

REPUBLIC OF DJIBOUTI
Unity - Equality - Peace

**COMBINED INITIAL AND PERIODIC REPORT
UNDER THE AFRICAN CHARTER ON HUMAN AND
PEOPLES' RIGHTS**

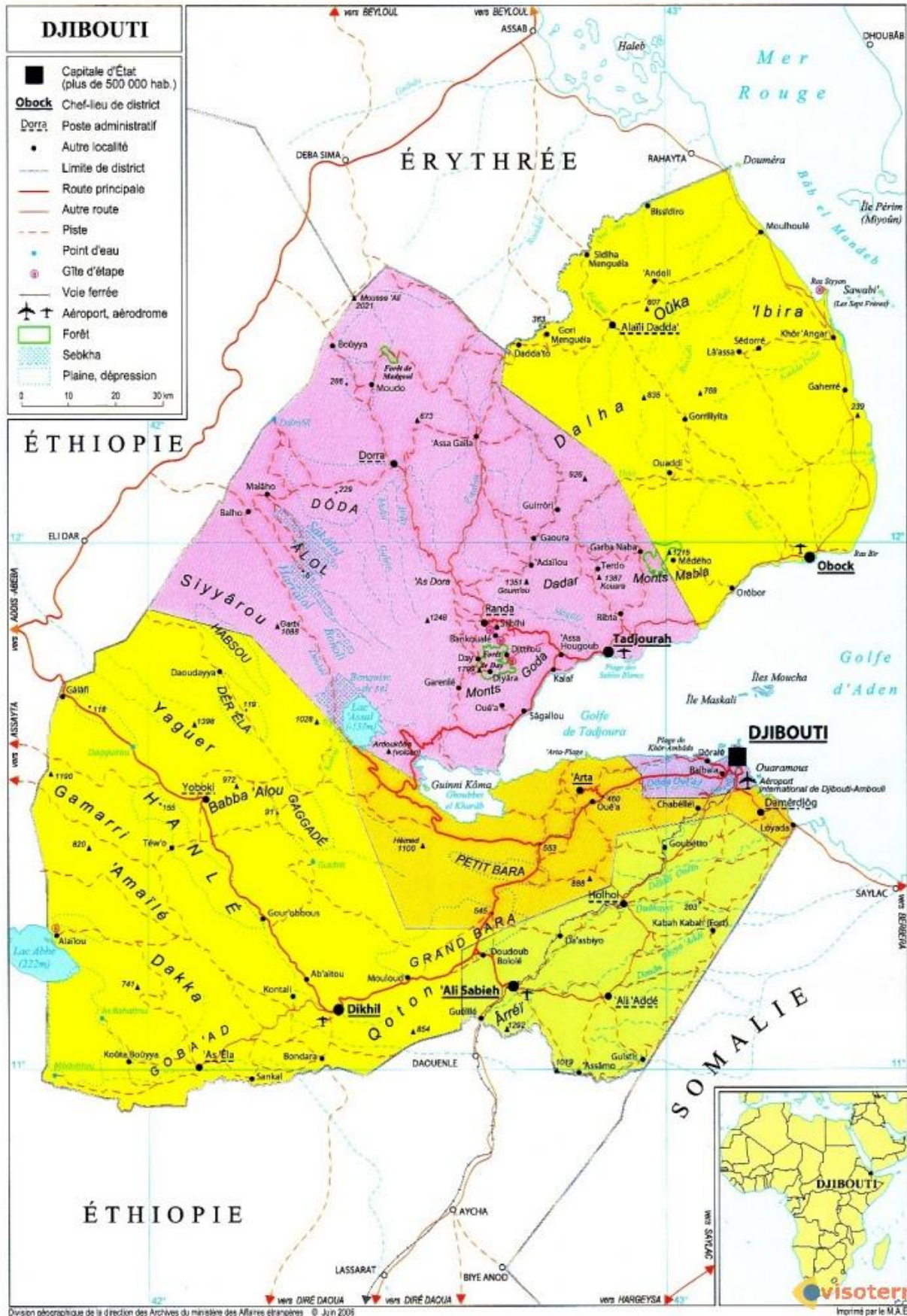


TABLE OF CONTENTS

	<i>Paragraph</i>	<i>Page</i>
Acronyms and abbreviations		5
Introduction	1- 9	6
PART 1: General information.....	10- 57	7
I. Background and socio-economic aspects.....	10- 27	7
1. Historical overview.....	10- 18	7
2. Demographic and economic data	19- 27	8
II. Legal framework.....	28- 42	10
1. Ratified international instruments.....	28- 32	10
2. Fundamental pieces of legislation	33- 42	11
III. Institutional framework.....	43- 57	14
 PART 2: Realization of Human Rights	 58-	 16
I. Civil and political rights.....	58- 170	16
1. Right to non-discrimination and equality before the law	58- 65	16
2. Right to life and to physical and moral integrity.....	66- 75	18
3. Prohibition of torture and other cruel, inhuman or degrading treatment	76- 92	20
4. Right to security of the person and freedom from arbitrary arrest or detention	93- 98	23
5. Right to a fair trial.....	99- 112	24
6. Freedom of thought, conscience and religion.....	113- 116	26
7. The right to receive information and freedom of expression	117- 125	28
8. Freedom of association, demonstration and assembly...	126- 132	30

