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**NATIONAL REPORT SUBMITTED IN ACCORDANCE WITH PARAGRAPH 15 (A)  
OF THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1\***

**Djibouti**

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\* The present document was not edited before being sent to the United Nations translation services.

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## **Introduction: methodology and consultations in preparing the report**

1. The present report was prepared in implementation of General Assembly resolution 60/251, adopted on 15 March 2006, in accordance with the general guidelines for the preparation of information provided under the universal periodic review (Human Rights Council decision 6/102 of 27 September 2007). The report describes the human rights situation in Djibouti in accordance with the provisions set out in the normative human rights framework at the national, international and regional levels (Human Rights Council resolution 5/1 of 18 June 2007, annex, paras. 1-3).
2. In order to obtain the information necessary for the preparation of the present report, a broad-based national consultation was held with the main stakeholders involved in human rights issues. The process was launched with the establishment of an inter-ministerial committee responsible for drafting and submitting periodic reports and the universal periodic review (UPR), bringing together the relevant ministerial departments and open to the National Human Rights Commission and the main civil society organizations involved in human rights. The inter-ministerial committee then set up a technical group to draft the national report, drawn from the Ministry of Justice responsible for Human Rights, the Ministry of Foreign Affairs and International Cooperation, the Ministry for the Advancement of Women, Family Welfare and Social Affairs and civil society organizations.
3. Every member of the inter-ministerial committee submitted contributions to the national report and the technical drafting group prepared a preliminary draft report on the basis of those contributions. That draft was submitted for comments and amendments to the general assembly of the inter-ministerial committee, which adopted it on 30 October and sent it to the Government for consideration.

## **I. BACKGROUND AND NORMATIVE AND INSTITUTIONAL HUMAN RIGHTS FRAMEWORK**

### **A. Background**

4. The Republic of Djibouti is in East Africa and overlooks the Bab al-Mandab strait, which links the Red Sea to the Gulf of Aden and the Indian Ocean. It has a surface area of 23,200 square kilometres and is bordered by Eritrea to the north (109-km border), Ethiopia to the west and south (349-km border) and Somalia to the south (58-km border).
5. The country is divided into five administrative regions, namely, Tadjoura, Obock, Ali Sabieh, Dikhil and Arta. The capital, Djibouti City, has special status and is divided into three municipal districts (Ras-Dika, Boulaos and Balbala). According to the most recent assessment by the Djiboutian Household Survey (EDAM), the population in 2002 was 632,000 of whom more than 53 per cent were under 20 years of age. More than two thirds of the population live in the capital and the surrounding urban area; the remainder live in the other five regions of the interior.
6. The Republic of Djibouti gained independence on 27 June 1977 and re-established parliamentary democracy based on the principle of the separation of powers (executive, legislative and judicial) with a presidential regime led by His Excellency Mr. Ismail Omar Guelleh since 1999.
7. According to the International Monetary Fund (IMF), the per capita gross domestic product (GDP) in 2008 was US\$ 1,216. According to the annual report of the Central Bank of Djibouti, the primary sector contributed 3.6 per cent to GDP, while the secondary sector contributed 16.8 per cent and the tertiary sector 79.6 per cent. The real economic growth rate, taking inflation

into account, went from an annual average of 3 per cent between 2001 and 2005 to 4.8 per cent in 2006 and 5.3 per cent in 2007. The predicted growth rate for 2008 is in the region of 5.7 per cent.

8. The population of Djibouti is 98 per cent Muslim.

### **B. Normative human rights framework**

9. The 1992 Constitution proclaims fundamental human rights and freedoms clearly and unambiguously. Since 1992, the promotion and protection of human rights have formed part of the framework of pluralistic democracy, rule of law and decentralization.

10. The Constitution, which entered into force on 4 September 1992, gives a prominent place to 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 ensure the full development of individual and collective rights and freedoms, as well as the harmonious development of the national community.

11. This endorsement of the Universal Declaration of Human Rights and the African Charter gives these two international and regional instruments constitutional rank.

#### **1. National**

12. Title II of the Constitution of 4 September 1992 is devoted entirely to the rights and duties of the person. The rights and freedoms recognized under title II include the following:

- (a) Equality before the law without distinction of language, racial origin, sex or religion;
- (b) The right to life, liberty, security and integrity of person, legality of prosecution and the presumption of innocence;
- (c) The right to legal counsel and a doctor, in the event of arrest;
- (d) Prohibition on arrest without a warrant;
- (e) The right to freedom of thought, conscience, religion, worship and opinion (art. 11);
- (f) The right to own property and the inviolability of the home (art. 12);
- (g) Secrecy of correspondence; freedom of movement (art. 14);
- (h) Freedom of expression, freedom of association and trade union rights, the right to strike (art. 15);
- (i) The right to freedom from torture and inhuman, cruel, degrading or humiliating treatment or punishment (art. 16).

