



**Convention on the  
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**COMMITTEE ON THE RIGHTS OF THE CHILD  
CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 44 OF THE CONVENTION**

**Second periodic reports of States parties due in 1998**

**DJIBOUTI**

[26 October 2007]

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## LIST OF ABBREVIATIONS

ARI	acute respiratory infection
ARV	anti-retroviral
CFPEN	National Teacher Training Centre
CRIPEN	National Education Centre for Research and Pedagogical Information
EDAM-IS2	household poverty survey (2002)
EDIM-2006	Djibouti multiple indicator survey
EDSF/PAPFAM	demographic survey on family health (2002)
EFA	Education for All
EPI	Expanded Programme on Immunization
FGM	female genital mutilation
GER	gross enrolment ratio
ICRC	International Committee of the Red Cross
IMF	International Monetary Fund
ILO	International Labour Organization
IMCI	Integrated Management of Childhood Illness
PMTCT	prevention of mother-to-child transmission
PRSP	Poverty Reduction Strategy Paper
SFPR	strategic framework for poverty reduction
SPFS	Special Programme for Food Security
STI	sexually transmitted infection
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
USAID	United States Agency for International Development
WHO	World Health Organization

## Summary

This periodic report, which follows on the initial report prepared in 1998 (CRC/C/8/Add.39), was drafted by the Government of Djibouti, with assistance from the United Nations Children's Fund (UNICEF), pursuant to article 44 of the Convention on the Rights of the Child. It seeks to provide the Committee on the Rights of the Child with helpful information on the measures adopted by Djibouti to give effect to the rights set forth in the Convention, guided, *inter alia*, by the recommendations made by the Committee in 2000 (CRC/C/15/Add.131); on the progress made in the effective enjoyment of the various rights; and on the difficulties affecting the degree of fulfilment of Djibouti's obligations under the Convention.

This periodic report was conceived by a national consultant, in conformity with the Committee's general guidelines regarding the form and contents of periodic reports and following a participatory process involving the social institutions and civil society organizations working to protect children. The methodologies used in preparing the report included the collection, examination and analysis of documents, the conduct of discussions and exchanges with officials of government services, NGOs and development partners dealing with issues relating to the rights of the child, the holding of brainstorming sessions and the organization of a national validation workshop (5 April 2007).

This report highlights the various measures taken to align Djiboutian legislation with the provisions of the Convention, the national policies and strategies launched with a view to giving greater consideration to the rights of the child and the impact of these efforts in enhancing living conditions for children. The major initiatives undertaken in this area include: integrated early childhood development initiatives; the strategy for the integration of women in development; the new social contract with youth; the strategy for the abandonment of all forms of excision; efforts to improve the accessibility and quality of education and health services; the strong focus on HIV/AIDS prevention (among young persons, mothers and children) and on the care of persons infected with HIV/AIDS; and the studies conducted on the situation of children (e.g. orphans and vulnerable children, street children and children with special educational needs) and the problems affecting them (e.g. obstacles to gender parity in schools, birth registration and sexual behaviour, attitudes and practices among young persons).

There is no doubt that, in recent years, significant progress has been achieved in implementing the various provisions of the Convention, notably the increase in the school enrolment ratio, the reduction in the infant and child mortality rates, the raising of awareness of the problems encountered in protecting vulnerable children, the reduction of gender disparities in primary schools, the decline in illiteracy, the stabilization of the HIV/AIDS situation and the revival of the former youth centres.

However, the persistence of malnutrition, the difficulties facing children with special needs, school dropouts and non-enrolled children, the lack of care facilities and the problems with respect to housing and sanitation constitute areas of serious concern for the Government of Djibouti, its development partners and civil society organizations working to further enhance respect for the rights of the child.

## Introduction

1. The Republic of Djibouti, situated in the Horn of Africa, borders the Red Sea and has land boundaries with Ethiopia, Eritrea and Somalia. Since the initial report was submitted to the Committee on the Rights of the Child (hereinafter “the Committee”) in 1998, the restoration of peace, following the conclusion of the national reconciliation agreements (2000), has favoured the establishment of a political context conducive to the strengthening of the rule of law. The socio-economic situation, however, continues to be marked by the effects of the budget cuts made under the structural adjustment policy.

2. This periodic report, which follows on the initial report prepared in 1998 (CRC/C/8/Add.39), was drafted by the Government of Djibouti, with assistance from UNICEF, pursuant to article 44 of the Convention on the Rights of the Child (hereinafter “the Convention”). It seeks to provide the Committee on the Rights of the Child with helpful information on the measures adopted by Djibouti to give effect to the rights set forth in the Convention, guided, inter alia, by the recommendations made by the Committee in 2000 (CRC/C/15/Add.131), as well as on the progress made in the effective enjoyment of the various rights. It also seeks to describe the difficulties affecting the degree of fulfilment of Djibouti’s obligations under the Convention.

3. The preparation of this periodic report, in conformity with the Committee’s general guidelines, enabled the Government of Djibouti to review the measures undertaken to harmonize national law and policy with the Convention. The social institutions and civil society organizations working to protect children participated in the conception of the report. The methodologies used included the collection, examination and analysis of documents and the conduct of discussions and exchanges with officials of government services, NGOs and development partners dealing with issues relating to the rights of the child. The brainstorming sessions held with the main social actors provided an opportunity to gather their views on the Government’s response to the Committee’s recommendations, to identify the obstacles to the implementation of the Convention and to specify the conditions for establishing a mechanism to coordinate and monitor action in favour of children. Lastly, a national workshop was organized on 5 April 2007 to validate the periodic report.

4. The Committee’s recommendations emphasized several aspects of protecting children. It was recommended that the Government of Djibouti should, inter alia, align national legislation with the provisions of the Convention; establish a mechanism for coordination among government bodies, a data collection system and an ongoing programme for the dissemination of information regarding the Convention; promote and facilitate school attendance and quality education for all; ensure equitable access to health services; take effective measures to eradicate female genital mutilation (FGM); and address the sexual and reproductive health-care needs of older children (those who are married or in vulnerable situations). In addition, it was recommended that the Djiboutian authorities should provide special protection and assistance for children deprived of a family environment; ensure the application of the principle of non-discrimination, especially in respect of vulnerable children; implement the rights of refugees; and establish the practice of systematic birth registration. Lastly, it was recommended that the Government should step up its efforts to increase the legal minimum age for marriage;

establish education programmes to promote the inclusion in society of children with special needs; strengthen efforts to combat the involvement of children in the production, trafficking and consumption of *khat* and other narcotic drugs, the sexual abuse of children and the use of child labour; and put in place an effective national juvenile justice system. These recommendations enabled the Government of Djibouti and its development partners to refine their reflection, introduce suitable measures and initiate studies and expert evaluations on the situation of children in Djibouti.

5. The Government has thus overseen the launching of several studies, including the household poverty survey (EDAM-IS2) and the demographic survey on family health (EDSF/PAPFAM), in 2002; analyses of the situation of orphans and vulnerable children and of street children, in 2005 and 2002, respectively; the expert evaluation of juvenile crime, in 2002; the national survey on birth registration, the analysis of FGM, the study on children with special educational needs, the literacy and non-formal education needs analysis and the national Millennium Development Goals report, in 2005; and the study on the knowledge, attitudes and behaviours of young persons in Djibouti and the follow-up report on the implementation of the Plan of Action to create “A world fit for children” (General Assembly resolution S-27/2, annex, sect. III), in 2006.

6. The Government has also developed and implemented various policies and strategies aimed at better protecting children: the strategic framework for poverty reduction (SFPR), under implementation since 2004; the plan of action for education 2001-2005; the integrated early childhood development programme 2003-2007; the national strategy for the integration of women in development 2002-2006; the plan of action for health 2002-2006; the strategy for the abandonment of all forms of excision 2005; the programme to combat HIV/AIDS 2003-2007; and the new youth development policy 2001-2005.

7. Several ministerial departments have initiated structural reforms in order to strengthen their operational capacity and enhance the implementation of the Convention. Thus, the summits on education (1999), justice (2000) and youth were organized as participatory processes, with the involvement of all concerned actors.

8. In addition, the Government has undertaken numerous training and awareness-raising initiatives and has financed, with the support of development partners and donors, the building and equipping of infrastructure to fight poverty, reduce infant and maternal mortality, increase school enrolment, improve children’s health and quality of life, and combat the HIV/AIDS pandemic.

9. Like many countries, Djibouti has undertaken to achieve the Millennium Development Goals by 2015. The first national report on the status of the Goals was drafted by the Government in 2003. The second report, the product of a collaborative effort between representatives of the Government, the United Nations system and civil society, was published in 2005. It focused on the action taken by the Government and by international organizations, as well as on the progress made, while underlining the difficulties and constraints encountered with respect to information production and the analytical capacity of the statistical system.



10. In May 2002, at the special session of the General Assembly on children, Djibouti reaffirmed its commitment to promote and protect the rights and welfare of children, undertaking to create a world fit for children. Although Djibouti has not drafted a national plan of action, it has incorporated the priorities, goals and strategies of the United Nations Plan of Action in its main programming documents in the social sectors.

11. Djibouti also sponsored a subregional conference entitled “Towards a political and religious consensus against female genital mutilation”, held in January 2005. The conference constituted a key step in the recognition of FGM as a political, economic, social, cultural and human rights issue and in securing the implementation of the Cairo and Nairobi declarations on the elimination of the practice. At the conference, Djibouti ratified the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women (the Maputo Protocol) and undertook to do its utmost to bring about the abandonment of FGM. The reflection undertaken following the conference resulted in the recognition of FGM as a violation of girls’ and women’s human rights whose perpetuation has no basis in any religion.

12. Overall, the initiatives undertaken since the submission of Djibouti’s initial report have brought national legislation more closely into line with the Convention, improved children’s living conditions and increased the enrolment ratio. These initiatives have made the population, public institutions and community groups more aware of the issues that arise in protecting children, which is vital to the establishment of an environment conducive to children’s harmonious development. These measures and, in particular, the increases in State budget allocations and assistance from development partners have led to the reduction of gender disparities in primary schools, the decline of illiteracy, the stabilization of the HIV/AIDS pandemic and the revival of the former youth centres as community development centres.

13. However, the effects of the structural adjustment policies, combined with a harsh climate and persistent unemployment and migratory flows (both internal and external), have hampered the realization of several objectives for improving children’s lives. These sometimes abrupt phenomena have affected the degree of fulfilment of Djibouti’s obligations under the Convention. Major initiatives have nonetheless been taken in several areas in order to give effect to the rights set forth in the Convention and to ensure follow-up to the Committee’s recommendations. The measures adopted to apply the provisions of the Convention, the progress made and the difficulties encountered are described in the various sections of this report.

## **I. GENERAL MEASURES OF IMPLEMENTATION**

### **A. Measures taken to align national legislation and policy with the provisions of the Convention (art. 4)**

#### **Organization of a summit on justice (October-November 2000)**

14. Taking as its starting point an analysis of the deficiencies of the judicial system, the organizing committee formulated a number of recommendations aimed at adapting that institution and its texts to the realities of national life and to Djibouti’s international obligations. The examination of the judicial process undertaken in this context reaffirmed the need to ensure

greater harmonization of the laws in force in the country (Islamic, traditional and modern law), amend national legislation so as to enhance its conformity with the provisions of the Convention, adopt new legal frameworks and modernize the juvenile detention system, as proposed by the Committee on the Rights of the Child. In order to ensure that these recommendations are put into practice, measures are also to be taken to restructure the sector, improve working conditions and redefine the functions of judges.

### **Harmonization of laws and conformity of national legislation with the Convention**

15. Since the submission of the initial report, the Government has sought to harmonize the laws in force; this has resulted in the adoption of texts vital to the protection of children, such as the Family Code, the outline laws on education and health policy, the Labour Code and the Nationality Code. These new legal frameworks, which take greater account of Djibouti's international obligations, incorporate the provisions of the Convention to varying degrees. An examination of national legislation also reveals improved harmonization of the various laws applicable (traditional, Islamic and modern law) in Djibouti.

16. The Family Code Act of 31 January 2002 represents a synthesis of the prevailing cultural values, the laws in force in the country (Islamic, traditional and modern law) and the international instruments governing the different aspects relating to the family (the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women). The Family Code seeks, inter alia, to provide a clearer definition of the rights and responsibilities of parents towards their children and to guarantee the protection of children and respect for their economic, social and cultural rights. In this connection, the concept of the best interests of the child encapsulates the increased importance accorded to protecting children, and all legal decisions are now guided by it. The legal framework for the application of the Act has been put in place with the establishment of a personal status court.

