

**Country session: Djibouti CRC**

**Date of session: 12<sup>th</sup> –13<sup>th</sup> May 2022 (90<sup>th</sup> session)**

**Context**

The State party report was submitted with delay (originally due in 2012). The review was also delayed due to the Covid-19 pandemic, which disrupted the normal planning of the CRC Sessions.

**Background information**

**Webcast:** [first part](#) and [second part](#)

[Audio file](#)

**Reporting**

**Reporting methodology**

**Standard reporting procedure**

Simplified reporting procedure

**Concluding Observations with urgent measures**

**State report**

<a href="#">Common core document</a>	
Updated document	21 July 2010

<a href="#">CRC</a>	
No. of report	3 <sup>rd</sup> to 5 <sup>th</sup>
Due date	31 October 2012
Submission	6 February 2019

<a href="#">Written replies</a>	
Due date	15 June 2020
Submission	28 April 2022

**Public reports from children's rights defenders**

<a href="#">Alternative reports and additional information</a>	
<b>NGOs</b>	<ul style="list-style-type: none"> <li>• Maat for Peace, Development and Human Rights</li> <li>• Human rights Watch</li> <li>• Juvenile Justice Advocates International</li> <li>• Global Initiative to End All Corporal Punishment of Children</li> </ul>



### State delegation

The [State delegation](#) was quite large, and high level. It was mainly composed by the Minister of Justice and other representatives of the Ministry, the technical Counsellor of the President of the Republic, the sub-director of the Ministry of Foreign affairs and the Permanent Mission to the UN in Geneva. No specialised body on children's rights was present.

The State's opening statement is available [here](#).

### Committee's Task Force members

Name & Last Name	Country
<b>Aïssatou Alassane Sidikou (coordinator)</b>	<b>Niger</b>
Philip Jaffé	Switzerland
Benoit van Keirsblick	Belgium
Zara Ratou	Chad

## Dialogue description

### i. Character of the dialogue

The dialogue and the atmosphere were cooperative and constructive. The delegation provided frank and qualitative answers, that addressed most of the questions raised by the Committee. The dialogue was focused and dealt with technical, and legislative matters, sometimes also leading to in depth discussions on societal, traditional, or religious patterns such as for the issue of female genital mutilation or children marriage.

### ii. General assessment made by the Committee

The Committee thanked the delegation for the sincere and qualitative dialogue. The Committee acknowledged with appreciation the different efforts and progresses made by Djibouti since the last review, including with regard to the adoption of the Code on the Legal Protection of Minors and the amendments to the Family Code. However, it noted that the country still encounters challenges that need to be addressed, as for the decree for the implementation of the Code of Legal Protection for Minors and the need to adopt a comprehensive law on the rights of the child that covers all areas of the Convention.

### iii. Main issues discussed:

#### General measures of implementation:

- **Legislation:** The Committee welcomed the adoption of the Code on the Legal Protection of Minors in 2015, however, it requested information on why the implementing decree was not yet drafted. The delegation answered that the process is ongoing and explained that many measures are being envisaged in the implementing decree, which requires time to draft.

#### Definition of the child:

- **Child marriage:** The Committee expressed concern and asked whether the government plans to abolish article 14 of the Family Code, which allows for the marriage of children when a guardian consents. The Committee also asked about the number of children affected, with a major concern for rural areas. The delegation explained that article 14 constitutes an exception and is only possible when the child is emancipated. The delegation also drew attention to the difference between early marriage and forced marriage, the latter being prohibited in the Family Code. It indicated that mechanisms are operational, particularly in rural areas, to accompany individuals and children in their complaints against abuses. The Committee emphasized that article 14 does not set a minimum age and recommended the State to prohibit child marriage. The delegation responded that child marriage is a fundamental societal issue, which needs to be addressed.

#### General principles:

- **Non-discrimination:** The Committee asked about measures to guarantee to all children the full enjoyment of their rights without discrimination. Concern was especially raised around children without birth registration, children in street situations, orphans, migrants and nomad children, children with disabilities, for whom the access to education, health and other services is not fully granted.
- **Respect of the views of the child:** The Committee noted with appreciation the new provisions in the Family Code, recognising the right of the child to express its opinion and for that opinion to be duly taken into account, according to the level of maturity of the child. The Committee also asked about the selection criteria of the Children's Parliament. Moreover, while noting the activity and cooperation shown, the Committee questioned the delegation about the two-year periodicity of the Children's parliament meetings and whether it permits an effective implementation of the discussions. The delegation indicated that all categories of children, in particular, those in special needs and in vulnerable situation, are represented in the Children's

Parliament. It explained that this periodicity is established for children to meet during school vacations. The delegation indicated that the Children's Parliament also meet with the Adult Parliament to discuss issues and rights with Ministers working in the areas of children's rights, which was appreciated by the Committee.