13. Under the Djibouti Constitution, the legislature is empowered to establish the conditions for the enjoyment of these fundamental rights and freedoms and the procedures for their implementation. In this context, the following key legal texts were adopted:

- (a) Right to life, security and integrity of person

- (i) Act No. 59/AN/94 of 5 January 1995 promulgating the Criminal Code, which defines and punishes violations of freedom, crimes and offences against persons in particular homicide, assault and battery, duress, and illegal arrest or confinement;
- (ii) Act No. 60/AN/94 of 5 January 1995 promulgating the Code of Criminal Procedure;
- (b) Personal status legislation
  - (i) Act No. 79/AN/04/5 L of 2004 promulgating the Nationality Code;
  - (ii) Act No. 152/AN/02/4 L of 31 January 2002 promulgating the Family Code;
- (c) Prohibition of slavery, servitude and torture
  - (i) The Criminal Code and the Labour Code, which prohibit slavery and all similar practices;
  - (ii) The Criminal Code, which punishes acts of torture and barbarity and violence leading to mutilation, amputation or any other impairment resulting in permanent disability, in particular mutilation;
  - (iii) Act No. 210/AN/07/5 L on combating trafficking in human beings;
  - (iv) Legislation regulating the national police, prohibiting officers from perpetrating torture or inhuman, cruel, degrading or humiliating treatment or punishment;
- (d) Freedom of thought, conscience, religion, opinion and expression  
Organization Act No. 2/AN/92 of 15 September 1992 on freedom of communication;
- (e) Freedom of assembly, association, procession and demonstration
  - (i) The Associations Act of 1 July 1901;
  - (ii) Organization Act No. 01/AN/92 of 23 September 1992 on political parties;
- (f) Right to take part in the conduct of public affairs and to elect leaders  
Organization Act No. 1/AN/92 of 21 October 1992 promulgating the Elections Act, which sets out the conditions for elections, eligibility and ineligibility, the rules for the organization of elections and various remedies;
- (g) Right to work, rest and social security, and trade union rights
  - (i) The Act of January 2006 promulgating the Labour Code, which recognizes the right of every citizen to work, to rest and to training, absolutely prohibits forced or compulsory labour. It also recognizes the right of every worker to belong to a trade union of their choice and the right to strike;
  - (ii) Act No. 203/AN/07/5 L establishing the National Agency for Employment, Training and Vocational Guidance (ANEFIP);

- (iii) Act No. 3/AN/92/2 L governing civil servants' pensions;
  - (iv) Act No. 137/AN/90/2 L of 22 January 1991 governing the retirement of members of parliament;
  - (v) Act No. 137/AN/90/2 L of 22 January 1991 governing military pensions;
  - (vi) Act No. 137/AN/90/2 L of 22 January 1991 governing disability pensions;
  - (vii) Act No. 212/AN/07/5 L establishing the National Social Security Fund (CNSS);
  - (viii) Act No. 151/AN/02 establishing the National Social Security Board;
  - (ix) Acts Nos. 154/AN/02 and 155/AN/02 revising contribution methods and the acquisition of pension rights;
- (h) Right to education and health
- (i) The Outline Act on the Education System of 1999:
    - (a) First plan of action for education (1999-2005);
    - (b) Second plan of action for education (2006-2008);
  - (ii) The Outline Act on Health Policy of July 1999:
    - (a) Strategic plan for health development (2001-2011);
    - (b) Plan of action (2008-2012).

14. Furthermore, the Republic of Djibouti has adopted general policies for the advancement and protection of women and children and the development of education, health and justice, as well as poverty eradication.

15. Djibouti's tradition of proclaiming rights and freedoms in the Constitution has from the outset been underpinned by its ratification of the main international and regional human rights instruments.

16. As soon as they are published, these instruments prevail over domestic law, as is the case with other ratified treaties. The Republic of Djibouti has ratified the following legal instruments.

## **2. International**

17. Main instruments:

- (a) International Covenant on Civil and Political Rights (ratified on 5 February 2004);
- (b) International Covenant on Economic, Social and Cultural Rights (ratified on 2 September 2002);
- (c) Convention on the Elimination of All Forms of Discrimination against Women (ratified on 27 May 1998);

(d) International Convention on the Elimination of All Forms of Racial Discrimination (ratified on 27 December 1990);

(e) Convention on the Rights of the Child (ratified on 2 December 1990);

(f) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (ratified on 9 September 2002).

18. Relevant legal instruments:

(a) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (in the process of adoption);

(b) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (in the process of adoption);

(c) Geneva Conventions of 1949 and the additional protocols thereto;

(d) 1951 Convention relating to the Status of Refugees and the Protocol thereto;

(e) Rome Statute of the International Criminal Court;

(f) Core conventions of the International Labour Organization;

(g) Core conventions of the United Nations Educational, Scientific and Cultural Organization.

### **3. Regional**

19. Legal instruments:

(a) African Charter on Human and Peoples' Rights (1991);

(b) Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights;

(c) Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (ratified in 2005);

(d) The African Charter on the Rights and Welfare of the Child, signed in 1992.