17. The Family Code fills a legal lacuna unacceptable in a modern society. It also institutes greater fairness among citizens by harmonizing the laws applicable to family matters. Lastly, with the Code, Djibouti has acquired an efficient tool that is consistent with the Convention's provisions and capable of firmly establishing child law in the country's legal landscape and in Djiboutians' daily lives.

18. The application of the Act will, however, require supplementary training to be organized for personal status court judges to improve their knowledge of the Convention's provisions.

19. The Outline Act on the Education System (No. 96/AN/00/4<sup>th</sup> L) of 10 August 2000 defines the fundamental principles for the organization and functioning of the education system in Djibouti. In line with the Convention's provisions, the new legislation recognizes the right to education for all children (art. 4), without any discrimination, and guarantees free compulsory education up to the age of 16. The purposes and aims of the education system, as set forth in the Act, are the development and well-being of the child, in conformity with the Convention. In addition, the new Act specifies the rights and duties of children in education establishments, while seeking to promote freedom of expression and encouraging children's representation on deliberative bodies.

20. The new measures, as well as being consistent with the Convention, have enabled the education system in Djibouti to achieve greater conformity with international norms and principles in the field of education, such as the Dakar Framework for Action "Education for All: Meeting Our Collective Commitments", adopted by the World Forum on Education (26-28 April 2000).
21. However, the implementation of these measures and, in particular, the attainment of the Millennium Development Goals in the field of education constitute a real challenge for the Ministry of National and Higher Education on account of its limited institutional capacity and the need to resort to external assistance.
22. Outline Act No. 48/AN/99/4<sup>th</sup> L instituting the new health policy proclaims the right to health for all and specifies that the State is required to assist children in their physical, intellectual and social development.
23. Government policy in the field of health is structured around three priorities: provision of low-cost medication accessible to all persons everywhere; prevention, founded on preventive medicine; and protection of maternal and child health.
24. The 1999 Health Act provides for the establishment of the institutional framework necessary for realizing children's right of access to primary health care, thus strengthening national legislation by rendering it more consistent with the Convention. In addition, it focuses on improving maternal and child health, which constitutes a priority of health policy. Efforts to give effect to the right of equitable access to primary health-care services are constrained by the health-care system's limited resources and, in particular, by the lack of infrastructure and human resources. The strengthening of national capacities, the establishment of coordination and partnerships at national level and financial contributions from development agencies may help improve the situation.
25. The reform of the Nationality Code by Act No. 79/AN/04/5<sup>th</sup> L is a major initiative that gives greater consideration to the crucial problems affecting children and foreign spouses. Since nationality is the primary element of citizenship, the previous text resulted in unjust situations inconsistent with respect for the dignity of the human person in a law-based State.
26. The application of these provisions remains limited, owing to a lack of financial and qualified human resources in the relevant government services. The lengthy, sometimes discouraging, procedures for acquiring nationality may exacerbate applicants' already precarious situation, particularly where access to health and education is concerned.
27. The Labour Code Act (No. 133/AN/05/5<sup>th</sup> L), promulgated in January 2006, was developed over the course of a decade and replaces the legislation inherited from French law, in force since 1952. It introduces new labour regulations, significantly improves working conditions for women and categorically prohibits child labour. The Act's provisions reinforce labour protection for vulnerable groups, such as women, young persons and children, and make a substantial contribution to improving conformity with the principles of the Convention.
28. More recently, national legislation has been strengthened with the addition of new provisions aimed at better protecting vulnerable persons. The December 2006 Act, submitted by

the Ministry of Justice, seeks to improve the situation of persons living with AIDS and of their families through the introduction of measures to combat discrimination and stigmatization. The legislation thus confirms the right of persons affected by the pandemic to respect and dignity when seeking access to treatment, to assistance in reducing the impact of the disease and to employment, education and bank credit. There are criminal penalties for any infringement of the rights recognized in the legislation.

29. Djibouti has also made a strong commitment to curb smoking and its harmful effects on health and the economy with the ratification of the World Health Organization (WHO) Framework Convention on Tobacco Control (June 2005) and the adoption of legislation on the organization of an anti-smoking campaign (January 2007). This bolstering of the legal arsenal has made it possible to define a framework for the implementation of effective, appropriate and coordinated anti-smoking measures. The strategic priorities of the fight against smoking are to protect the population, particularly young persons, by limiting access to tobacco and to heighten awareness of the dangerous impact of tobacco use on health.

### **Establishment of the Ministry for the Advancement of Women, Family Welfare and Social Affairs, and strengthening of the Ministry of Justice**

30. The political and administrative decisions on the establishment of the Ministry for the Advancement of Women, Family Welfare and Social Affairs and the strengthening of the Ministry of Justice, which has special responsibility for human rights, constitute additional measures to improve the protection of children.

31. The special attention the Government now accords human rights was demonstrated by the establishment, in the Prime Minister's office, of the Ministry for the Advancement of Women, Family Welfare and Social Affairs, by Decree No. 99-0059-PRE of 12 May 1999. This initiative must be placed within the framework of the Government's new policy for the enhancement of the status of women, their advancement and their integration in national development. In this connection, the national strategy for the integration of women in development, adopted in 2002, focuses on four priority areas: decision-making, health, education and the economy. An evaluation of the action taken under the strategy was conducted in December 2006. The new Ministry is also tasked with establishing programmes for the protection of women and children and developing social initiatives to benefit needy segments of the population. The Ministry has been entrusted by the Government with the elaboration of a strategy and plan of action for implementing the national integrated early childhood development policy.

32. Since 1999, the functions of the Ministry of Justice have included dealing with human rights issues and, hence, the rights of the child (Decree No. 2001-0156-PRE). It is responsible, in particular, for aligning national legislation with international conventions and ensuring respect for the Convention on the Rights of the Child and the proper application of its provisions.

33. The administrative restructuring of the Ministry and the establishment in the new organization chart of a Department of Legislation, Planning and Reform (July 2000), as well as the comprehensive review of the justice system (the November 2000 summit on justice) initiated by the President of the Republic, reflect the Government's continuous efforts over the past five years to institute a modern and effective justice system that respects human rights.

### **Declaration and ratification of international human rights instruments**

34. Since 2002, Djibouti has ratified several international human rights instruments, as recommended by the Committee, with a view to strengthening its capacity (the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment).

35. In addition, in 2004, Djibouti ratified six International Labour Organization (ILO) conventions and an instrument amending the ILO Constitution. Three of the conventions relate to the sphere of application of the Convention on the Rights of the Child:

- Minimum Age Convention, 1973 (No. 138)
- Worst Forms of Child Labour Convention, 1999 (No. 182)
- Maternity Protection Convention, 2000 (No. 183)

### **Establishment of a system to collect statistical data in the areas covered by the Convention**

36. The development and application of a data collection system to track the evolution of the main socio-economic and demographic indicators, both in respect of children and at national level, remains crucial. The limited operational capacity of the Department of Statistics and Demographic Studies to centralize information on the status and structure of the population, coupled with the lack of a recent general census (the last census was undertaken in 1983), make access to the reliable indicators necessary for understanding demographic trends and addressing disparities difficult.

37. Nevertheless, the exploratory surveys conducted by the Department in 2002 among households (EDAM-IS2 and EDSF/PAPFAM) provide information on poverty, employment, and access to education, safe drinking water and health care. Notwithstanding its broad geographical coverage and some interesting indicators, the EDAM-IS2 household poverty survey displays certain shortcomings in respect of the survey population, whose characteristics (number and composition) are unknown; the data collection and data processing methods, which weaken some of the results; and the survey's limited scope, which precludes detailed analysis of qualitative data. The EDSF/PAPFAM-2002 demographic survey on family health supplements the poverty study by supplying critical information on immunization and maternal and child health. The Djibouti multiple indicator survey (EDIM-2006) provides recent information on the situation of children and women with regard to health care and education. These data are essential for tracking the progress made in realizing the Millennium Development Goals. While the system recommended by the Committee has not been put in place, these three surveys have made available helpful information that can be used to assess indicator progression.

38. Certain departments, such as the Ministry of Education and the Ministry of Health, produce and publish their own statistical information, in the form of a yearbook and a book of indicators, respectively, in addition to routine reports.

39. Prompted by the discrepancies between the data from these different sources and by the desire to ensure close monitoring of the situation of children and women, UNICEF launched a programme to monitor and evaluate the implementation by the Department of Statistics and Demographic Studies of the DevInfo tool. This advocacy for the need to have reliable statistics at all levels and for all partners (both internal and external) has enabled the elaboration of a master plan for the development of statistics, now under approval by the Government.

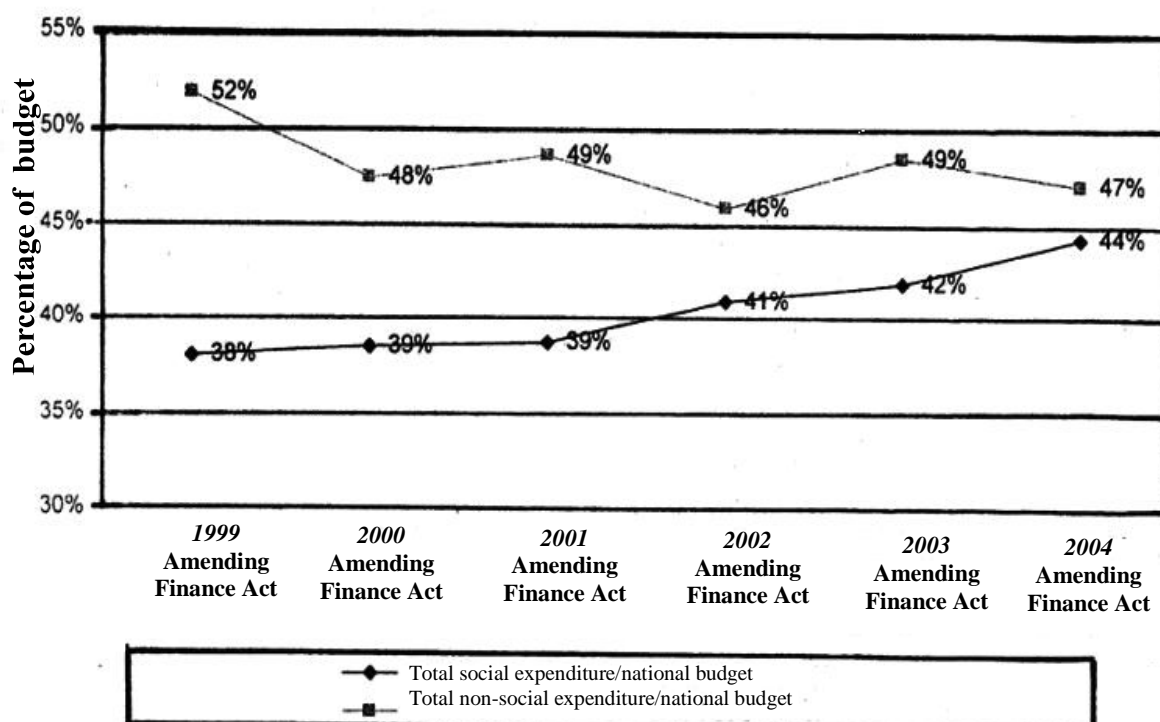
40. However, the difficulties stemming from the imprecision of demographic information and the disparities between sources can be resolved only by organizing a general census and establishing an effective civil registration system. This population census, planned for 2007, is eagerly awaited by all social actors.

### Budget allocations

41. In order to improve the situation of children and fulfil the obligations incumbent on it, the Government has gradually increased the share of the budget allocated to the social sectors (education, health care, water and sanitation, advancement of women, and housing), taking advantage, if need be, of international cooperation.

42. Analysis of the various budgets shows an increase in social expenditure for children, from 38 per cent in 1999 to 44 per cent in 2004. The education sector budget rose significantly, from 16 to 24.8 per cent, demonstrating the Government's determination to guarantee social rights. In addition, the sector benefited from the World Bank's Education for All (EFA) Fast Track Initiative.

