalled that Djibouti was one of the first States to ratify the Convention on the Rights of the Child (CRC) and many of its provisions were integrated in national legislation, such as protection against all forms of violence, respect of the opinion of the child and its best interests, the protection of children in conflict with the law and birth registration, which is mandatory by law. He further stated that education is a priority of the Government and absorbs 28 per cent of the national budget. A comprehensive review organised in 1999 reaffirmed the right of all to education and established compulsory education for children aged between 6 and 16 years. The objective of the Government is to achieve education for all in 2015 pursuant to the Millenium Development Goals (MDGs). In order to reach this goal, the Government’s strategy is based on two complementary aspects, namely available schooling and the social demand for education, notably through the building of schools, recruitment and training of teachers and awareness-raising campaigns, notably regarding schooling for girls and education for children with special needs. The rights of the child are integrated in primary school curricula and human rights in the post-primary school curricula. Human rights and the rights of the child are also included in the training modules for teachers. He also provided statistics regarding the increase in numbers of classrooms in primary and secondary education, the increased numbers of teachers and the significant increase in the access to the first year of primary school. The university teaching started in 2000-2001 using national funding and the numbers of students had significantly increased since then.

10. Regarding health, he indicated that the percentage of the national budget dedicated to health care increased considerably these past few years. Considerable efforts have been undertaken to help vulnerable people, notably mothers and children and still need to be undertaken to reach the MDGs. Reference was made to the National Health Development Initiative and to the National Health Development Plan and to the dynamic sub-regional cooperation undertaken in order to counter transmissible infections such as AIDS, TB and malaria. Efforts have been also focused on the reinforcement of human resources, notably training of staff through new bodies such as the Sciences and Health High Institute and the Medicine School.

14. He also mentioned that relations were developed in 2008 with OHCHR, notably through several workshops organised jointly in
2008. Pursuant to this collaboration, an action plan aimed at enhancing human rights was drafted in cooperation with OHCHR. Regarding health care and children, he mentioned a series of texts, plans, programmes and bodies referring to HIV/AIDS, vaccinations or children’s diseases, including the Integrated Management of Childhood Illness set up in 2004. With regard to reporting obligations to treaty bodies, he indicated that efforts were being made in order to suppress delays and recalled that the first periodic report to the Committee on the Rights of the Child was reviewed in 2008. On the question of female genital mutilation (FGM), he indicated that it had been penalised in the Criminal Code since 1995 and that a number of prosecutions have taken place.

18. Bahrain welcomed Djibouti’s efforts to protect the rights of women and children. It noted that the Ministry for the Advancement of Women has been set up in order to, inter alia, promote equality between men and women and counter sex discrimination. Bahrain requested information about Djibouti’s progress in increasing the participation of women in political life and its implementation of national programs to combat practices that constitute violence against women. Noting the significant progress made in promoting the rule of law and justice in the country, Bahrain asked about the measures that have been taken to promote the role of judges. It also recommended Djibouti continue its efforts to strengthen the judiciary in the field of human rights and improve the access to justice.

28. Qatar paid tribute to all the stakeholders who took part in the preparation of the national report. It referred to the 1992 Constitution of Djibouti, which is based on the respect and protection of human rights and fundamental freedoms. It paid tribute to the Government’s strategic aim of improving education and providing it to all. In this connection, Qatar inquired about the measures taken to provide education to disabled children in order to reduce the dropout rate among them. It recommended the Government continue its efforts to reach the MDGs, including increasing the number of secondary schools, by the year 2015.

34. Djibouti recalled that FGM had been penalised since 1995 and that awareness-raising campaigns were undertaken concerning it. Other relevant developments included the strategy to counter all forms of FGM (2006), the establishment of a unit within the Ministry for the advancement of women to coordinate all programmes to combat FGM (2007), a joint programme to speed up the elimination of all forms of FGM through four main networks. Djibouti recalled that the right of education is a fundamental right for all children aged between 6 and 16. The Government hoped to raise the gross enrolment rate – currently 72 per cent – by developing strategies based not only on formal education but also on mobile education for nomads, special education for disabled children and the construction of new schools, including mobile schools, etc. In addition, in order to fight against illiteracy, Djibouti has an ambitious programme to reduce disparities in access to school to ensure full participation.