20. Other human rights commitments in the framework of the Intergovernmental Authority on Development (IGAD) and the Common Market for Eastern and Southern Africa (COMESA) have also been made.

### **C. Institutional human rights framework**

21. Each of the constitutional institutions, namely, the Presidency of the Republic, the Government, the National Assembly, the Supreme Court, the Constitutional Council and the High Court, plays a direct or indirect role, depending on the extent of their involvement, in the promotion and protection of human rights.



22. Those that play a direct role in the promotion and protection of human rights are the Government, the National Assembly, the Supreme Court and the Constitutional Council.

### **1. Judicial institutions**

#### **(a) Supreme Court and other courts and tribunals**

23. Under article 71 of the Constitution, the judiciary is independent of the executive and the legislature. Judicial authority is exercised by the Supreme Court and the other courts and tribunals, which monitor respect for the rights and freedoms defined by the Constitution.

24. As judicial authority is in the hands of judges, it is they who are primarily responsible for the effective protection of those rights. Rights are subject to judicial protection throughout the country through ordinary and administrative courts. The right of any person to bring a claim before these courts is formally recognized and subject only to limitations concerning legal capacity, time limits for entering appeals and interest in legal action.

25. The courts and tribunals are organized and operate in conformity with the highest international standards of justice, namely, equality before the law without discrimination, the independence and impartiality of the judiciary, the presumption of innocence, the legality of criminal offences and penalties, the appeal system, the right to a defence and legal assistance and aid.

#### **(b) Constitutional Council**

26. The Constitutional Council is the principal guarantor of fundamental human rights and public freedoms. It plays this role by monitoring the constitutionality of the laws and the legality of elections and by regulating the institutions and the work of governmental authorities (Constitution, art. 75).

27. Its decisions are not subject to appeal and are binding on government authorities, all administrative and judicial authorities and all natural and legal persons. The provisions of a law on fundamental human rights recognized by the Constitution can be referred to the Constitutional Council as a defence in a court case. Unconstitutionality can be put forward as a defence by any party before any court. A provision found to be unconstitutional ceases to apply and cannot be invoked at trial.

### **2. Other constitutional institutions**

28. The Government plays an essential role in the promotion and protection of human rights through various ministries, in particular the Ministry of Foreign Affairs and International Cooperation, the Ministry of the Interior and Decentralization, the Ministry of Justice and Human Rights, the Ministry for the Advancement of Women, Family Welfare and Social Affairs, the Ministry of Health, the Ministry of Education, the Ministry of Agriculture, the Ministry of Solidarity and the Ministry of Housing, Town and Country Planning and the Environment.

29. The National Assembly contributes to the promotion and protection of human rights by enacting legislation and monitoring public policy. It is responsible for translating the rights enshrined in the Constitution into reality and following up on Djibouti's international and regional commitments by passing legislation. It can question the Government directly or through commissions of inquiry on any breach of human rights and ask it to take appropriate measures to bring the situation to an end.

### **3. Other institutions and mechanisms**

30. Alongside the constitutional institutions, three other independent administrative authorities and mechanisms make a more direct contribution to the promotion and protection of human rights, namely the Office of the Ombudsman, the National Human Rights Commission and the Independent National Election Commission.

### **4. Civil society organizations**

31. A number of civil society organizations work in the field of human rights. They contribute to the promotion and protection of human rights in particular through:

- (a) Prevention, advocacy, participating in the decision-making process, mediation and observing trials and elections;
- (b) Reporting (press releases, news bulletins, public demonstrations);
- (c) Providing information on rights and freedoms to the general public and target groups (women, children, persons with disabilities);
- (d) Making recommendations to Government to improve the protection and promotion of rights and freedoms.

### **D. Domestic case law**

32. Domestic case law in Djibouti is based on the authoritative decisions handed down by the Supreme Court in many areas. Those decisions are currently being compiled for inclusion in a compendium, which is to be made publicly available. With regard to human rights, the Supreme Court has handed down a number of decisions on the appointment of a lawyer at all stages of proceedings, including police custody. The Constitutional Council has handed down decisions on electoral cases, reaffirming candidates' right to equal media coverage and invalidating the results from particular polling stations during the 1999 presidential elections and the 2003 legislative elections because of irregularities.

## **II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND**

33. The Republic of Djibouti has ratified the main international legal instruments on human rights and international humanitarian law. Under article 37 of the Constitution, "Duly ratified treaties or agreements shall, upon their publication, have an authority superior to that of Acts of Parliament, subject, for each agreement or treaty, to its application by the other party and to its conformity with the relevant provisions of the law of treaties."

34. In addition to the constitutional guarantee of implementation, Djibouti has gradually incorporated provisions from selected international instruments in its domestic law and has adopted and implemented various policies, programmes and measures to promote and protect human rights and so ensure compliance with its international human rights obligations.

35. On balance, significant progress has been made in implementing international obligations and realizing a number of rights, but challenges remain with regard to some others.