### Evolution of social expenditure



43. The public budget allocation for health care, although rising slightly (4.2 per cent in 2001 and 7.9 per cent in 2005), is still insufficient and leaves the sector open to financing difficulties. A cost-recovery system, based on national solidarity, was put in place in 2005 to deal with this situation.
44. According to the Poverty Reduction Strategy Paper (PRSP), foreign aid is the prime source of financing for health care in Djibouti (State: 27 per cent; foreign aid: 29 per cent; households: 24 per cent, private sector: 20 per cent). This is particularly true for the programme to combat HIV/AIDS, which receives substantial grants from development partners.
45. The Ministry of Youth and the Ministry for the Advancement of Women have limited public funding and finance most of their activities using external funds.
46. The Government of Djibouti, taking into account the recommendations made by the Committee in 2000, has thus increased the resources available to the social sectors by allocating more significant public funding and calling on international cooperation.
47. In order to cope with the expected increase in social expenditure in the next few years and fulfil its international commitments (under the Convention, the Millennium Development Goals and “A world fit for children”), the Government of Djibouti is seeking to mobilize external resources in support of projects in the fields of education, health care, social housing, and water and sanitation. To this end, a meeting was organized with the Arab financial institutions in November 2005, and a second Poverty Reduction and Growth Facility was negotiated with the International Monetary Fund (IMF) in 2006.

### **International cooperation**

48. International assistance supports the Government of Djibouti in implementing the socio-economic development process, responding to emergencies, meeting its obligations under the Convention and achieving the Millennium Development Goals. Cooperation has been established - bilaterally or multilaterally - with numerous partners, who are funding programmes in the fields of health care, education, agriculture, livestock rearing and water, and poverty reduction. United Nations programmes in support of children in Djibouti include the Expanded Programme on Immunization (EPI) (UNICEF), and programmes on sexually transmitted infections (STIs) and AIDS (WHO), population and reproductive health (United Nations Population Fund (UNFPA)), hygiene and sanitation, and education (European Union).
49. While development assistance is increasing, until 2004, such funding consisted largely of loans; since then, the trend has been reversed in favour of grants.
50. The grant programmes foreseen for 2006-2008 are supporting technical cooperation in education, health care and water, and other social sector initiatives.

### **Cooperation with non-governmental organizations**

51. Community associations, which appeared in Djibouti in the mid-1990s, have gradually become essential partners in all initiatives and in all parts of the country. Encouraged by the new

desire on the part of the Government to achieve greater involvement of populations in projects affecting them and by the policy of decentralization, these associations have become active in numerous areas covered by the Convention, including sport and culture, assistance to marginalized children, and efforts to prevent and combat AIDS. The Government and its partner agencies strive to support these associations by providing training and promoting their initiatives, so as to enable them to play their role fully.

#### **B. Mechanisms to coordinate action for children and monitor the implementation of the Convention (art. 4)**

52. Intersectoral coordination of the follow-up to the World Summit for Children has ceased, and efforts in the area of children's rights are instead directed by sectoral mechanisms incorporating the development partners, along the lines of the Group of Partners for Education (established in 2000), the Inter-Agency Coordinating Committee for EPI Activities and the Group of Partners for Health (established in 2005).

53. These sectoral structures constitute privileged forums for dialogue and regular monitoring of projects, bringing together government ministries, international agencies and local NGOs in fruitful cooperation.

54. The Ministry for the Advancement of Women, Family Welfare and Social Affairs is a crucial partner in coordinating initiatives to protect children. It is already ensuring intersectoral coordination and monitoring of the Djibouti early childhood development programme.

55. The Ministry of Justice is in the process of setting up a committee grouping together all the partners working to preserve children's rights (government bodies, NGOs, international development assistance agencies, etc.); as well as participating in the preparation of this report, the committee will undertake a comprehensive review of the situation of children in Djibouti and serve as a more effective standing coordination structure. The committee will be responsible, *inter alia*, for monitoring the implementation of the Convention. It is being created in response to the Committee's recommendation for the establishment of a mechanism to coordinate the government bodies involved in children's rights at the national level (CRC/C/15/Add.131, para. 16).

#### **C. Measures to publicize the provisions of the Convention (art. 42)**

56. The process of sensitizing the population to the importance of protecting children, which began in the 1990s, has continued and been refined over time, with ever greater emphasis being placed on awareness-raising among vulnerable groups (girls, disadvantaged urban and rural populations, etc.).

57. The office of the International Committee of the Red Cross (ICRC) in Djibouti has worked with the Ministry of National and Higher Education to train numerous primary and middle school teachers in education for peace. Children at some private schools have also been made aware of the relevant concepts. Currently, teams of educators are developing teaching and instructional materials for middle and high school pupils.



58. The Djibouti City Industrial and Commercial High School has incorporated in its training programmes for students in their prepenultimate year a civic and vocational studies module on the Convention's principles and provisions.

59. Other initiatives are aimed at heightening awareness among the population of the constraints faced in implementing measures to assist children and, in so doing, educating the public about other rights of the child. For example, the campaigns in support of girls' schooling have prompted reflection on primary health-care needs, on the low standard of living of the target populations and on the problem of access to water, as well as on ways of addressing those issues so as to give effect to the right to education of vulnerable groups. These campaigns have taken place primarily in rural areas and have targeted *okals* (traditional community leaders) among others.

60. The holding of the regional conference on the elimination of FGM and the signing by Djibouti of the Maputo Protocol (February 2005) occasioned the rallying together of all elements of society and resulted in greater awareness of the harmful effects of the practices concerned on women's lives. The participation of numerous representatives of civil society and religious leaders, and their commitment to combat these practices, should render the initiatives to be taken more effective.

61. The provisions of the Family Code have been the focus of a large-scale public education campaign broadcast on radio and television in the national languages for more than six months. This campaign has been supplemented by debates and discussions held at the offices of community associations; the aim is to increase ownership of the new legislation and institute behaviours conducive to the protection of the rights of children and women.

62. The events held to mark national and/or international days (for example, the Djiboutian Day of the Child and Human Rights Day) mobilize large numbers of people across the country, generate media coverage and provide an opportunity to assess the progress made and the challenges remaining in the relevant areas.

63. The increasingly important role assigned to associations and NGOs as vital community relays in these awareness-raising efforts may also be emphasized. This involvement of civil society, together with the decentralization undertaken, may contribute to broader dissemination of the Convention's principles.

64. The action taken by the main social ministries to build awareness of their sectoral policies and to give effect to the related rights has made a huge contribution to the circulation of the Convention's provisions across the territory and, in particular, among vulnerable or disadvantaged groups.

65. Lastly, the Convention's provisions have been translated into the national languages and broadcast on the radio by the National Education Centre for Research and Pedagogical Information (CRIPEN).

**D. Measures to ensure that the national report is made widely available to the public (art. 44, para. 6)**

66. The circulation of this periodic report on the implementation of the Convention, the first since the submission of the initial report in 2000, constitutes another opportunity to make the Convention and the evolution of the situation of children in Djibouti better known to the public, so as to increase its receptiveness to issues relating to the protection of children.

67. The preparation of this report required the establishment of a multisectoral body (social ministries, development partners and local NGOs), which, at the various meetings of its committee, helped improve the document. The members have been tasked with circulating the outcome of the report to the public.

68. The validation workshop organized on the completion of this periodic report, with the participation of all concerned stakeholders, will seek to use every available means and to employ the most appropriate forms of communication to ensure that a national debate on these crucial issues can take place.

**II. DEFINITION OF THE CHILD IN DJIBOUTI**

**A. Age of civil majority**

69. The concept of majority is fairly extensively developed in the legislation of Djibouti. Article 5 of the September 1992 Constitution guarantees the right to vote to all Djiboutians, male or female, who have attained their majority, without, however, giving a specific definition.

70. The Family Code, which deals in the main with personal status matters, stipulates in article 169 that a minor is a person who has not attained the age of majority, fixed at 18 years. This status as a minor has implications for the lives and acts of children and adolescents, who are deprived of a certain number of rights. This temporary deprivation is a feature of the incapacity regime, intended to protect the minor, an “immature” being who is incapable of evaluating his or her acts judiciously.

71. Article 170 of the Code provides for the establishment of a legal mechanism to compensate for this deprivation and allow children to lead a normal life: guardianship. The conditions for the granting and practical exercise of the responsibilities associated with guardianship are strictly regulated by law, in the best interests of the child.

72. The legislator has further strengthened this protection by permitting minors over the age of 15 to apply to a judge for emancipation or partial lifting of guardianship.

73. The 2005 Labour Code, too, confirms 18 as the age of majority. The Code introduces the concept of “young persons” in Djibouti’s labour law. “Young persons” are defined as minor workers aged 16-18.

74. This concept of majority at 18 also appears in the Penal Code (art. 32), which makes specific provision for minors who commit criminal acts.

## **B. Minimum legal age for particular purposes**

75. The legislator has also developed a set of provisions containing departures from the principle of majority at 18, so as to prepare minors close to the age of majority for adult life.
76. Thus, the Labour Code (art. 5) sets the age for admission to work at 16 years. The legislator has, nevertheless, been vigilant, and has enacted specific provisions enabling young persons aged 16-18 to work in humane conditions, in compliance with the Convention. The law prohibits any wage discrimination.
77. Article 115 of the Labour Code prohibits young persons from working in domestic employment and in hotels, bars and other drinking establishments. Article 96 of the Code prohibits all employers from requiring minors to work at night.
78. In the Penal Code, the fixing of the minimum legal age for particular purposes is a little more complex. The legislator has sought to strike a balance between the interests of minors who commit a criminal act and the maintenance of social harmony. To achieve this, three age categories have been established with differing degrees of responsibility.
79. The first category covers children under the age of 13. They are considered to be incapable of discernment and, in consequence, cannot be held criminally responsible.
80. The second category covers children aged 13-18, who are partially responsible for their acts; the penalties they incur are always reduced by half. Other protection measures are also envisaged for juvenile offenders, who must be granted more lenient conditions of detention.
81. The third category covers young persons who have attained the age of 18 at the time they commit an offence. Such persons, having attained their majority, are entirely responsible for their acts; in practice, however, their recent entry into adulthood is regarded by the judge as a mitigating factor.
82. In the event that the age of the perpetrator of an ordinary or serious offence is disputed, the judge may order medical examinations to determine it.
83. Overall, the Djiboutian authorities have taken account of the Committee's recommendations in this area and have undertaken the following initiatives:
- The disparities in the definition of the child noted in the initial report, particularly in respect of Islamic law, have been reduced, owing to improved harmonization of the laws in force and also to greater alignment of national legislation with the Convention.
  - Effective protection against early marriage of girls has been provided in the Family Code, which fixes the age for marriage at 18 years, for both men and women (art. 13). Marriage of minors remains strictly controlled and is the exception. It may take place only if a judge has been consulted, the parents or guardians have given their consent and there is a persistent wish on the part of the spouses (art. 14).

- To combat discriminatory traditional practices regarding the age for marriage, this issue and others addressed in the Family Code have been the focus of a large-scale public education campaign broadcast on radio and television in the four national languages and of discussions and debates at community association offices for more than six months.

### **III. GENERAL PRINCIPLES**

#### **A. Non-discrimination (art. 2)**

84. Article 1 of the Constitution declares that “all persons are equal before the law, without distinction as to language, origin, race, sex or religion”. For a long time, this declaration had no real import, and inequalities existed between children in rural areas and those in urban areas, between girls and boys, and between Djiboutian children and refugee or immigrant children.

85. To put an end to such discrimination, the Government of Djibouti, with the assistance of the international community, has taken some very important steps:

- Schools and health centres have been built in the most remote villages, and boring and road-building have been undertaken to open up these areas and facilitate access to water. These achievements have been complemented by awareness-raising campaigns in the fields of education and health.
- A genuine campaign of advocacy for girls’ education has been organized: delegations consisting of education, health-care and local government workers have made multiple visits to each of the country’s villages to inform and raise awareness among community and religious leaders, mothers, local councillors and civil society representatives of the benefits of children’s education, which is an indisputable factor in national development and family well-being. Training and awareness-building workshops have been held. Debates and commercials targeting the population have been scheduled on radio and television.

Inequalities remain, but progress has undoubtedly been made.

86. Persistent gender-related disparities, notably in respect of access to income, are often exacerbated by geographical disparities, placing children in a situation of vulnerability that undermines their health and education. No strategy for the integration of children with special needs has been drawn up.

87. However, refugee and street children, long ignored, are the focus of several studies and, with the shift in attitudes that is taking shape, albeit tentatively, these children are beginning to be seen no longer as children from elsewhere, but simply as children.

88. As part of its efforts to align national legislation with the provisions of the Convention, the Government has for several years been abrogating the provisions that reserved education to children born of Djiboutian parents.