40. Mexico acknowledged Djibouti’s efforts to incorporate in its Constitution a legal framework for the promotion and protection of human rights and actions to harmonize international standards with its domestic legislation. Mexico recommended Djibouti continue its efforts to guarantee fully the principle of non-discrimination, efforts the work of the new Ministry for the Advancement of Women would further boost. It also recommended Djibouti increase its efforts to submit its periodic reports to the Committee against Torture, the Human Rights Committee and the Committee on the Elimination of Discrimination against Women as soon as possible and make every possible effort to comply with the recommendations made by the Committee on the Rights of the Child.

41. Slovenia commended Djibouti for the work done in recent years to promote and protect human rights, especially the incorporation of human rights in the Constitution and domestic law, the creation of ministerial departments responsible for human rights and the establishment of a national human rights commission. It welcomed the ratification by Djibouti of the optional protocols to the CRC and recommended establishing an independent body to monitor the implementation of the Convention and adopt a National Plan of Action on Children. It recommended adopting and implementing legislation and policies concerning children, especially with respect to birth registration, violence against children, juvenile justice and street children. It also recommended implementing consistently the legislation and policies to combat discrimination against girls and women and enforcing the law prohibiting FGM.

42. Turkey noted that Djibouti was pledged to ratify the Convention on the elimination of All Forms of Racial Discrimination and encouraged the State meet that commitment. It noted Djibouti’s request for technical assistance to prepare and present reports to treaty bodies and considered that OHCHR should respond favourably to it. It observed that Djibouti took into account the recommendations made by the Committee on the Rights of the Child, especially with regard to child labour, sexual exploitation, begging among children and birth registration in rural areas. It recommended that the efforts being made by Djibouti in the areas of child labour, sexual exploitation and begging among children and to increase birth registration in rural areas should be enhanced. It also observed that education and the reduction of illiteracy are priorities for the Government and recommended that Djibouti continue its efforts to reduce illiteracy.

47. The Netherlands welcomed the Government’s pro-active attitude to human rights and its close cooperation with OHCHR. It asked whether invitations would be extended to special rapporteurs such as those on the right to food and the right to education and to the Working Group on Arbitrary Detention. While commending the establishment of a Ministry for the Advancement of Women, Family Welfare and Social Affairs, the Netherlands expressed concern that women continue to be subjected to domestic violence and harmful traditional practices, such as the still widespread FGM. It recommended that Djibouti more actively enforce its prohibiting FGM and take other pro-active measures to combat that practice. It also recommended taking all necessary actions to protect and improve the situation of children and the steps needed to promote freedom of expression and freedom of association in all its forms.

48. Benin noted that Djibouti has ratified the main instruments of human rights and international humanitarian law and invited other States to support Djibouti’s efforts to strengthen respect for human rights. It requested information about measures taken to combat poverty, particularly among the more vulnerable segments of the population, namely women and children. It recommended that Djibouti endeavour to prepare and submit reports to the treaty bodies on time.

49. South Africa welcomed the Government’s reform in various areas and noted Djibouti’s collaboration with the mechanisms of the Human Rights Council, in particular its efforts to address the issues of children comprehensively as recommended by the Committee on
the Rights of the Child. It recommended that Djibouti consider instituting measures to strengthen its institutional and operational capacity in the administration of justice, including the establishment of a juvenile justice system, training of judicial and law enforcement officers who deal with juvenile cases and the development and strengthening of legislative measures to ensure prompt investigation and prosecution of sexual offences against children. It also recommended reinforcing efforts to set up regional assemblies to take services closer to the rural communities. Lastly, it encouraged Djibouti to reinforce its efforts even further and called upon the international community and particularly OHCHR to assist Djibouti by providing technical assistance for the implementation of recommendations from treaty bodies.