## **A. Civil and political rights**

### **1. Freedom of opinion and freedom of expression**

36. Article 15 of the Constitution enshrines the principle of freedom of opinion and freedom of expression, which is the foundation of all democracy. The fact that the national legal framework does not obstruct the exercise of those freedoms is evident from the number of people involved in cultural and artistic life and their dynamism.

37. Freedom of expression is exemplified by Djibouti's comprehensive multiparty system (nine formally registered political parties).

38. Another example of the exercise of freedom of expression in Djibouti in every day life is a live radio programme that has been running for some years, during which members of the public are free to phone in to challenge ministers on rights violations they have suffered. The programme is broadcast in both national languages, Afar and Somali. On 10 December every year, the anniversary of the Universal Declaration of Human Rights, Djibouti organizes discussion forums with university students or civil society organizations on the human rights situation during the year, which are broadcast on radio and television.

39. The purpose of these different events is to keep national and international opinion abreast of developments in the human rights situation in Djibouti and to make an active and informative contribution to a democratic culture that promotes and protects citizens' rights and freedoms.

### **2. Freedom of the press**

40. The Government is aware that a free and independent press is important to democracy and has therefore adopted policies and measures in support of press freedom and encouraged the launch and operation of a number of print publications and magazines. These measures include Organization Act No. 2 of 15 September 1992 on freedom of the press and of communication.

41. Article 3 of the Act provides that "freedom of the press and of communication means the right of everyone to create and use freely the media of their choice to express their thoughts by imparting them to others, and to gain access to the expression of the thoughts of others".

42. The exercise of the "right to full and objective information and the right to impart information by the exercise of the fundamental freedoms of thought, opinion and expression" (Act, art. 3, para. 2), however, "should not adversely affect social harmony and human dignity or disturb public order".

43. Moreover, significant progress has been made with regard to the liberalization and regulation of the media environment, which explains moves towards the decriminalization of violations of the press laws. The international press is sold freely in Djibouti and has never been subject to confiscation.

### **3. Freedom of assembly and association**

44. The Constitution and the laws on freedom of assembly and association have created an enabling environment in which these rights can be realized. Numerous formally registered associations, many of them involved with human rights, operate freely throughout the country.

#### **4. Right to an effective remedy before the courts and right to a fair trial**

45. Justice in Djibouti is served in accordance with the Constitution and international standards, on the basis of the principles set forth in the international and regional human rights instruments.

46. In cooperation with all national stakeholders, the Government conceived and organized a general meeting on justice attended by, among others, judges, court officers, the judicial police, civil society, the administrative, customary and religious authorities, youth and students. The meeting made recommendations on justice reforms, which were incorporated into a plan of action, a large part of which has already been achieved. The reforms have strengthened the judiciary and enhanced its capacities, in particular with regard to the protection of human rights.

47. Despite this considerable effort, access to justice remains limited for various reasons, in particular distance from courts for those living in the interior, the slow pace and complexity of legal proceedings, the difficulty of making certain actors comply with ethical rules, and insufficient human and material resources.

#### **5. Right to life and protection of the human person**

48. With the adoption of the Criminal Code and the Code of Criminal Procedure in 1995, Djibouti abolished the death penalty, which in any case had not been applied for many years. At the same time, Djibouti abolished emergency courts including the High Court of Justice and the Court of State Security, which tried political offences and embezzlement of public funds by officials.

49. The Constitution of Djibouti and the Criminal Code provide safeguards against violent assault, arbitrary detention, torture and other cruel, inhuman or degrading treatment.

#### **6. Right to vote**

50. In order to ensure the transparency and legality of electoral processes, the Independent National Election Commission was established to monitor and oversee elections and this has greatly helped in improving Djibouti's electoral system. Presidential, parliamentary and local elections are now held regularly with due regard for the rules of democracy and transparency.

51. While the Election Commission has helped considerably in guaranteeing the right to vote and ensuring transparency and legality, occasional irregularities still occur - albeit not such as to pose a threat to the legality of elections - and turnout is average, so the electoral and voting systems need improving to reflect the situation in Djibouti more closely and permit the widest possible representation of minorities.

52. Accordingly, the President ordered a reform of the voting system in time for the 2005 local elections to allow a degree of proportional representation, thereby opening up the process to new political groupings and bringing new blood into local government, particularly young people and women.

### **B. Economic, social and cultural rights**

#### **1. Right to education**

53. Education, and thus the right to education, has been the top priority of successive Governments for the last 10 years. This concern took concrete form in 1999, when the Outline Act on the Education System was adopted.