89. The analysis undertaken in December 2006 of the implementation of the plan of action of the national strategy for the integration of women in development demonstrates the progress made in this regard. Tangible successes have been achieved in removing the obstacles to women's autonomy in public and private decision-making. Maternal health has improved as a result of reproductive health and family planning programmes. Better hospital care during pregnancy and delivery is reducing maternal mortality. Lastly, the promotion of girls' schooling seems to have borne fruit, and girl/boy parity has been realized in primary education (gender parity index: 0.98 in 2006).

90. However, the gender-related disparities in respect of inheritance decreed by the Koran cannot be altered in a country whose entire population is Muslim. Calling this rule into question could deal a fatal blow to the balance that exists between religion and a certain number of fundamental freedoms.

### **B. Best interests of the child (art. 3)**

91. Until 2002, the concept of the best interests of the child did not appear in Djiboutian legislation. Concern for the child's interests was omnipresent, however, and the legislator took those interests into account in every situation affecting children. There are numerous examples in criminal law, notably the provisions on juvenile crime, the objectives of which are twofold: first, to spare children the trauma of a trial and, second, to prepare them for their reintegration in society.

92. In civil matters, too, the interests of the child are protected, and acts committed or contracts concluded by a minor are valid only if they are to his or her advantage.

93. Simply identifying where the child's interests lay came to be seen as insufficient, and a stronger concept tending towards an ideal of protection emerged, resulting in the enshrinement in the Family Code of "the best interests of the child"; this requires judges, before taking any decision concerning child custody, to establish what is in the child's best interests.

94. The concept of the best interests of the child is not restricted to family law; it forms the basis for any decision affecting a child. The Government of Djibouti, with assistance from the international community, has incorporated in school curricula elements of the innovative "Child-friendly schools" project, among others, with a view to making the school environment more dynamic. For example, children are being involved in school life through participation in clean-up and environmental protection initiatives and in inter-schools activities. On the basis of this concept of the best interests of the child, a new awareness is emerging of pupils' role in the education system, replacing the traditional rivalries.

### **C. Right to life, survival and development (art. 6)**

95. This principle is recognized under Djiboutian law, the criminal provisions of which (arts. 447-466) protect children against any form of violation at any stage of their overall development.

96. Legislation unequivocally prohibits the practice of abortion, punishes violations of filiation, such as abandonment or concealment, and sanctions child neglect and the endangering of children and minors by compromising their health, morals or education.

97. The obligation incumbent on the State to guarantee the survival and development of children may also be fulfilled through the implementation of specific measures relating to the policies on health care, education and access to water.

98. The priority given by health-care policy to services for mothers (family planning and reproductive health, programme to prevent mother-to-child transmission of HIV/AIDS) and children (management of childhood illness, vaccinations, malnutrition problems) testifies to the State's unstinting efforts, often with the support of development partners, to improve the situation of vulnerable groups. These endeavours have led to a perceptible reduction in infant and child mortality.

99. The various activities of the Ministry of National and Higher Education aimed at implementing free, compulsory education for all children until the age of 16 are guided by its desire to ensure, within its resources, that children are provided throughout their childhood with the means and environment needed for the development of their potential. These measures have led to an increase in enrolment at all levels of schooling.

100. The special working conditions prescribed for pregnant women under the new regulations are in keeping with a concern to comply with the provisions of article 7 of the Convention.

#### **D. Respect for the views of the child (art. 12)**

101. This fundamental freedom is guaranteed for all under the Constitution (art. 11). Additional measures have been adopted to heighten awareness and convince the various sections of the country's traditional society, in which children's views count for little. The Family Code (art. 172) recognizes the right of children "to express themselves freely" and calls on everyone to respect that right.

102. The public authorities are fulfilling their responsibility and are demonstrating a determination to give real meaning to the concept of respect for the views of the child. They will thus be involving children in most projects affecting them.

103. In schools, children have the right to elect their representatives, who play an active part in school life and in the management committee and also attend staff meetings.

104. At a higher level, schoolchildren are fully-fledged partners in the education system. At the summit on education, 5 per cent of delegates were children or minors, and they were called on to express their views on educational matters.

105. The new youth policy, based on a partnership approach, entails greater involvement of young people in the activities of community development centres.

106. The education sector is monitored by the nation's political representatives, who have set up the Children's Parliament, an institution which, symbolically, meets in the premises of the National Assembly. These young deputies represent children of all social backgrounds and work to achieve the practical implementation of the Convention on the Rights of the Child.

107. There is a national consensus on respect for the views of children and for their rights in general. The President has met with children's delegates in his palace on a number of occasions to learn their opinions and hear their concerns. By respecting the views of children, the Government prepares tomorrow's decision-makers, who will need to defend their views and respect those of others.

#### **IV. CIVIL RIGHTS AND FREEDOMS**

##### **A. Name and nationality (art. 7)**

###### **Registration in the civil register, and right to a name**

108. The declaration of the birth of a child at the civil registry is a penal obligation and an important element in the exercise of parental responsibility; failure to do so within the time period prescribed in the Civil Code is punishable by a second-category fine.

109. Furthermore, Djiboutian law carefully regulates the establishment of filiation in order to fully promote the right to a name, in keeping with the principles of the Convention. In addition to the criminal sanctions for violations of filiation, such as abandonment or concealment of a child, there are now new provisions under the Family Code (arts. 77-84).

110. These provisions translate the special concern of lawmakers about the determination of filiation for the purpose of establishing parenthood, which they see in terms of marriage, spousal cohabitation and recognition of paternity by the husband. Thus, if a man denies the paternity of a child conceived or born during marriage, the challenge to filiation must be approved in a decision by a judge. The judge may decide to pronounce the termination of filiation and the permanent separation of the spouses. Termination of parental filiation also annuls the right to maintenance and inheritance.

111. The issuance of a birth certificate is an essential procedure which enables children, through the registration of the most important details of their existence by the administrative services, to have sufficient official references and to receive health-care, education and employment services. Membership of Djiboutian society and of the Djiboutian nation is more strongly asserted through the exercise of these fundamental rights.

###### **Right to a nationality**

112. Act No. 79/AN/04/5<sup>th</sup> L on the Djiboutian Nationality Code defines the new legal provisions for the granting of the right to nationality. The mode of acquisition of Djiboutian nationality - either by filiation, at birth, with reference in particular to the origin of parents of Djiboutian nationality, or by acquisition, after birth, *ex lege* and by a decision of the public authorities - has been amended several times to reform it and bring it into line with modern realities.

113. The provisions for access to Djiboutian nationality by filiation have been relaxed and no longer take into account whether or not the child is legitimate or where the child was born (in Djibouti or abroad) but focus instead on the status of the parents, of whom at least one must henceforth be Djiboutian in order to obtain this right (arts. 4, 5 and 6).

114. This last point is of vital importance because it makes it possible to restore the right to citizenship of many foreign spouses and their children.

115. The Nationality Code specifies that Djiboutians born in the territory have five years to regularize their situation by obtaining an affidavit in place of a birth certificate.

116. The obtaining of nationality by acquisition introduces elements that favour children, in that it reduces by half the period of residence required of a foreigner contracting marriage with a Djiboutian spouse (art. 12). The law also permits dual nationality.

### **Right to know one's parents and to be cared for by them**

117. The Family Code contains legal provisions that allow for the establishment of parental filiation through marriage, cohabitation or paternal recognition and also ensures that children have the right to maintain personal and regular contact with other members of the family in the event that the parents separate.

### **B. Preservation of identity (art. 8)**

118. Like all African countries, Djibouti is faced with the problem of birth registration and is seeking, in its own way and in accordance with its means, to remedy the consequences, such as marginalization owing to non-enrolment in school and the loss of the right to medical care, which may affect some children.

119. The Government's efforts to safeguard the gains made and fulfil its responsibilities towards the country's children since independence have taken concrete form in various initiatives to resolve these difficulties. The memorandum from the Director of Population, dated 29 February 1988 and addressed to the commissioners of the Republic, contains measures for facilitating the registration of the birth of children whose identity and parents' nationality cannot be clearly established.

120. The Government has also undertaken ad hoc initiatives to preserve the identity of children. In 1989, for example, a campaign was conducted in schools to facilitate the issuance to schoolchildren of affidavits in place of birth certificates.

121. The Government's determination to implement the Committee's recommendations, as well as a shared concern for Djiboutian children's right to education and to health, was behind the collaboration between UNICEF and the Ministry for the Advancement of Women on the conception and realization of the 2005 Djibouti survey on the registration of children at birth.

122. The survey concludes that 16.1 per cent of boys and 9.6 per cent of girls enrolled in the country's schools do not have a birth certificate. The strategy for issuing civil status certificates gives priority to ad hoc initiatives in the country's schools to provide all schoolchildren with



such certificates. Within the framework of actions implemented as from the start of the school year 2006/07, 220 pupils at eight schools in Djibouti City were given birth certificates. These measures will be continued later at other schools in the capital and then will be gradually extended to the districts and to Koranic schools. The civil status registration system is being improved by making better equipment available and by training personnel.

### **C. Freedom of expression (art. 13)**

123. In September 1992, a programme was put in place for the complete reform of Djiboutian legislation. The basis of the reform was the Constitution, which enshrines a number of values, including freedom of expression, for all persons residing in the national territory, with due regard for the laws and regulations in force. The commitment to this fundamental freedom was reflected in the promulgation of an organic law which defines and regulates the concept, while setting out criminal measures for violations of freedom of expression.

124. National legislation, including the Penal Code, protects the freedom of expression granted every citizen, including children, and punishes its violation (through assault or other violence) with imprisonment and fines (art. 388). The Family Code (art. 172) recognizes this principle for children, account being taken of their age and degree of maturity.

125. In school, the pupils of each class are represented by a delegate, who serves as a link between the school administration, teachers and pupils. The delegate is particularly active in staff meetings, where his or her view is solicited in order to better understand the family situation of another pupil or to adopt a more objective policy decision.

126. The Law reorganizing the Djiboutian education system explicitly recognizes the right of students to take part in the functioning of the university through their representatives, who sit on the higher-education decision-making bodies.

127. Freedom of expression being a prerequisite for respecting the views of children, it is increasingly allowed for in decisions affecting them (1999 summit on education, 2004 session of the Children's Parliament, etc.).

### **D. Access to information (art. 17)**

128. The right of access to information is fully guaranteed by the Constitution and the organic law on the press. Their specific provisions regulate information intended for children and minors.

129. Children have access through national radio and television to information in the national languages on the country and on the Horn of Africa. These broadcasts, which are about sports events or culture, help strengthen the sense of national and regional identity.

130. Djibouti continues to be a very open country; satellite television can pick up many channels, and the foreign press is also present. Thus, children have access to other sources of information and other products, which allow them to remain open to the world and to other values under the benevolent responsibility of their parents.

#### **E. Freedom of thought, conscience and religion (art. 14)**

131. The preamble to the Constitution provides that Islam is the religion of the State. The preponderance of the Muslim religion is explained by the fact that virtually the entire population practises and identifies with this religion. Despite this declaration of principle, Djiboutians are tolerant and support religious diversity, as set out in article 12 of the Constitution.

132. In its provisions on custody, the Family Code stresses the importance of the principle pursuant to which a child may not live in a religion other than that of his or her father, and it specifies that a person of a confession other than that of the father may have custody only until the child attains the age of 5 (art. 69).

#### **F. Freedom of association and of peaceful assembly (art. 15)**

133. These fundamental principles are guaranteed by several legal sources, including the Constitution and the Penal Code. The recent emergence of associations in the country is indicative of the lack of constraints on their creation and on the practical exercise of these freedoms. The new responsibilities devolved to youth associations in the Community Development Centres even make them indispensable in the context of local initiatives.

134. The difficulties which youth associations are experiencing are due more to the poor skills of their human resources and to limited material capacities.

#### **G. Protection of privacy (art. 16)**

135. The Family Code (art. 171) recognizes the right of all children to have their privacy respected, bearing in mind the rights and responsibilities of their parents or guardians.

136. The protection of this principle is also ensured by criminal measures taken in response to offences involving the violation of the right to privacy by exploiting words or images or by entering a person's home by force, threat or deception (arts. 415-422). Provisions of criminal law also guarantee the secrecy of correspondence (arts. 439-440).

137. Finally, violations of a child's honour are prohibited by law; the relevant legal provisions prohibit physical and mental punishment of schoolchildren.

#### **H. Right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37 (a))**

138. Criminal legislation provides for sentences of 15 years' imprisonment for torture or acts of barbarism (art. 324); it is an aggravating circumstance when the victim is a minor under 15 years of age (art. 325).