#### Civil rights and freedom

- **Birth registration:** the Committee asked about measures taken to overcome the challenges related to birth registration, and in particular, to raise awareness its importance, including for the most unreachable populations such as migrants and refugee children and children in street situations. The delegation explained that registration is automatic in birth clinics and birth centers, and that many actions have been undertaken to raise awareness among the population, including in isolated rural areas and in refugees' centers. It also informed that the government enabled school directors and teachers to register children. However, the government acknowledged that despite the continued efforts, birth registration remains a problem and continuous discussions around this issue are ongoing.
- **Freedom of expression:** The Committee expressed its concern on the challenges around the children's right to freedom of expression in Djibouti. The Committee asked about measures to inform children, in a child friendly manner, about their right to express themselves. The delegation answered that the education program includes civic rights education. The Committee also asked about the extent to which media are aware of the respect of children's rights and about the role of children in the media. The delegation informed that the National Communications Commission was set up in 2016, which aim is to advise the Government. Recently, the Commission presented a program on protecting children from social media aggressive policies, which will be discussed in the parliament in the coming weeks.

#### Violence against children

- **Corporal punishment:** While recognizing the progresses made, the Committee noted that violence against children within family, the community and institutions is an undeniable reality. The Committee asked about plans to amend the current legislation to explicitly prohibit every form of corporal punishment. The delegation explained that violence against children is addressed in the Criminal Code and the Code on the Legal Protection of Minors. The delegation added however that there are no specific complaints mechanisms against corporal punishment in schools, where this practice is frequently used.
- **Sexual violence:** The Committee expressed its concern around the high rate of rapes among children, and it questioned the use of the traditional justice to this respect. The delegation acknowledged that rape is a crime still present in the country. However, it explained the difficulties for the Courts to assess rape when the author is a minor, since in most cases the consent of the girl was present. The Committee underlined the importance of the definition of rape, and pointed out that the legal framework of Djibouti need to be reconsidered to guarantee a better protection of children's physical and mental integrity. The Committee also asked about the measures in place to combat child prostitution, which has increased especially among the migrant population, and about the specific mechanisms in place to address cases of sexual violence against children. The Committee also drew the attention on the importance of capacity building to stakeholders, health protection personnel, justice and police officers around how to address cases of sexual violence.
- **Female genital mutilation:** The Committee noted with appreciation that the government made clear legislative progresses around the prohibition of female genital mutilations and the instauration of a complaint mechanism for victims. However, the Committee noted that in practice there are still high rates of victims, and asked whether the complaint mechanism is operational. The delegation explained that unfortunately FGM are still perpetuated for socio-cultural reasons. It indicated that in 2021, seven cases were brought before the courts, and there was one case in which the perpetrator was imprisoned. The delegation underlined that there has been a large mobilization to eradicate FGM, through awareness-raising campaigns, training programs including to health professionals, organisation of regional conferences with neighbouring countries and cooperation with partners such as UNICEF.

#### Basic health and welfare

- **Basic Health:** The Committee welcomed the efforts made by the State party to improve food and nutritional security. The delegation indicated that in 2014, legislation was adopted for a universal free health coverage. The Committee drew the attention on the importance of raising awareness on the free health care. The Committee also asked about measures taken to guarantee health care to children with disabilities and to children with HIV. The delegation answered that in last years, the number of mothers to child HIV transmission has reduced and that awareness has been increased, also in rural areas.
- **Adolescent health:** To the question of the Committee, the delegation answered that reproductive health is included in their texts since 2006. However, it made the difference with sexual health, which is still a “taboo” because the country is a conservative society. The delegation explained that there are reference centres regarding reproductive health providing medical care, advice on reproduction, surgical options, provision of diagnoses as regards health.

#### Education, leisure and cultural activities

- **Education:** The Committee noted the progresses documented in the State party report, and asked about measures taken to guarantee equal access to school, in all regions of the country. The delegation answered that school attendance, especially of girls, has increased significantly. It indicated that many efforts have been undertaken, especially in rural areas, such as free transportation to schools, free school canteens, free distribution of books and other materials. Moreover, the delegation informed that new schools have been built in recent years, however as noted by the Committee, it acknowledged that the quality of the education still need to be improved.