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.
55. Since then two consecutive action plans have been adopted, the first (1999-2005) to increase the capacity of Ministry of Education schools and the second (2006-2008) to consolidate the progress made under the first plan and improve quality.
56. These two action plans can be seen as Djibouti's attempt to comply with the provisions of the International Covenant on Economic, Social and Cultural Rights and the Millennium Development Goals.
57. Implementation of the plans has resulted in significant progress in terms of increased gross enrolment rates and parity in basic education, and also in the administration of the education system.
58. Thus enrolment figures rose from 38,000 in 2000 to 56,395 in 2007, an average annual increase of around 5.48 per cent, while the gross enrolment rate in primary education went up from 38 per cent to 70 per cent and the number of classrooms in the first cycle of basic education rose from 560 to 922.
59. Enrolment rates in the second cycle of basic education went up from 19.6 per cent in 2000 to 43 per cent in 2007 (from 13,000 students to 29,520). A child entering school has an 85 per cent chance of obtaining the certificate of basic education.
60. None of these achievements would have been possible had it not been for the large contributions from donors, notably the Partners in Education Group (GPE), for which UNICEF currently provides secretariat services, and unwavering political determination that has taken education's share of the State budget up from 12 per cent in 1999 to its current level of 24 per cent.
61. Despite all these developments, Djibouti must continue its efforts to achieve the Millennium Development Goals by 2015 by increasing the number of neighbourhood primary and secondary schools, ensuring parity at all levels of education and strengthening higher education.

## **2. Right to food and health**

62. There has been a series of policies on reform of the health sector - one of the Government's three priority areas since 1996 - leading, in 2002, to the Strategic Framework for Health Development to Promote and Protect the Right to Health.
63. Within this framework the Government has been able to establish a health policy to meet the needs of urban and rural populations by:
- (a) Providing health coverage nationwide;
  - (b) Reorganizing central hospitals;
  - (c) Upgrading the status of the health service.
64. In addition to these legislative measures designed in accordance with the principles of equity, solidarity and protection and promotion of human health, the Government also runs national programmes on: health policy to improve mother-child health; health, nutrition and public health

education and information; setting up a national framework and fund for orphans and children living with HIV/AIDS; making the Training Centre into a Higher Institute of Health Sciences and establishing a medical faculty in November 2007, to relieve the chronic shortages of qualified staff; and many other programmes to combat epidemics such as cholera, malaria and tuberculosis.

65. As the decentralization policy delegating State powers to regional authorities is not fully effective, the Government's efforts over the last 10 years have not yet had the desired impact, especially on people living in rural areas and the neediest of the urban populations.

66. As to food security, the food shortages caused by bad weather have prompted the Government to create a Food Security Office under the Office of the President and, starting in 2005, to launch numerous bilateral programmes such as leasing of arable land from neighbouring Ethiopia and Sudan, to give the population access to an adequate supply of food.

### **3. Right to work and social security**

#### **(a) Right to work**

67. Work, and its corollary, combating unemployment, is one of the Government's major areas of action in its efforts to overcome poverty. Unemployment affects 60 per cent of the active population - mostly women and young people. This figure may be somewhat overstated as it does not take account of the informal sector, which employs large numbers of people, but it nevertheless shows how much needs to be done in terms of Djibouti's socio-economic development.

68. In this context the Government has embarked on a coherent business, training and youth employment policy to encourage local business start-ups, which calls for all socio-economic actors (unions, employers' organizations and civil society) to support the National Agency for Employment, Training and Vocational Guidance in its work. Even though this policy is still in its infancy, a number of concrete initiatives have already been taken which have reduced or will reduce the rate of unemployment significantly, including:

- (a) Establishment of a business start-up fund for job-seekers, with financing from Kuwait;
- (b) Establishment of a job placement and retraining programme in cooperation with business and the United States of America through the Agency for International Development (USAID);
- (c) Establishment of the National Agency for Employment, Training and Vocational Guidance.

#### **(b) Social security**

69. Social security must be seen as one of the most important advances for Djiboutian workers for a long time. Djibouti has two social security systems. One is for all civil servants, in which health insurance is provided by the State in return for a monthly contribution. This covers all the health costs of officials and their families, although that statement now needs qualifying as a nominal flat rate payment has been introduced to contribute to the health system's running costs.

70. The other social security system is for private sector employees and covers all such workers. The system is administered by an independent social security institute and provides all contributors with care and basic medicines free of charge.

71. These arrangements aside, it should be noted that the armed forces, the police and the gendarmerie each have their own special centres where members can obtain treatment for themselves and their families free of charge. Disabled war veterans also receive preferential treatment.

#### **4. Right to housing**

72. The right to housing is one of the chief concerns of the Government of Djibouti. The right is established, *inter alia*, in the current Outline Act on Economic and Social Policy; Act No. 82/AN/4 L of 17 May 2008 establishing the Ministry of Housing, Town and Country Planning and the Environment, and its implementing decrees; the road map given to the Government at the start of the President's second term of office; and the Social Development Initiative.

73. The right to housing is realized through various measures, some completed, others still under way: (a) essential institutional and regulatory reforms to control urban development; (b) development of neighbourhoods lacking amenities; (c) creation of developed areas; and (d) construction of low-cost housing and mid- and upper-range accommodation. Town planning is a joint exercise involving the Ministry of Housing, Town and Country Planning and the Environment (which operates through its land-use, policy planning and coordination services and whose policy is based chiefly on the 1994 Master Plan for Land Use, now being updated, and its two agencies, the Djibouti Property Company, which deals with mid-range housing, and the Habitat Fund, set up recently to develop low-cost housing and provide credit facilities); the Land and Conservation Office; local authorities; and the private sector, which has lately become more and more involved in this area.