139. Offences involving violence or threats, whether physical or psychological, are regarded as particularly serious when directed against minors under 15 years of age (arts. 328-340).

## **V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE**

### **A. Parental guidance (art. 5)**

140. The Family Code and Djiboutian law in general recognize the natural right of parents to provide for the physical, intellectual and emotional development needs of their offspring.

141. The provisions relating to maintenance, custody and guardianship regulate the rights and responsibilities of parents vis-à-vis their children.

142. In particular, parents must enrol their children in school, register them at birth at the civil registry and make sure that they are vaccinated.

143. The State is responsible for assisting parents in their initiatives and facilitating their efforts to ensure their children's well-being. It is within this framework that a parental education booklet was produced by the Ministry for the Advancement of Women and published by UNICEF to inform parents and institutions responsible for children about the main causes of infant mortality and malnutrition, as well as the protection of women during pregnancy and childbirth.

### **B. Parental responsibilities (art. 18, paras. 1 and 2)**

144. Djiboutian law does not favour either of the parents, and article 67 of the Family Code recognizes the shared responsibility of the father and the mother during marriage for raising and educating their children in the best conditions.

145. The State supports the efforts of parents, as far as it is able, by providing aid, services and other benefits, in particular through the establishment of health-care programmes for the protection of mother and child and the granting of family allowances and maternity leave.

146. Polygamy is closely regulated in the Family Code. Article 22 gives the wife the right to institute proceedings to consider the injury caused by a new marriage. Before concluding the marriage contract, the judge first investigates the socio-economic situation of the husband and records the opinion of the wife.

### **C. Separation from parents (art. 9)**

147. Djiboutian legislation does not make provision as such for the separation of a child from his or her parents because of abuse or neglect. However, the 1995 Penal Code punishes the offence of moral abandonment by parents, together with abuse and breach of duty in respect of the health, safety and morals of the child, with one year's imprisonment and a fine of 200,000 Djibouti francs.

148. The family nucleus, made up of the father and the mother, constitutes the ideal setting for a child's development, and it may be affected when a marriage is dissolved. A divorce may not be pronounced until a judge's attempt at achieving a reconciliation with a view to protecting the interests of the child has failed.

149. In the event of a divorce, the Family Code (art. 40) specifies that the judge may take urgent measures concerning the residence of the spouses, maintenance, child custody and visitation rights.

150. National legislation (Family Code, art. 63) guarantees the child separated from a parent the right to remain in regular contact and maintain personal relations with his or her parents, as well as with other members of the family.

151. It contains details on the order of priority for granting custody, the profile of the guardian, the loss of custody, the obligations of the guardian and the visitation rights of the parent.

152. In practice, it is difficult to separate the child from both his or her parents because the country does not have enough care facilities, and the capacity of existing facilities is insufficient. Despite the current economic difficulties, priority is given to traditional arrangements based on family solidarity.

153. The conditions of divorce have improved perceptibly with the Family Code, which discontinues the practice of repudiation, puts in place contentious proceedings and provides that a divorce may only be pronounced by a judge who rules on compensation for the material and moral injury suffered by one or other of the spouses.

#### **D. Family reunification (art. 10)**

154. The provisions relating to family reunification of foreign workers and their children have not changed since the initial report was submitted to the Committee.

#### **E. Recovery of maintenance for the child (art. 27, para. 4)**

155. The Family Code, which is designed to preserve the tradition of the extended family for the benefit, in particular, of children and the elderly, provides that marriage, kinship or voluntary commitment constitute the basis for maintenance (art. 45).

156. The details contained in the new legal instrument on maintenance obligations remain essential in that they define and give concrete form to the parental responsibility required vis-à-vis children, and the improved protection of children and respect for children's economic and social rights that they aim to introduce.

157. Maintenance, which is broadly defined as everything needed for existence in keeping with custom and practice (art. 58), is guaranteed to minor and disabled offspring unable to earn a living, regardless of the degree of kinship. Daughters are entitled to this right until marriage, and sons until the age of 18 or until they are able to earn a living, including during studies (art. 54).

158. The legislation also establishes the order of the maintenance obligation; if the father becomes destitute, the obligation to pay maintenance for the children devolves to the mother before the grandfather (art. 55). However, the father must provide for the expenses of nursing if the mother is unable to nurse, in keeping with custom and practice (art. 56).

159. By law, the amount due is based on the financial situation of the person liable for maintenance and the needs of the person claiming maintenance, account being taken of the cost of living (art. 60).

160. Pursuant to the provisions of article 62 of the Family Code, the State has strengthened the means of recovering maintenance perceptibly and imposes a punishment of two years' imprisonment and a fine of 500,000 Djibouti francs for deliberate refusal to implement a judicial decision in this regard or any initial steps taken that are not related to such decision. This provision is now in force.

161. In an effort to perpetuate links of mutual aid and solidarity, which are so important to Djiboutian society because they are anchored in its traditions and culture, the provisions contained in the Family Code regulate spousal and parental maintenance.

162. Under Djiboutian legislation, the wife is entitled to maintenance, which the husband must pay throughout marriage and, in the event of a divorce, during the period of abstinence. Failure to respect this right for reasons of indigence or the absence of the husband may result in divorce (arts. 46, 47 and 48). These initiatives are consistent with the State's desire to safeguard the fundamental rights of the individual and, in particular, the interests of women.

163. Lastly, fathers, mothers and paternal grandparents are entitled to maintenance, and several clauses specify how maintenance obligations are divided among the descendants (arts. 51, 52, 53 and 61).

#### **F. Children deprived of their family environment (art. 20)**

164. The Family Code organizes guardianship to ensure better care for abandoned children and more suitable social reintegration through public or private institutions and families.

165. The legal provisions for affording extended protection during childhood and promoting the well-being of the child focus on the conditions for caring for such children (arts. 86 and 87), the criteria which the guardian must meet (art. 85), the guardian's rights (art. 88) and the rights of foundlings (art. 89), as well as related situations (arts. 90, 91 and 92).

166. Under Djiboutian law, the care of a child by a family or private institution is subject to the signing by the various parties in the presence of a notary of a certificate of guardianship, which is submitted to a judge for approval. The judge may annul the certificate of guardianship at the request of one of the parties if this is in the best interests of the child.

167. The guardian of an abandoned child enjoys the same rights and assumes the same obligations as those generally recognized to the father and the mother. The civil responsibility which thus devolves to the guardian remains in effect until the child reaches the age of majority and may extend beyond it. Consequently, for the sake of equity, legislation has introduced legal measures to promote an environment beneficial to the realization of the fundamental rights of the individual in general and the child in particular.

### **G. Adoption (art. 21)**

168. The law establishing the Family Code calls in its legal provisions for the strict prohibition of adoption in Djibouti (art. 80) and thus does not specify any obligation.

169. In practice, international adoptions concern children with no known filiation, orphans or children legally declared to have been abandoned. Adoption is the subject of a legal decision based on legal texts that predate independence (Order of 23 December 1958 and Act of 11 July 1966), and priority is given, depending on the case, to adoptive legitimation or full adoption.

170. The judge of the Djibouti lower court is at the centre of the process that regulates adoption, which is not authorized by him or her until after a strict procedure aimed at guaranteeing the interests of the child from the time of the decision declaring the child to have been abandoned and the child's placement in an orphanage requesting an award of adoption on behalf of an adopting family until the child leaves the orphanage.

### **H. Illicit transfer and non-return (art. 11)**

171. National legislation and, in particular, criminal measures to punish violations of individual liberty provide for long prison sentences and heavy fines for abduction and illegal confinement (arts. 381-384).

172. In general, Djibouti is hardly affected by this problem because there are very few cases of single parents raising children from a mixed marriage with a foreign spouse. When it occurred, in connection with either a neighbouring or a more distant country, the national procedure applied prior to the existence of the Family Code tended to favour the mother for child custody. Bilateral and multilateral agreements add to the measures in place to combat the arbitrary detention of children, which prevents them from fully exercising their right to have regular contact with all members of their family.

### **I. Protection against all forms of abuse and neglect (arts. 19 and 39)**

173. Djiboutian legislation contains a sufficient number of provisions for protecting children against all forms of violence or abuse, in accordance with the Penal Code.

174. Djibouti has not adopted new measures in respect of perpetrators of abuse or neglect, and the authorities focus on the application of existing principles. With a view to making the school environment more welcoming and stimulating, the plan of action for education 2006-2008 advocates the implementation of measures to prohibit physical or psychological punishment of schoolchildren.

### **J. Right to a periodic review in case of placement for the purposes of care, protection, or physical or mental health treatment (art. 25)**

175. Children's right to a periodic review of their placement is recognized in national legal texts. The competent authorities ensure respect for and enforcement of this provision.

The Mother and Child Centre, a unique reception centre for children living outside the family environment, is administered by a committee composed of representatives from the social sectors and is responsible for taking decisions regarding the implementation of this provision.

## **VI. BASIC HEALTH AND WELFARE**

### **A. Survival and development (art. 6, para. 2)**

176. The inherent right to life of all children is enshrined in the Constitution, as well as in the Penal Code and the legal provisions of the 1999 health-care legislation, which proclaim the right to health for all and specify that the State is required to assist children in their physical, intellectual and social development. The new health-care policy gives priority attention to improving maternal and child health.

177. The Djiboutian authorities have devised a number of education and health-care programmes (maternity and reproductive health, efforts to combat childhood and transmissible diseases, etc.), renovated and upgraded health-care infrastructure and trained human resources with the help of development partners.

178. These successful efforts have led to an improvement in infant and child mortality rates, which fell from 103.1 and 129.1 per thousand in 2002 to 67 and 94 per thousand in 2006, respectively.

### **B. Disabled children (art. 23)**

179. The problems of disabled persons in general and disabled children in particular have been the subject of numerous debates and discussions in Djiboutian society in recent years. Thanks to the efforts made since the initial report by the Djiboutian authorities, national NGOs and private and development partners, there has been a significant evolution in the perception of disabilities, and the subject is given greater attention in State policies.

180. The new legislative measures defining national policy on education (Outline Act on the Education System, 2000) and health care (Act on Health Care, 1999), although not specifically addressing the needs of children with disabilities, constitute a legal framework that favours greater equality of access to social services and the realization of the rights of this vulnerable group, as set out in article 23 of the Convention.

181. A legal framework better adapted to the integration of persons with disabilities is in preparation in a bill the promulgation and passage of which by parliament is planned during the course of 2007.

182. In response to the Committee's recommendation (CRC/C/15/Add.131, para. 40), the State incorporated in the EDSF/PAPFAM-2002 survey elements enabling initial data on persons with disabilities to be collected nationwide. The study shows that 21.7 persons per thousand in the population under the age of 20 have disabilities, that their disabilities are mainly vision-related

(two thirds of disabled persons under 15 years of age) and that 17 per cent of such persons under 20 years of age have a motor disability. The statistics reveal that one third of persons with a disability are under 20 years of age.

183. The principal reasons for disability, following old age (33.7 per cent) and accidents (12.1 per cent), are epidemics (6.6 per cent), heredity (5.6 per cent) and birth defects (2.2 per cent). One quarter of the disabled population receives medical and social assistance.

184. With the help of the National Solidarity Directorate, the authorities provide financial and technical support for the advocacy and public awareness activities of NGOs working to promote the rights of persons with disabilities. In the context of collaboration with the main Djiboutian NGO for persons with disabilities, *Vivre plus fort*, a two-day discussion workshop was held in April 2006 on the need to improve occupational and social integration.

185. Bearing in mind the workshop's recommendations for better access to education services, the Ministry of National and Higher Education has included in its plan of action for education 2006/2008 measures to make schools more suited to the special needs of this group. In conformity with the objectives of equity and school for all, two training seminars have been held since February 2007 on caring for children with special educational needs. The seminars aim to provide schools with psychologists, counsellors and teachers who have a better understanding of children with special educational needs.

186. Notwithstanding limited means, the Mother and Child Centre is the only body that ensures the enrolment of children with disabilities.

187. Despite major initiatives, such as the debate currently being conducted by the Ministry, the workshop's other recommendations, concerning the setting up of special care facilities accessible to children from birth and the improvement of occupational integration (employment quotas for persons with disabilities), have still to be put into practice.

### **C. Health and health services (art. 24)**

#### **Reform of the sector**

188. Djibouti has completed the reform of health-care development policy begun in 1996 with the adoption of a legal framework which is consistent with the provisions of the Convention (Outline Act on Health-Care Policy of July 1999) and is designed to enhance the protection of maternal and child health by promoting preventive initiatives and carrying out many national programmes.