55. Brazil commended the Government of Djibouti for its efforts in several areas, particularly the priority given to the advancement and protection of woman. It inquired about the programme to fight pandemics, especially HIV/AIDS, and the efforts to prevent child abuse, particularly abuse of detained juvenile offenders. It encouraged Djibouti to accomplish progressively the human rights goals set by Human Rights Council Resolution 9/12. It recommended that Djibouti consider ratifying the International Convention on the Elimination of All Forms of Racial Discrimination and adopting legislation which prohibited all forms of violence against children, including corporal punishment, and promoted alternative forms of discipline. In that connection, Brazil recommended taking further measures to guarantee that detained juvenile offenders are separated from adults.

56. Cote d’Ivoire congratulated Djibouti on the Government’s measures to ensure education for all and the establishment of the National Human Rights Commission. It inquired what measures had been taken to reduce disparities; to ensure education for children with special needs and to reduce the drop-out rate. It also asked about the measures taken to ensure that the reports to the treaty bodies be submitted on time.

57. Burundi noted Djibouti’s clear determination to progressively establish national structures and mechanisms to promote and protect human rights. Burundi congratulated Djibouti for the adoption of a number of measures. Burundi recommended Djibouti continue its already very significant efforts to provide free schooling for all school-aged children, which would gradually reduce illiteracy. It also recommended Djibouti continue efforts, slowly but surely, to counter the weight of traditions by gradually eradicating the practice of FGM. Burundi also recommended that the international community provide efficient support to Djibouti in its efforts to face material and technical challenges, which remain the major obstacle to agreed efforts to promote and protect human rights.

58. Argentina welcomed the ratification by Djibouti of the main international human rights instruments and highlighted the setting up of the national human rights commission. Argentina noted that CRC urged Djibouti to give particular attention to addressing discrimination against both girls and women by, inter alia, reviewing domestic legislation so as to ensure that discriminatory provisions, including those affecting inheritance rights, are removed and that adequate protection from discrimination is provided. Argentina requested information on measures taken to implement this recommendation. It also noted that in 2008, the ILO Committee of experts expressed the hope that Djibouti would incorporate in its labour law the principle of equal pay for equal work for men and woman. Argentina asked for further information in this regard.

62. Chad congratulated Djibouti for having acceded to most of the international human rights instruments. It encouraged the Government to continue this series of accessions to promote and improve human rights in the country. It also requested the international community to provide assistance to the country in overcoming the obstacles it faces so it can effectively implement its commitments. On the right to education, Chad asked how the Government intends to proceed to improve access to education for all. It also asked what measures could be taken to ensure the right to education for all, to reduce disparities, to encourage education for all children, in particular those with special needs and to lower the drop-out rate.

Conclusions and Recommendations

9. Make every possible effort to comply with the recommendations made by the Committee on the Rights of the Child (Mexico) and establish an independent body to monitor the implementation of the CRC and adopt a National Plan of Action on Children (Slovenia);

14. Continue its efforts in order to counter illiteracy (Turkey) amongst girls (Yemen) and women (Egypt, Kuwait, Syria);

7. Continue its efforts to reach the Millennium Development Goals by 2015 (Cuba, Saudi Arabia, Jordan, Iran); in particular, it underlined the importance of strengthening the education sector by increasing the number of primary and secondary schools, attaining parity in all levels of schooling and strengthening higher education (Cuba); and increase the number of its primary and secondary schools (Qatar, Jordan, Iran) while expanding higher education (Saudi Arabia) and ensure parity at all levels of education, to strengthen higher education, to curb the high rate of illiteracy among women and to reduce child mortality and mortality among the general population of Djibouti (Iran);

19. Continue consolidating its efforts to extend basic education to all children (Venezuela); to further improve access to education for children by increasing the number of primary and secondary schools and by strengthening its higher education system (Malaysia); continue to pay attention to the question of access to education at all levels and enhance its quality. (Belarus); continue efforts to increase the number of neighbourhood primary and secondary schools, and to strengthen higher education (Syria) continue its efforts, already very significant, to provide free schooling for all school-aged children, which will mean that there would be a gradual reduction of illiteracy (Burundi);

5. Adopt and implement the legislation and policies concerning children, especially concerning birth registration, violence against children, juvenile justice, street children to name just a few (Slovenia) and to consider legislation which prohibits all forms of violence against children, including corporal punishment, and which promotes alternative forms of discipline (Brazil);

6. Take all necessary actions to protect and improve the situation of children (Netherlands);