74. Although NGOs - more often known as associations - are only marginally involved in developing housing and town planning policy, they are undeniably very active locally in trying to improve the urban environment and raise people's standard of living.

##### **(a) Achievements**

75. The Government has taken several steps to implement the right to housing. Suitable units are now being constructed as a means of reversing the ever-increasing housing deficit, currently put at around 2,500 per year (the true figure should be known after the upcoming population and housing census). Thus between 2005 and 2008 residential areas have been built at Hodane 1 (842 units), Concorde (90), Gargaar (285), Wadajir 2 - now in the final phase - (75), plus 340 units built to help resettle displaced populations in areas affected by armed conflict.

76. Further examples are Hodane 2 (642 units), Chebelley (200), where the President laid the foundation stones on World Habitat Day, Monday, 2 October 2008, and Doumeira (44), where work is to begin soon.

77. Plots of land are being made available to improve the living environment in response to the increasing demand. Thus, again between 2005 and 2008, the Government created 384 emergency suburban plots, 556 residential plots in the capital and 220 more in Arta (170 residential and 150 social). This measure also applied to two other regional capitals in the interior, Ali-Sabieh and Tadjourah (100 plots each).

78. Cities in the interior have likewise been provided with suitable housing plots and, as in the capital, with standard designs for progressive housing as a basis for evaluation of low-cost housing projects.

79. A regulatory framework for consistency in land-use planning: regulations have been put in place in parallel with the various measures taken to promote land ownership and security. These take the form of updates to existing rules and the formulation of new rules governing land distribution and development, and concessions for services; several new laws on the specifications and plans for various developments in Djibouti and the interior; and strengthened procedures of amicable transfer and simplified building permission in order to encourage residents of older neighbourhoods on the Djibouti peninsula (districts 1-7, Ambouli and Djebel) and in Balbala, to seek title to their property.

**(b) Outlook**

80. To encourage home ownership and land security, the Government proposes to create some 14,000 low-cost housing units, 3,000 progressive housing units and 800 rehabilitated plots across the country between 2008 and 2011, with help from the private sector and foreign investors.

**(c) Opportunities and obstacles**

81. The development of the right to housing in Djibouti is facilitated by the fact that there is land available, in the sense that it all belongs to the State and is relatively inexpensive, there are incentives for the less well off (amicable transfer and simpler building permission procedures), and there is the political will and a clear commitment from the Government.

82. Even so, there are considerable obstacles in the way of achieving the hoped-for goal, chief among them the lack of funding at the national and international levels, the inadequacies of the institutional framework (no appropriate financial instruments such as a housing bank offering preferential schemes) and the poor capacity of departments responsible for the housing sector.

**C. Advancement and protection of women and children**

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.

84. A Ministry for the Advancement of Women, Family Welfare and Social Affairs has been established to promote equality between men and women, combat gender discrimination and protect women and children. The establishment of gender focal points in government departments has encouraged the incorporation of the gender perspective into sectoral programmes and projects.

85. Djibouti has signed the Convention on the Elimination of All Forms of Discrimination against Women and implemented a major programme to reduce female genital mutilation, which - notwithstanding the article of the Criminal Code prohibiting and punishing the practice - remains the main form of violence against women. In that context a national strategy has been developed to do away with all forms of excision (2006), a complaints unit has been set up for girls and women victims of violence (2007) and a major community programme for the protection and promotion of women's rights has been put in place (2007).

86. The adoption of the Personal Status Code in January 2002, which set the age of marriage at 18 for both spouses and established compulsory education up to the age of 16 have helped curb early marriage, a practice that discriminates against girls.



87. With regard to women's participation in political life, Act No. 192/AN/02/4 L, establishing a quota of at least 10 per cent in elective office and the State administration, made it easier for women to join political parties, facilitated their entry to Parliament in 2003 (7 women deputies out of 65) and 2008 (9 out of 65), and increased their visibility in public life.

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

89. A bill is under discussion to bring Government closer to the governed by setting up regional assemblies as part of the drive towards decentralization; free registration at birth and a major programme to build capacity in the area of citizenship will boost birth registration rates.

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.

#### **D. Public awareness of human rights**

92. Various actors help promote and protect human rights through training, popularization of human rights instruments and human rights awareness-raising campaigns for the general public and the information, communications and media sectors.

93. The National Human Rights Commission was created recently, in April 2008. Its members are drawn from a variety of social and institutional backgrounds: some are from NGOs and trade unions, others are religious or traditional leaders, while still others come from national institutions such as the Office of the Ombudsman and the bar. The Commission's main objective is to promote and protect human rights and prevent any interference with or violation of those rights.