189. The 2001 sectoral analysis helped determine the main strategic direction and the programming of health-care development initiatives, giving priority to primary health care and taking into account new requirements with regard to decentralization, policies for access to medicines and user sharing of health-care expenses, with the help of Japan and the World Bank. The main working documents have been completed: the final document of the sectoral analysis, the strategic plan 2002-2011 and the National Health-Care Development Plan 2002-2006.



## **Major initiatives taken in the area of health care**

### **Actions to improve nutrition**

190. In order to improve the living conditions of vulnerable groups, which include women and children, Djibouti, with the assistance of international institutions, has implemented the following plans:

- The programme for essential development needs, established in 2001 and enlarged to include underprivileged communities
- The Special Programme for Food Security (SPFS) 2002-2006, which helps populations affected by drought

### **Objectives of health-care policy**

191. In accordance with the Poverty Reduction Strategy Paper (PRSP), and in keeping with the Millennium Declaration, the following objectives must be attained:

- For 2006: bring down the infant mortality rate to 90 per thousand and the infant and child mortality rate to 110 per thousand, and stabilize the HIV prevalence rate at around 3 per cent
- For 2015: reduce the infant mortality rate to 50 per thousand and the infant and child mortality rate to 90 per thousand, and cut the maternal mortality rate to 350 per 100,000 live births

### **Financing of health care**

192. The public budget allocation for health care, although rising slightly (4.2 per cent in 2001 and 7.9 per cent in 2005), is still insufficient and leaves the sector open to financing difficulties. A cost-recovery system was put in place in 2005 to deal with this situation.

193. According to the PRSP, foreign aid is the prime source of financing for health care in Djibouti (State: 27 per cent; foreign aid: 29 per cent; households: 24 per cent; private sector: 20 per cent). This is particularly true for the programme to combat HIV/AIDS, which receives substantial grants from development partners.

194. Currently, assistance to indigents is subject to obtaining a certificate of indigence from the administrative authorities.

### **Programming of activities**

195. To meet the needs of the population and, in particular, the most vulnerable the authorities decided to devise a number of programmes and to set up the Directorate for Maternal and Child Health (2006).

196. In the past decade, the Government's health-care efforts have achieved the following:

- Rehabilitation and refitting of health-care facilities in the capital and in regions in the interior
- Setting up of mobile clinics for surgery and primary health care at local level
- Opening of a central office for the purchase of essential medicines and of community pharmacies that make generic medicines available at an affordable price
- Training and placement of qualified human resources (gynaecologists and midwives) in health-care centres
- Application by health-care centres of the protocol for assistance to persons suffering from malnutrition
- Integrated Management of Childhood Illness (IMCI) programme
- Implementation of plans to eradicate measles and poliomyelitis
- National immunization programme and EPI
- Launching of the parental education programme
- Introduction of the safe motherhood programme
- Distribution of impregnated mosquito nets to poor households

### **Results achieved**

197. Analysis of the recent data from the EDIM-2006 survey casts light on Djibouti's many achievements and shows the improvements made since the submission of the initial report in terms of the Millennium Development Goals and the objectives of "A world fit for children".

### **Infant mortality**

198. The comparative results of the indicators of the PAPFAM-2002 and EDIM-2006 surveys indicate an improvement in the under-five mortality and infant mortality rates, although they remain high. The objectives of the PRSP for 2006 have been met, and implementation of Goal 4 is well under way.

Mortality	EDSF/PAPFAM-2002	EDIM-2006
Under-five mortality rate	129.1 per 1 000	94 per 1 000
Infant mortality rate	103.1 per 1 000	67 per 1 000

This positive development is due in particular to the impact of the IMCI programme.

199. The programme was introduced in 2001 with the cooperation of WHO, the World Bank and UNICEF, and its actual implementation began in 2004. Relying on a global strategy, it aims to manage the health-care protection of children by targeting a number of illnesses within EPI and the main childhood infections (acute respiratory infections (ARIs), diarrhoea, malaria and tuberculosis).

200. With the new management, efforts have been directed first towards training personnel and gradually extending implementation to districts in the interior. In 2006, all health-care structures implemented these services. The community IMCI programme launched with UNICEF support in 2006 seeks to promote exclusive breastfeeding, food for children, vaccination at the age of 6 months, malaria prevention and hygiene measures to combat diarrhoea. Additional training in nutrition is made available to health-care centre personnel.

201. The programme has also made good progress in national data collection and disease surveillance through a massive mobilization of human and material resources in conjunction with development partners. Health-care personnel have been trained in the collection of data, which are transmitted every month to the Health-Care Information Service for processing.

202. The comparative data of the EDSF/PAPFAM-2002 and EDIM-2006 survey show a slight deterioration in the nutritional situation of children and the considerable impact of the public awareness campaigns to promote exclusive breastfeeding.

Nutrition	EDSF/PAPFAM-2002 (%)	EDIM-2006 (%)
Prevalence of insufficient weight	26.8	28.6
Prevalence of retarded growth	23.0	32.2
Prevalence of moderate acute malnutrition	17.9	20.4
Exclusive breastfeeding rate	0.6	1.3
Continued breastfeeding rate	47.8	53.5
Supplementary feeding rate	22.0	23.1

### **Vaccination coverage**

203. After years of deterioration, the national immunization programme was relaunched in 2000, taking into consideration the recommendations of the various assessments carried out in this area.

204. The objectives of the programme for 2002-2006 gave priority to routine vaccination activities and initiatives for the control, elimination and eradication of preventable diseases through vaccination. Heavily restructured, the programme also includes additional appointments of personnel and the rehabilitation of the cold chain at all levels of health-care facilities.

205. EPI is basically aimed at vaccinating children under the age of 5 against tuberculosis, diphtheria, tetanus, whooping cough, poliomyelitis and measles, with the help of UNICEF. The stepped-up programme greatly increased routine vaccination coverage of infants under the age of 1, which went from 26 per cent in 1999 to 63 per cent in 2003 and 90 per cent in 2006. Since 1999, there has not been a single case of polio recorded anywhere in the country,

owing to the intensification of the eradication campaigns. The efforts made to ensure full protection against childhood infections by carrying out all the booster shots seem to have been successful.

206. However, difficulties and setbacks relating to problems with access to facilities, education of heads of families, the economic situation of households and inadequate information remain to be addressed.

Child health care	EDSF/PAPFAM-2002 (%)	EDIM-2006 (%)
Vaccination coverage for tuberculosis	76.5	87.5
Vaccination coverage for polio3	39.2	56.0
Vaccination coverage for DTC3	55.0	45.8
Vaccination coverage for measles	58.1	63.8
Fully vaccinated children	12.3	38.6
Antibiotic treatment/pneumonia	35.3	42.5

### Maternal mortality

207. Maternal mortality is in decline, falling from 720 deaths per 100,000 live births in 1998 (data: Ministry of Health) to 546 deaths per 100,000 live births in 2002 (EDSF/PAPFAM). Despite a lack of more recent data on this indicator, health-care services for mothers have improved, in particular with regard to reproductive health.

208. The family stability policy introduced by the Government in 1996 put in place a first reproductive health programme, to which the safe motherhood programme was added in 1998. Today, the integrated programme, operating in conjunction with UNFPA, aims to help improve the reproductive and sexual health of all couples and individuals, including adolescents, and places special emphasis on the reduction of maternal mortality.

209. The activities undertaken in the context of the safe motherhood programme are designed to improve medical follow-up and assisted delivery but also seek to reduce pregnancy risk factors, such as anaemia, malnutrition and FGM. Family planning with the help of counselling and accessible contraceptive devices aims to improve health through birth spacing and the practice of breastfeeding.

210. Significant progress has been made in the area of reproductive health. Pregnancies are more closely monitored, and assisted deliveries have increased (60 per cent in 2002, and 92.9 per cent in 2006). More effective care during high-risk pregnancies and, in particular, the practice of caesareans (3.5 per cent in 2002, and 5.3 per cent in 2005) have led to a drop in in-hospital maternal mortality.

211. One example of the progress made through family planning is the increase in the prevalence of contraceptive use among women of reproductive age, from 15 per cent in 2002 to 17.8 per cent in 2006, thanks to numerous information campaigns. Despite this positive development, the number of women who have adopted modern contraceptive practices remains small; the interval between successive births does not exceed 24 months, and the need for

protection against undesired pregnancies has still not been met. Family planning must be expanded to young people, in keeping with the goals of the programme for reproductive health.

Reproductive health	EDSF/PAPFAM-2002 (%)	EDIM-2006 (%)
Prevalence of contraceptive use	15	17.8
Assistance by qualified personnel	60	92.9
Delivery in a health-care centre	60	87.4

212. Notwithstanding numerous information campaigns and unifying events, such as the regional conference for the abandonment of harmful practices, the fight against FGM constitutes a real social and health-care challenge. Excision and infibulation concerned 98 per cent of women of reproductive age, and the 2006 UNFPA school survey confirms the persistence of the phenomenon, which still affects a large proportion of young girls (75.5 per cent).

### **Efforts to combat HIV/AIDS**

213. A national programme to combat the pandemic (2003-2007) and a new institutional and organizational framework (an interministerial committee, an intersectoral national committee to combat AIDS, malaria and tuberculosis, and an executive secretariat) have been put in place to mobilize all partners. The programme focuses on strengthening national coordination of the fight against AIDS at both national and international level; consolidating systems for understanding, monitoring and assessing the epidemic; alleviating the socio-economic impact of HIV on individuals, families and communities by caring for persons infected with HIV/AIDS (pregnant women, orphans and vulnerable children); employing anti-retroviral (ARV) drugs; and preventing mother-to-child transmission.

214. The HIV/AIDS information and awareness week, held once a year, uses all means of dissemination, mobilizes large numbers of associations and involves all sections of the population.

215. A survey on behaviour, attitudes and practices of young people in the face of AIDS was conducted in 2005.

216. Given the growing appreciation of the seriousness of the pandemic, the authorities have conducted a major education and awareness-raising campaign with the help of community structures (NGOs and associations).

217. The Yonis Toussaint Centre, the country's referral centre for counselling and voluntary screening, and therapeutic and psychological treatment of persons living with AIDS, was set up in 2003 and has since conducted nearly 4,000 screening tests and cared for 489 persons infected with the disease. ARV drugs have been provided free of charge since 2004. A solidarity fund of 100 million Djibouti francs was created in 2004 to assist AIDS orphans, estimated at 5,000 or 15 per cent of the total number of orphans in the country. The year 2005 saw the setting up of a hotline on the question, and access to condoms was made easier.

218. The percentage of the population between 15 and 24 years of age with a good general knowledge of HIV/AIDS was 18 per cent in 2005. These rates are comparable with those in other African countries.

219. Initially administered in the context of the programme to combat aids, the prevention of mother-to-child transmission (PMTCT) programme, which was started in 2003, is now conducted by the Directorate for Maternal and Child Health and complies with the Committee's recommendations on the subject. Carried out with UNICEF support, the programme targets pregnant women, infected pregnant women and unborn children. Programme activities are aimed at establishing screening and counselling services, making Nevirapine available to HIV-positive mothers and their children and providing access to prevention measures, treatment of opportunistic infections and social and psychological assistance. The programme also provides training to health-care personnel, volunteers and NGO staff that is geared to new obstetric practices and treatment of opportunistic illnesses and organizes social mobilization and awareness campaigns to promote positive attitudes.

220. The PMTCT programme focused on two health-care pilot centres in 2004 and revealed that women readily accepted screening, that the prevention messages were well adapted to the target population, that nearly 80 per cent of infected women were treated and that the risk of mother-to-child transmission had declined perceptibly.

221. Given the success of the pilot initiative, in 2006 the programme was broadened to include community care centres. These health-care facilities receive special food for infants based on artificial milk and rehydration salts and a food ration for children of HIV-positive mothers.

222. These initiatives have led to a stabilization in the progression of the illness since 2003 and a rate of prevalence among adults (15-49 years) of 2.9 per cent. The findings confirm that the objective set by the PRSP (a prevalence rate for 2006 of 3 per cent) has been met. Owing to the lack of recent data, it is not possible to have a more detailed comparison with the first Millennium Development Goal.

#### **D. Social security and childcare facilities (art. 26 and art. 18, para. 3)**

223. The 2002 social security reform (Act. No. 154/AN/02/4<sup>th</sup> L and Order No. 2004-309/PR/MESN of 22 April 2004), which extended the years of contributions for eligibility for a retirement pension (25 years instead of 15), did not affect the family allowances, health-care benefits and other pensions to which workers' dependants are entitled.