#### Special protection measures

- **Asylum-seeking, refugee and migrant children:** The Committee asked about data on refugees and asylum seeking children in Djibouti and about measures to guarantee the access to all social rights. The delegation raised the difficulties encountered in knowing the exact numbers of migrants. It explained that many children are not registered when arriving in the country, which limits their access to their rights. However, legislations were recently adopted to guarantee to migrant children almost the same rights and access of nationals, and several programs are underway, including in cooperation with the International Organisation of Migration.
- **Administration of justice for children:** The Committee raised concern about the age of criminal responsibility in the country, which is set at 13 years old, and asked for more accurate information on the conditions in the detention centers. The delegation detailed different measures made or that are ongoing, to improve the quality of the detention centers, and underlined that priority is also given to children reinsertion after prison. The Committee reminded the importance of article 37 of the Convention, and asked about measures to ensure that detention of children is only used as a measure of last resort.

#### Recommendations of the Committee

In its [Concluding Observations](#), the Committee drew the State party’s attention to the need for urgent measures concerning the following areas:

- **Definition of the Child:** The Committee urges the State party to amend its legislation, and in particular the Family Code, to remove exceptions under article 14 that allow child marriage of those under 18 years of age.
- **Non-discrimination:** The Committee urges the State party to strengthen its measures to guarantee in practice the principle of non-discrimination to all children, in particular girls, children without birth registration, children with disabilities, children in street situations, refugee and migrant children, child victims of violence and abuse, and children in the justice system. Moreover, the Committee underlines that the State party should pay particular attention to ensuring their equal access to health, education, social protection services and freedom from violence.



- **Right to life, survival, and development:** The Committee urges the State party to strengthen its measures to address child mortality, also in relation to malnutrition, and including social and economic deprivation and inequalities.
- **Respect of the views of the child:** The Committee recommends the State party to amend article 172 of the Family Code to recognize the right of the child to be heard to all children and not only to those older than 13 years of age. The Committee also recommends developing procedures and guidelines for social and justice professionals to ensure in practice the application of children's right to be heard. Moreover, it stresses the State to promote meaningful and empowered participation of all children within the family, communities and schools and include children in decision-making processes.
- **Birth registration:** The Committee urges the State party to simplify, standardize, and make the birth registration process free of charge in all situation and accessible, and ensure the issuance of birth certificates for all children, including in rural areas, and for nomad children, children in street situations, refugee and migrant children.
- **Freedom of expression:** The Committee urges the State party to guarantee children's rights to freedom of expression and access to appropriate information by creating an environment conducive to the exercise of the right to freedom of expression and amend its legislation to ensure that any restriction on press and media activities is in strict compliance with international human rights standards. In addition, the Committee recommends promoting the availability of and access to adequate and age-appropriate information.
- **corporal punishment:** The Committee urges the State party to explicitly prohibit corporal punishment in law in all settings by amending the Penal Code and the Code on the Legal Protection of Minors. The Committee also recommends promoting positive, non-violent and participatory forms of child-rearing and discipline and to conduct awareness-raising campaigns for parents and professionals working with and for children.
- **Harmful practices:** The Committee urges the State Party to strengthen comprehensive awareness-raising programmes on the harmful traditional, cultural and religious patterns that perpetuate child marriage and the effects of this practice and to take measures to end the practice of girls who are victims of rape being forced into marrying the perpetrator, including by sanctioning the perpetrator as established by law. The Committee also stresses to reinforce preventive and protective measures to eliminate female genital mutilation and to ensure rehabilitation programmes and availability of information. To this respect, the State should also ensure that relevant professionals are sufficiently trained to identify potential victims and that perpetrators are brought to justice.
- **Children deprived of a family environment:** The Committee urges the State party to strengthen its efforts to support and facilitate alternative family-based and community-based care options for children deprived of family environment. The Committee also recommends ensuring adequate safeguards and clear criteria, based on the needs as well as best interests of the child, for determining whether a child should be placed in alternative care. Finally, it expects the State to establish periodic review of the placement of children in foster care and alternative care centres, and monitor the quality of care.
- **Children with disabilities:** The Committee recommends the State Party to adopt a human-rights based approach to disability and set up a comprehensive strategy for the inclusion of children with disabilities. The Committee also urges the State party to continue to compile disaggregated data on children with disabilities, to adopt measures to ensure that all children with disabilities receive an inclusive quality education in mainstream school settings, and to undertake awareness-raising campaigns aimed at government officials, the public and families to combat the stigmatization of, and prejudice against, children with disabilities. In addition, the Committee stresses the importance to ensure the respect of the best interest of the child and it stresses the State to take measures to ensure that children with disabilities exercise their right to express their views freely on matters affecting them.
- **Nutrition and standard of living:** The Committee urges the State party to take measures for children who suffer from severe acute malnutrition and provide them with the necessary treatment and nutrition. The Committee also recommends the monitoring and assessment of the effectiveness of policies and programmes on child food security and nutrition as well as intensifying efforts to prioritize access to clean drinking water, sanitation, shelter, and food. Finally, it also expects the State party to ensure that children and their families

living in poverty, including migrant and refugee children, receive adequate social and financial support and free, accessible services without discrimination.