94. Already, in the few months it has been in existence, it has organized awareness-raising sessions attended by United Nations officials, notably during Detention Week (6-12 October), when a working visit was made to the civil prison in Djibouti, to sensitize the prison authorities to the notion of justice and dignity for detainees. The Commission also visited the Ali Adde refugee camp, with the same Djiboutian partners, to look into refugees' situation. Lastly, with the Minister of Justice, the inter-ministerial committee and the Office of the United Nations High Commissioner for Human Rights (OHCHR), it organized a joint training workshop on the drafting and submission of periodic reports to the treaty bodies and the Human Rights Council, from 11 to 13 October 2008.

95. The Minister of Justice responsible for human rights ran a discussion workshop on the prospects for strengthening human rights in Djibouti from 9 to 10 May. The workshop was honoured by the presence of the Head of State at the opening ceremony. The President repeated his unwavering commitment to the promotion and protection of human rights. The workshop formulated a number of recommendations, which became the basis of a national action plan whose first major achievements were the establishment of the National Human Rights Commission and the inter-ministerial committee for the drafting and submission of periodic reports to the treaty bodies and the Human Rights Council. The Ministry of Justice responsible for human rights set up an ad hoc committee for the sixtieth anniversary celebrations of the Universal Declaration of Human Rights, comprising NGOs, State and United Nations bodies and the National Human Rights Commission. Human rights awareness-raising and promotion activities have already been scheduled and will culminate in a solemn commemoration of Human Rights Day on 10 December 2008 under the patronage of the President of the Republic.

96. In addition to ratifying the main international human rights instruments, the Ministry of Justice responsible for human rights has incorporated certain provisions of international instruments into domestic law.

97. Djibouti is well behind schedule in the drafting and submission of its periodic reports, but since the establishment of the inter-ministerial committee it has put in place a two-year priority timetable to deal with the backlog and meet its international commitments, with support from the regional office of OHCHR. Moreover, Djiboutian courts comprise equal numbers of men and women judges. The President of the Supreme Court is a woman and there are several women judges in the Personal Status Courts which apply Islamic law in matters of personal status.

### **III. COOPERATION WITH HUMAN RIGHTS MECHANISMS**

#### **A. National**

98. In order to enhance the promotion and protection of human rights and to address the failure to submit the reports required under the international and regional human rights instruments ratified by Djibouti, a National Human Rights Commission was established in April 2008, bringing together representatives of the State and civil society involved in human rights issues and in action to eliminate all forms of discrimination.

99. The Commission's task is to alert the authorities to human rights violations, suggest measures to encourage the protection and promotion of human rights and advise the Government on all matters relating to human rights in Djibouti.

100. The Commission helps prepare reports to United Nations bodies and committees and to the African Commission on Human and Peoples' Rights and an inter-ministerial committee was set up in September 2008 to coordinate the drafting and submission of periodic reports.

## **B. Regional**

101. Djibouti ratified the African Charter on Human and Peoples' Rights and its Protocol on the Rights of Women in Africa in 1991 and 2005 respectively, but has not yet submitted any report on their implementation or that of the African Charter on Human and Peoples' Rights. The delay was due to technical and human resource problems and should now be rectified following the establishment of the inter-ministerial committee to coordinate the drafting and submission of periodic reports.

102. Djibouti cooperates on rights and freedoms at the regional level; it attended, for example, the second International Symposium on the Practices of Democracy, Rights and Freedoms in the French-Speaking Community, held in Bamako in November 2005.

103. A peaceful nation, Djibouti has played and continues to play an important part in the peaceful settlement of conflicts in the region - notably the conflict in Somalia - peace being a key factor in the promotion, protection and defence of human rights.

## **C. International**

104. In 2000, following its consideration of Djibouti's initial report, submitted in 1998, the Committee on the Rights of the Child made certain recommendations, which Djibouti has incorporated into domestic law, as shown in its second report on children's rights.

105. Djibouti also acceded to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2002. Reports on implementation will need to be submitted.

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.

107. In May 2008 Djibouti hosted a workshop on prospects for strengthening human rights. In addition to its initial report (1998) and its 2008 report on children's rights, Djibouti intends to submit its initial and second periodic reports on the Convention on the Elimination of All Forms of Discrimination against Women.

# **IV. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS**

## **A. Achievements**

108. Since 1992 Djibouti has adopted a battery of legislation to foster the protection and observance of all human rights. Chief among these instruments is the Constitution but a series of laws has also been promulgated.

109. The 1992 Constitution establishes individual and fundamental freedoms and lays the foundations for a fully democratic State:

(a) It endorses the Universal Declaration of Human Rights by proclaiming it an integral part of the preamble;

(b) It establishes a full multiparty system (albeit with a 10-year transitional period, which ended in 2002);

(c) It establishes the separation of powers (executive, legislature and judiciary);

(d) It establishes the right of appeal to the Constitutional Council against any violation of fundamental rights (appeal by objection).