224. The State is working to improve the social welfare of those persons in the population who are not employed in the formal sector or are particularly disadvantaged by putting in place measures to alleviate their difficulties. In terms of health-care benefits, measures designed to improve the situation of the most vulnerable include the creation of community health-care centres, the greater availability of generic medicines and the issuance of an indigence certificate for free treatment at hospital health-care centres.

225. The National Solidarity Directorate is currently conducting a study on the introduction of community micro-insurance to provide the most underprivileged with minimum social welfare coverage.

### **E. Standard of living (art. 27, paras. 1-3)**

#### **Situation of households with regard to poverty**

226. The EDAM-IS1 and EDAM-IS2 surveys of 1996 and 2002 on poverty profiles show a change in the standard of living of Djiboutian households characterized by a progressive deterioration in their social situation over this period: the incidence of relative poverty rose from 45.1 to 74 per cent and the incidence of extreme poverty from 9.6 to 42.1 per cent.

227. There is widespread structural poverty throughout the country, affecting all sections of the population, in particular children, young persons and women. This poverty and the resultant food insecurity are a threat to 49 per cent of households, classed as vulnerable; 31.1 per cent of households are very vulnerable. Its impact on the health of children under 5 years of age worsened between 2002 and 2006 (nutrition table).

228. The persistence of poverty continues to be primarily linked to the growth of unemployment, the impact of conflicts and of the prevailing political instability in the Horn of Africa, the consequences of an arid climate and difficulties of access to basic social services.

#### **Main achievements**

229. The Government of Djibouti has introduced a strategy to combat poverty. The PRSP, prepared and approved by IMF and the World Bank in 2004, is fully consistent with international objectives (the Millennium Development Goals and “A world fit for children”).

230. The implementation of social policies designed to improve access to quality basic services (education, health care, water and sanitation, etc.) is expected to help slow the growth of poverty. The efforts made in these areas have led to improved school enrolment, better vaccination coverage and lower infant and child mortality. The Government has given priority to budgetary allocations guaranteeing social rights and has increased social expenditure from 38 per cent in 1999 to 44 per cent in 2004. The increase in budgeting for the education sector, from 16 to 24.8 per cent, is indicative of this commitment.

231. In order to reduce the poverty burden, in 2001 the Government set up the Social Development Fund to grant microcredits for the integration of women in development. The Central Bank was entrusted with devising ways and means of promoting the microfinancing mechanism and making it able to contribute to economic growth and the fight against poverty.

232. To attenuate the incidence of poverty, in 2001 the authorities put in place the programme for essential development needs, subsequently expanding its coverage to include underprivileged communities. SPFS 2002-2006 was implemented to help populations affected by drought.

233. The adapted military service programme was instituted to provide young people with the qualifications needed to enter the labour market.

234. The achievements at macroeconomic level through structural adjustment programmes (between 2000 and 2005, the average real GDP growth rate was 2.5 per cent) have not yet made

it possible to attain the first Millennium Development Goal (the incidence of extreme poverty was 40 per cent in 2006). Chronic, growing unemployment in Djibouti, which increased from 44.1 per cent in 1996 to 59.5 per cent in 2002 (data: EDAM-IS1 and EDAM-IS2), and which worsened in particular for young persons (according to the International Labour Office, 70 per cent of persons under 24 years of age were unemployed in 2004), is a major challenge for the country.

235. Since January 2007, the most important reference framework for the main stakeholders (Government, civil society and private sector enterprises) in the fight against poverty has been the national initiative for social development. In order to remedy the shortcomings of the SFPR, the new social project advocates a global and participatory approach able to effectively direct what are now long-term measures.

236. The major strategic priorities are to improve access to basic social services, employment (in particular for young persons) and assistance to vulnerable persons. To that end, the key objectives defined must respond to the social situations in areas in difficulty (rural localities, and urban and suburban neighbourhoods) and of vulnerable groups (abandoned children, orphans, indigent women and older persons) through the creation and enhancement of reception facilities. A plan of action corresponding to the objectives of the initiative is being prepared.

## **VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES**

### **A. Education, including vocational training and guidance (art. 28)**

237. Since the report on the implementation of the Convention was submitted to the Committee, Djibouti has embarked on a profound, wide-ranging reform of its education system, the first of its kind in the country, in order to bring it into line with national realities, the dictates of development and the fight against poverty, and also to demonstrate its determination to comply with its international commitments.

#### **Summit on education of December 1999**

238. The remodelling of the school system was carried out through a broadened participatory approach involving various components of the national community (parents, civil society, the administration, teachers, pupils, etc.) in the education decision-making process. This large-scale national consultation took place with the participation of representatives of schoolchildren (5 per cent of participants) and reflects a concern to make respect for the views of children a reality.

#### **Outline Act on the Djiboutian Education System (August 2000), and master plan**

239. Stemming from the recommendations of the summit on education, the new legal framework and its 10-year master plan reorganize the school and university system and enunciate the main strategic principles of education policy, in accordance with articles 28 and 29 of the Convention.



240. The Act recognizes the right to education for all Djiboutian children without discrimination, carefully defines the objectives of education and seeks to ensure:

- Compulsory fundamental education for nine years for children between 6 and 16 years of age
- Better quality education that is geared to the national context
- The putting in place of a culture of evaluation and the replacement of competitive examinations at the end of primary schooling with an assessment test
- The enhancement of technical and vocational training, notably through the introduction of a vocational middle-school system
- The encouragement of close partnerships between the various groups concerned at all levels: central, regional and local (i.e. schools)
- The promotion of informal education and, in particular, initiatives to combat illiteracy

241. The strategies of the Ministry of National and Higher Education for attaining the objectives set by the Act and the master plan were made operational in the plans of action for education 2001-2005 and 2006-2008.

### **Progress in school enrolment**

242. The Government of Djibouti is working to improve enrolment by enhancing school capacity, introducing equality of opportunity through the promotion of girls' enrolment and efforts to combat other disparities, and by adopting budgetary and administrative measures with the support of development partners.

243. The reform of the education system has led to an unprecedented increase in the number of children enrolled. There has been an overall increase in the gross enrolment ratios (GER, i.e. the relation between total school enrolment and the total population of the age group concerned) in both basic (primary) and higher education.

### **Table**

**Evolution of the primary school population**

Years	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06
Total	42 754	44 321	46 364	48 713	50 533	53 743
Boys	24 281	25 301	26 084	27 397	28 010	29 872
Girls	18 473	19 020	20 280	21 316	22 523	23 871

*Source:* Higher Committee for Education - Ministry of Education - 2006.

244. Fundamental education, the top priority of the master plan, has experienced increases in the basic education GER, which went from 46.3 per cent in 2000-2001 to 54.8 per cent in 2005-2006, and in the middle school GER, which rose from 22.1 to 30.58 per cent in the same period (data: Ministry of National and Higher Education).

**Table**

**Evolution of the middle school population**

Years	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06
Total	13 655	14 458	16 595	18 180	20 867	21 129
Boys	8 438	8 940	10 056	10 872	12 650	12 729
Girls	5 217	5 518	6 539	7 308	8 217	8 400

*Source:* Higher Committee for Education - Ministry of Education - 2006.

245. School attendance seems to be more regular owing to a slight decline in dropouts at the end of primary school (according to the World Bank, 68.4 per cent of children completed primary schooling in 2004-2005, as against 49.9 per cent in 2002-2003), although entrance exams for the sixth school year will not be eliminated until 2007.

246. The construction of a second high school in Balbala (a suburb of Djibouti City) and the establishment of high school classes in districts in the interior have made it possible to increase high school enrolment, as illustrated by the growth in the number of classes (48 in 1999-2000, as against 98 in 2003-2004 for general education) and number of pupils (2,510 in 1999-2000, as against 6,033 in 2003-2004, private schools included).

247. Access for Djiboutian students to higher education in their communities was made possible in 2000. Between its creation and 2005-2006, the Djibouti University Centre registered an average annual increase in student numbers of 25 per cent.

### **Reduction in disparities**

248. Considerable efforts have been made to promote girls' enrolment and to reduce gender disparities (exploratory study on obstacles and action framework for the promotion of education for girls, awareness-raising days, distribution by the United States Agency for International Development (USAID) and UNICEF of school kits, school canteen and school health programmes, etc.). These actions have made it possible to increase the girl/boy ratio in primary schools from 0.76 in 2002 to 0.98 in 2006. The objective of eliminating gender disparities in primary schools fixed for 2005 in the "A world fit for children" Plan of Action has thus been met.

### **Budgetary and administrative measures**

249. The increase in budgeting for the education sector from 16 to 24.8 per cent is indicative of the priority given to allocations for social rights. The sector also benefited in 2006 from the World Bank's EFA Fast Track Initiative.

250. In addition, compulsory schooling was introduced, and children can no longer be refused for lack of civil status documents.

### **Administrative and educational measures**

251. Teaching in Arabic, which has always contributed to the education and training of many Djiboutians, is now an additional asset for improving enrolment. In order to comply with its mandate in full, the Ministry of National and Higher Education has restructured its education programmes, including by introducing a single high school diploma.

252. Efforts to raise school enrolment remain hampered by inadequate forecasting and needs assessments. Despite the increase in enrolment, school performance continues to be poor; there are many repeaters and dropouts. Thus, nearly 50 per cent of children are not enrolled in school, and the attainment of the second Millennium Development Goal (PRSP: GER of 73 per cent) would appear to be compromised.

### **Improvement in the quality of education**

253. The reform of the education system has helped bring the objectives of education into line with the needs of individuals and society and with the imperatives of education for all, but it also seeks to teach those enrolled in school more effectively.

254. The various measures adopted within this framework focus on four main areas:

- Curriculum reform: a national team produced a curriculum that is better adapted to the sociocultural realities of pupils and the country's development needs. The fundamental education curriculum uses a "skills-based approach", considered to be a modern method which also promotes equality.
- Availability and accessibility of textbooks: a national policy for the elaboration and production of textbooks by CRIPEN was defined and adopted. The book/pupil ratio went from 4.3 to 1.3 for basic education. The Government is committed to abolishing customs duty on the import of textbooks and other material intended for schools and libraries.
- Teacher training: since the reform of the education system, teacher training has been deemed obligatory and indispensable for attaining the objectives of quality education. Despite the limited capacities of the National Teacher Training Centre (CFPEN), initial training is becoming much more common (the number of persons training to become primary school teachers doubled during the period 2000-2004) and is now a requirement for all teacher recruitment. CRIPEN, in conjunction with CFPEN and the inspection service, also conducted a number of large-scale training exercises on the new curricula for classroom teachers - in primary, middle and high schools - using the new teaching approach. The efforts made in the area of continuing education also provided an opportunity to improve the teaching skills of many teachers (between 1999 and 2004, the percentage of primary school teachers without training fell from 37 to 22 per cent). With regard to motivation, the Government continues to work to eliminate salary arrears, improve teaching staff management and put career planning in place.

- Reform of the assessment system: the use of tests and competitive examinations for the sole purpose of establishing rankings will be gradually phased out and will be replaced by practices aimed at assessing skills acquisition and incorporating plans for remedial classes and/or early prevention of difficulties which pupils encounter.

255. Like the rest of the world, Djibouti has been affected by the phenomenon of new information and communications technologies. Pending the findings of a study on the introduction of such technologies in education, the Ministry of National and Higher Education has already equipped middle and high schools with computers with an Internet connection, which will also be gradually introduced in primary schools.

256. Despite a real desire to adapt teaching to national realities and to teach children more effectively, the Government and the Ministry face difficulties associated with the lack of personnel able to provide initial and ongoing training for teachers, demand for whom continues to increase with growing school capacities.

### **Literacy and non-formal education**

257. The Outline Act introduced literacy campaigns and non-formal education and recognized combating illiteracy as a major objective. The authorities regard the development of non-formal learning as an alternative that may help achieve a better realization of children's right to education.

258. In addition to the establishment within the Ministry of Education of a service responsible for partnership and non-formal education, the main initiatives have sought to restructure the area by improving the effectiveness of national programmes:

- A reference framework was produced with the help of a forum on enhancing the quality and effectiveness of literacy campaigns and non-formal education (held in March 2004).
- Additional statistics were made available through a 2005 study on the current state of literacy and non-formal education.
- Drawing on earlier work, the September 2006 national meeting on literacy and non-formal education took policy decisions and defined priority intervention areas essential to the formulation of a national strategy and plan of action.