- **Children in street situations:** The Committee recommends the State Party to regularly assess the number of children in street situations and to intensify efforts to provide protection for their rights, including education, health services, food, shelter, legal and other relevant social services. Moreover, it expects the State to develop and implement, with the active involvement of children in street situation, a comprehensive strategy to address their situation, including their reintegration within a family or their placement in an alternative care setting.
- **Administration of justice:** The Committee urges the State party to bring its child justice system fully into line with the Convention, in particular, by raising the minimum age of criminal responsibility to at least 14 years old. The Committee, among other measures, also recommends, for the few situations where deprivation of liberty is justified as a measure of last resort, to ensure that children are not detained together with adults and that detention conditions are compliant with international standards.

The Committee also drew the State party's attention to the recommendations concerning the following areas:

- General measures of implementation: **legislation; comprehensive policy and strategy; coordination; allocation of resources; data collection; independent monitoring; dissemination, awareness-raising and training; cooperation with civil society**
- General principles: **Best interests of the child**
- Violence against children: **Abuse and neglect; Helplines**
- Family environment and alternative care: **Family environment; Adoption**
- Basic health and welfare: **Health and health services; Adolescent health; HIV/AIDS**
- Education, leisure and cultural activities: **Education, including vocational training and guidance;**
- Special protection measures: **asylum-seeking, refugee and migrant children; economic exploitation, including child labour; sale, trafficking and abduction of children**
- Ratification of the Optional Protocol on a communications procedure
- Ratification of international human rights instruments
- Cooperation with regional bodies

## Sustainable Development Goals

Throughout its Concluding Observations the Committee referred to the following targets:

- targets 5. 1 and 10.1 to end all forms of discrimination against all women and girls everywhere; to progressively achieve and sustain income growth of the bottom 40 per cent of the population at a rate higher than the national average
- target 16.9 to provide legal identity for all including through birth registration
- target 16.2 to end abuse, exploitation, trafficking, violence and torture against children
- target 5.3 to eliminate all harmful practices, such as child, early and forced marriage and female genital mutilations
- targets 3.2 and 3.8 to end preventable deaths of newborns and children under 5 years of age, with all countries aiming to reduce neonatal mortality; to achieve universal health coverage, including financial risk protection, access to quality essential health-care services and access to safe, effective, quality and affordable essential medicines and vaccines for all
- targets 3.7 and 5.6 to ensure universal access to sexual and reproductive health-care services



- target 3.3 to end the epidemics of AIDS, tuberculosis, malaria and neglected tropical diseases and combat hepatitis, water-borne diseases and other communicable diseases.
- targets 1.1, 1.2, 1.3 and 2.2 to eradicate extreme poverty, to reduce at least the half of the proportion of men, women and children living in poverty, to implement nationally appropriate social protection systems and measures for all; to end all forms of malnutrition, including achieving, by 2025, the internationally agreed targets on stunting and wasting in children under 5 years of age, and address the nutritional needs of adolescent girls, pregnant and lactating women and older persons.
- targets 1.5 and 13.3 3 to build resilience of the poor and those in vulnerable situations, reduce their exposure and vulnerability to climate-related extreme events and other economic social and environmental shocks and disasters; to improve education, awareness raising and institutional capacity on climate change mitigation, impact reduction
- targets 4.1, 4.2, 4.5, 4.6, 4.a and 4.c a to ensure complete free, equitable and quality primary and secondary education; to ensure access to quality childhood development, care and pre-primary education; to eliminate gender disparities in education; to ensure that all youth achieve literacy and numeracy; to build and upgrade education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive environment
- target 8.7 to eradicate forced labour, modern slavery and human trafficking, and secure the prohibition of worst forms of child labour, including child recruitment and use of child soldiers

## Next State report

CRC	
No. of report	6 <sup>th</sup> to 8 <sup>th</sup>
Due date	4 January 2027

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