110. Djibouti's laws are designed as instruments that should make it possible to defend fundamental freedoms. Within that framework, Djibouti has:

(a) Established independent national institutions for the protection and defence of human rights (National Human Rights Commission, Office of the Ombudsman, Higher Council of the Judiciary, among others);

(b) Enacted a law on decentralization;

(c) Enacted legislation to protect vulnerable groups, including a law protecting people living with HIV/AIDS;

(d) Established an inter-ministerial committee to draft reports to treaty bodies;

(e) Ratified most of the conventions on the defence and protection of human rights.

### **B. Best practices**

111. In the interests of promoting and protecting human rights, a wide range of measures have been introduced to extend, observe and uphold human rights throughout the territory, including:

(a) Strict allocation of airtime to all candidates in an election;

(b) Complete freedom for any citizen to stand for election;

(c) Civil society involvement in elections, and particularly regional elections: the "Citizen" civil society list won the regional elections in Boulaos, the country's largest municipality;

(d) Compulsory inclusion of women in public and political office (more and more women are to be found in key posts);

(e) Establishment in the headquarters of the forces of law and order of units responsible for ensuring that the men and women who enforce the law and court rulings observe human rights;

(f) Promulgation of a number of codes, such as the Labour and Family Codes, establishing rights for women in a pastoral society where in the past they did not have the same rights as men;

(g) Unwavering political will, leading to the organization, in collaboration with the Office of the United Nations High Commissioner for Human Rights, of a discussion workshop on the strengthening of human rights in Djibouti, which culminated in the drafting of 10 recommendations, implementation of which has already begun;

(h) Tremendous progress on health issues, particularly in the most remote areas of the country, resulting in a wider range of health services and reductions in child and maternal mortality;

(i) Awareness-raising campaigns on girls' education, elimination of female genital mutilation and HIV risk prevention;

(j) Increased access to drinking water (extensive drilling and dam programme).

112. In addition to these measures, Djibouti now attracts intellectuals of all kinds and has organized round tables and forums for the intellectuals of the Horn of Africa.

113. Djibouti is also noted for its active involvement in the search for peace and security in the region and notably in Somalia, where it initiated, through the Djibouti-based Intergovernmental Authority on Development (IGAD), the first conference leading to the formation of the first Government of Somalia (Arta Conference).

114. Djibouti has also become a centre of culture, hosting as it does the Fest'horn, an annual festival of music from the Horn of Africa during which performers from all over the Horn converge on Djibouti for a week.

115. The President has launched an ambitious anti-poverty programme. The National Social Development Initiative, run by the Djiboutian Social Development Agency, has helped to improve the standard of living of the most vulnerable groups in disadvantaged communities with regard to water, electricity, housing, agriculture and microcredit.

### **C. Challenges and constraints**

116. Djibouti nevertheless faces major difficulties that prevent it from properly pursuing and achieving its goals in terms of protection and promotion of human rights. The difficulties vary, but the following should be mentioned:

(a) The weight of tradition that undermines efforts to promote women's and children's rights;

(b) Inadequacy of the media, which makes it difficult to disseminate human rights information very widely;

(c) High illiteracy rates among adults and in rural areas;

(d) Lack of human rights training;

(e) Structural deficiencies in civil society;

(f) Insufficient incorporation of international conventions into domestic law;

(g) An inadequate system for the protection of human rights;

(h) A glaring lack of resources in the administrations responsible for the protection and promotion of human rights.

### **V. PRIORITIES, INITIATIVES AND COMMITMENTS**

117. In order to address these challenges and constraints, the State has taken or plans to take appropriate action in the following areas:

- (a) Strengthening institutional support to the National Human Rights Commission and obtaining accreditation with the International Coordinating Committee of national institutions for the promotion and protection of human rights;
- (b) Stepping up action to eliminate discrimination against women, violence against women and the practice of excision;
- (c) Support for the implementation of human rights promotion and protection programmes;
- (d) Continuation and reinforcement of measures to promote equality between men and women;
- (e) Establishment in the other five regions of the country of community courts and special detention, rehabilitation and reintegration centres;
- (f) Implementation of compulsory health insurance and a medical aid fund.

## **VI. TECHNICAL ASSISTANCE REQUIREMENTS**

118. In light of the difficulties and constraints identified above, an OHCHR assessment mission is required to evaluate Djibouti's assistance needs in the following areas:

- (a) Closer alignment of domestic law with the provisions of international human rights instruments;
- (b) Capacity-building for State and non-State actors involved in the promotion and protection of human rights;
- (c) Strengthening institutional and operational capacity in the administration of justice, notably by establishing local district courts in the national and regional capitals, training judges and court officers and improving detention conditions in prisons and reform schools;
- (d) Capacity-building in the preparation and submission of national reports on human rights;
- (e) Introduction of human rights, the culture of peace, democracy and civics in formal and non-formal education curricula;
- (f) Translation into the main national languages of the basic texts of national, regional and international human rights instruments;
- (g) Consolidation of civil status;
- (h) Organization of activities of various kinds as part of the sixtieth anniversary celebrations for the Universal Declaration of Human Rights.

Djibouti, 30 October 2008

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