259. The document summarizing the meeting focuses on policy decisions intended to enhance the right to knowledge and to improve the vocational integration of children/young persons who are not enrolled in school, have dropped out or have special needs, and of girls. A more suitable environment (specialized centres) and teaching aids (curricula and textbooks) are needed. Transfers between formal and non-formal types of education must be facilitated.

260. However, literacy is declining at national level and among women in rural and nomadic settings, as shown in the EDAM-IS1 and EDAM-IS2 surveys, falling from 61 and 95 per cent in 1996 to 49.7 and 85.2 per cent, respectively, in 2002.

261. Despite improved control by the stakeholders involved, the institution continues to face problems associated primarily with the coordination of very varied actors (public bodies, NGOs, community-based associations, etc.) and a lack of material and human resources.

### **Training and vocational guidance**

262. The Outline Act on the Education System of 10 August 2000 stresses the importance of enhancing technical and vocational training and, in particular, of introducing vocational education at middle school level.

263. The strengthening of technical and vocational education and their adaptation to children's development and to market needs is the second priority of the 10-year master plan.

264. The introduction of vocational education at middle school level, in conformity with article 28 and article 29, paragraph 1, of the Convention, is part of the fight against unemployment and exclusion from schooling.

265. The 2001-2005 plan provides, *inter alia*, for the establishment of five basic and advanced vocational training centres, including three in districts in the interior, the implementation of a teacher education and training support mechanism, the setting up of a programme to train trainers, the elaboration of the curricula of the new structures and the provision of appropriate textbooks to the training centres.

266. This new segment of Djibouti's school system is currently being set up, and curricula for the main subjects are being finalized for use as from the start of the 2006/07 school year.

### **B. Objectives of education (art. 29)**

267. Articles 7, 8, 9 and 10 of the Outline Act define, in keeping with the Convention, the purposes and objectives of the Djiboutian education system as well as the main focus of the contents and the methods of implementation.

268. As set out in the Act, the goal of education is to develop children's personality and aptitudes, thereby facilitating their socio-vocational integration and inculcating civic values so that they can make a contribution to their country.

269. To that end, the State must provide quality well-rounded education centred on the development of intellectual, physical and moral capacities.

270. The consolidation of national awareness and cohesion through the promotion of a culture of tolerance and respect for others and the training of responsible citizens who live and work in dignity constitute the principal objectives assigned to education under the Act.

271. Accordingly, educational contents must:

- Provide training focused on the objective realities of the context, bearing in mind the global economic, technical, social and cultural evolution

- Teach citizens the principles of democracy and a sense of patriotism, national unity, African unity, Arab-Islamic unity and values of universal civilization
- Develop in each person a spirit of solidarity, justice, tolerance and peace
- Provide education on the environment, health and family well-being

272. The new curricula and, in particular, the graduation requirements stress this dual objective: to have roots in one's culture while remaining open to the civilizations of the world.

273. Specifically, the Ministry of National and Higher Education, with the help of development partners, has initiated many curricula focusing on such themes as education on population questions, environmental education, education for peace and education for risk and disaster preparedness. These curricula have been implemented through teacher training courses, the elaboration of textbooks for pupils and primary and secondary school teachers, and the inclusion of these concepts and related ideas in curricula.

### **C. Leisure and recreational and cultural activities (art. 31)**

274. The right to leisure and recreational and cultural activities is an essential dimension of the cognitive, physical and emotional development of children and young persons.

275. The actions undertaken by the Djiboutian authorities in this regard are set out in two documents defining the main policies in the area of sport, culture and leisure:

- The national youth policy 2001-2005: this overall framework of initiatives of the Government and the Ministry of Youth, Sport, Leisure and Tourism promotes the development, empowerment and social integration of young people by adapting institutional structures and strategic policies to the current concerns of Djiboutian youth.
- The 10-year master plan and the plans of action for education 2001-2005 and 2005-2008: as part of the reform of the Djiboutian education system, physical education and sport are recognized as fully-fledged subjects with priority status. To that end, schools must have appropriate space and equipment.

### **Achievements**

276. The new focus of youth policy, which centres on the priority role of associations and the decentralization of decision-making, has profoundly changed the functioning and administration of the former youth and culture centres, which have become community development centres. The infrastructure of these centres has been rehabilitated and equipped with financing from the Djiboutian authorities and development partners so as to meet the sociocultural and sport needs of young people. The greater involvement and empowerment of local residents following the budgetary difficulties of the Ministry of Youth, Sport, Leisure and Tourism is expected to make these facilities settings for exchanges, training, information, and dialogue between young people and between generations. Although still insufficient in number (12 for the entire territory), these centres can benefit from the energy of youth associations, particularly in cultural activities and sport, and can constitute a powerful means of achieving socio-vocational integration in disadvantaged neighbourhoods.

277. The authorities have also embarked on the restructuring of the institutions of the ministry responsible for youth in order to meet the ambitious challenge of implementing a policy which focuses on particularly vulnerable youths, by strengthening entities which promote associations.

278. Lastly, the organization of the conference on youth development and, above all, the establishment of a National Youth Council (February 2007), a forum for partnership and exchanges between young people but also a force for putting forward proposals, are also expected to place the difficulties of young people at the centre of all public decision-making.

279. This department has, however, worked to augment reception facilities, above all in the districts, and to train supervisory staff and has implemented a judicious plan of action to deal with the problems facing Djiboutian youth (delinquency, drugs, participation of youth in national development), notably through sport and cultural activities. The institution still suffers from insufficient budgeting, most projects being implemented with funding from development partners, and a lack of qualified personnel to carry out the sport and cultural initiatives.

### **VIII. SPECIAL PROTECTION MEASURES**

280. Public bodies and NGOs must give special protection and assistance to children in difficult situations. This particularly vulnerable group is essentially composed of refugee children living outside refugee camps and on the streets, orphans and children from very underprivileged families. Owing to their vulnerability, these children are more affected by inhuman work, sexual exploitation, problems of drugs and delinquency and difficulties of access to basic social services.

#### **A. Children in emergency situations (arts. 22, 38 and 39)**

281. In view of the seriousness of the problem, both government bodies and NGOs have started initiatives in recent years on behalf of refugee children living in very precarious conditions in Djibouti City.

282. The 2002 study on street children conducted by the Ministry of Youth, Sport and Leisure in conjunction with UNICEF responds to the Committee's recommendation (CRC/C/15/Add.131, para. 50) and also reflects the new awareness on the part of the authorities of the problems facing these marginalized children.

283. The survey stresses the qualitative features of this population group and helps understand the causes of the phenomenon, which is closely related to the instability, political tensions and wars in the Horn of Africa. This situation is aggravated by climatic and man-made disasters (recurrent droughts, famines and widespread poverty, together with the dispersion of families or the disintegration of family ties).

284. A judicial and administrative mechanism (Order No. 77-053/PR/AE) is in place under the auspices of the Ministry of the Interior; its committee is responsible for granting refugee status to all persons, including children, who meet the predefined criteria, in conformity with the international treaties ratified by the Republic of Djibouti (1951 Convention relating to the Status of Refugees and its 1967 Protocol).

285. Other initiatives relating to the problem of street children are included in the project implementation documents of many ministries, such as the Ministry of Sport, the Ministry of Employment and National Solidarity, the Ministry for the Advancement of Women and the Ministry of Justice.

- As part of the national integrated early childhood development strategy, the recently defined strategy and plan of action for the care of orphans and vulnerable children aim to ensure equal and equitable access to protection and social and cultural resources by giving active support to disadvantaged families.
- The Diwan Al Zakat foundation, set up in keeping with the cultural values of solidarity of Djiboutian society, assists many poor families and a number of vulnerable groups (older persons, large families, orphans, etc.).
- Lastly, the opening in the near future (June 2007) of the Orphans Reception Centre in Balbala (a suburb of Djibouti City) will make an important contribution to enabling 750 children to make a better start in life. With this new centre, Djibouti increases perceptibly its reception facilities outside the family environment and provides greater guarantees for the rights of disadvantaged minors.

286. The social and psychological rehabilitation of refugee children outside camps through access to social services (shelter, education and health care) is essentially the work of NGOs and national associations.

287. At the level of education, actions initiated include training in crafts and literacy campaigns conducted by a number of associations. Other private charitable organizations are working to respond to the need for education of this group of children. A joint programme involving a private school (Horn of Africa) and a charitable organization (Caritas) started in 1995 and continues today, building on its well-trying experience.

288. These organizations also provide first aid for street children enrolled in their schools and are building relations of trust with the French army's military hospital, where children who need more specialized treatment can receive it.

289. The return to ancestral values of solidarity in Djiboutian society and the Government's determination to strengthen social cohesion through the national initiative for social development can mean better protection and assistance for children in difficulty. This mechanism must be enhanced through the firm support of NGOs active in this area and the implementation of real voluntary repatriations and family reunifications together with social reintegration in the country of origin.

#### **B. Children in conflict with the law (arts. 37, 39 and 40)**

290. The observations on the reform of the judicial system stressed the non-existence of courts and prisons for juvenile offenders. The promulgation of the Family Code has helped strengthen the rights of children and women. Special procedures and measures of leniency are applied for juvenile offenders who enrol in school.



291. Other specific initiatives of the Ministry are directed at enhancing the legal protection of children, such as the instructions given to the judicial authorities to exclude from remission of sentence perpetrators of offences committed in violation of the rights of children, the greatest possible leniency for children enrolled in school, and the more frequent invoking by judges of the concept of the best interests of the child.

292. Most of Djibouti's legal instruments encourage greater protection of the rights of children. For example, the Penal Code sanctions inhuman working and housing conditions, procuring, prostitution and abortion. These provisions have been strengthened under the new Labour Code.

293. The difficulties in implementing these principles are chiefly due to the lack of material, qualified human and financial resources.

**C. Children in situations of exploitation, including their physical and psychological recovery and social reintegration (arts. 32-36 and 39)**

294. The 2002 survey shows that, in order to survive, these children are employed under inhuman and degrading conditions in the following ways:

- 16.37 per cent shine shoes
- 15 per cent wash cars
- 10 per cent live from begging
- 26.67 per cent are forced into prostitution
- 30 per cent (mainly girls) work in households

295. These children are greatly affected by the scourge of drugs, the use of which has been on the rise in the country in recent years (according to the survey, more than half of street children use narcotics).

296. Epidemiologically speaking, these children are in situations of high risk and do not know about HIV/AIDS; more than half of them engage in high-risk sexual behaviour (60 per cent of sexually active children do not use condoms).

297. Of the girls who have had sexual relations, 94 per cent are prostitutes, 18.85 per cent have already contracted STIs, 37.5 per cent have been pregnant and 66 per cent of these have had abortions that have endangered their lives.

298. Djibouti has ratified most of the ILO conventions, including the eight basic instruments, two of which concern the topic of this report, namely the Convention concerning Minimum Age for Admission to Employment (No. 138) and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182).

299. The Ministry of Youth, Sport and Leisure takes street children into account in its programme, as part of its initiatives on behalf of marginalized youth. Under its 2002-2005 plan of action to combat drugs, it conducted public awareness and information campaigns for

adolescents in difficult situations, namely those who have dropped out of school, are not enrolled in school or are living in the street. Other initiatives targeting this population group are related to prevention and the fight against HIV/AIDS through information campaigns and the distribution of condoms.

300. One of the tasks of the Ministry for the Advancement of Women and Family Welfare in the Prime Minister's office is the definition of a policy to reduce the potential risks facing children in difficult situations; this has been given concrete form through the adoption, with UNICEF support, of a national early childhood development policy, one part of which is devoted to the protection of orphans and vulnerable children.

#### **D. Children belonging to a minority or an indigenous group (art. 30)**

301. There is no minority in Djibouti as such because the various ethnic groups have their representatives in the main institutions.

### **IX. RECOMMENDATIONS FOR ENHANCED IMPLEMENTATION OF THE CONVENTION**

302. The participatory process used in preparing this report has enabled the working group to enunciate a number of proposals for giving effect to the rights of Djiboutian children. These proposals centre on the enhancement of institutional capacities and the adoption of more appropriate strategic options. In particular, Djibouti must:

- Ratify the two Optional Protocols to the Convention on the Involvement of Children in Armed Conflict and on the Sale of Children, Child Prostitution and Child Pornography, of 2000
- Strengthen the 1977 national legislation on the rights of refugees
- Put in place a global strategy in favour of children with special needs; and
- Make the National Committee on the Rights of the Child operational.

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