	9. Freedom of movement, right to asylum and prohibition of collective expulsion	133- 140	31
	10. Right to participate in public affairs	141- 170	33
II.	Economic, social and cultural rights	171- 205	38
	1. Right to property	171- 174	38
	2. Right to the enjoyment of fair and favourable conditions of work	175- 186	38
	3. Right to the highest attainable standard of physical and mental health	187- 205	41
	4. Right to education and rights of individuals to participate in cultural activities	206- 214	44
III.	Specific rights	215- 272	48
	1. Rights of the family, women, children, older persons and people with disabilities	215- 272	56
IV.	Rights of the people	273- 317	57
	1. The right of peoples to equality.....	275- 282	58
	2. The right of peoples to self-determination.....	283- 293	60
	3. The right of peoples to freely dispose of their resources and wealth.....	294- 296	61
	4. Right of peoples to economic, social and cultural development.....	297- 310	63
	5. Right of peoples to peace and international security.....	311- 314	64
	6. Right of peoples to a healthy environment	315- 317	64
V.	Duties	318- 272	65
	1. Dissemination of human rights culture.....	318- 332	65
	2. National institutions for the promotion and protection		

of rights and freedoms.....	333- 343	67
3. Duty to treat others with respect and mutual tolerance	344- 348	69
4. Duty to preserve the harmonious development of the family	349- 352	70

ACRONYMS AND ABBREVIATIONS

ADDS	Agence Djiboutienne de Développement Social / <i>Social Development Agency of Djibouti</i>
ANEFIP	Agence Nationale de l'Emploi, de la Formation et de l'Insertion Professionnelle / <i>National employment, training and professional placement agency</i>
CRC	Convention on the Rights of the Child
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CERD	Convention on the Elimination of all forms of Racial Discrimination
CENI	Commission Electorale Nationale Indépendante / <i>National Independent Electoral Commission</i>
CFS	Côte Française des Somalis / <i>French Somali Coastland</i>
CNC	Commission Nationale de la Communication / <i>National Communication Committee</i>
CNDD	Commission Nationale pour le Développement Durable / <i>National Committee on Sustainable Development</i>
CNDH	Commission Nationale des Droits de l'Homme / <i>National human rights commission</i>
CNJD	Conseil National de la Jeunesse Djiboutienne / <i>National Youth Council of Djibouti</i>
CNR	Caisse Nationale des Retraites / <i>National retirement fund</i>
CNSS	Caisse Nationale de Sécurité Sociale / <i>National Social Security Fund</i>
CRIPEN	Centre de Recherche d'Information et de production de l'Education Nationale / <i>National Education information research and production centre</i>
EDAM-IS2	Enquête Djiboutienne Auprès des Ménages-Indicateurs Sociaux 2002 / <i>Household survey for social indicators in Djibouti 2002</i>
MICS-2006	Multiple Indicator Cluster Survey 2006
EDSF/PAPFAM	Survey on Family Health in Djibouti: Pan Arab Project for Family Health
FLCS	Front de Libération de la Côte française des Somalis / <i>Front for the Liberation of the Somali Coast</i>
FNP	Force Nationale de Police / <i>National Police Force</i>
IMF	International Monetary Fund
FRUD	Front pour la Restauration de l'Unité Djiboutienne / <i>Front for the Restoration of Unity and Democracy</i>
INDS	Initiative Nationale pour le Développement Social / <i>National Social Development Initiative</i>
FGM	Female Genital Mutilation
ILO	International Labour Organization
MDG	Millennium Development Goal
OPS	Organisme de Protection Sociale / <i>Social protection agency</i>
SAP	Structural Adjustment Plan
PDMM	Programme de Développement de la Microfinance et des MicroEntreprises / <i>Micro-Finance and Small Enterprise Development Programme</i>
ICESCR	International Covenant on Economic, Social and Cultural Rights
UNDP	United Nations Development Programme
GPHC	General Population and Housing Census
SCEC	Système de Caisse d'Epargne et de Crédit / <i>Savings and credit fund system</i>
SID	Société Immobilière de Djibouti / <i>Djibouti lands office</i>

SNA	Service National Adapté / <i>Adapted National Service</i>
GER	Gross enrolment rate
TFAI	Territoire Français des Afars et des Issas / <i>French Territory of the Afars and the Issas</i>
TPI	Tribunal de Première Instance / <i>Court of First Instance</i>
UAD	Union pour l'Alliance Démocratique
UMP	Union pour la Majorité Présidentielle
UNFD	Union Nationale des Femmes Djiboutiennes / <i>National Union of Djiboutian Women</i>
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome

INTRODUCTION

1. Situated in the Horn of Africa, the Republic of Djibouti is strategically located and borders the Bab-El-Mandeb strait, the Red Sea and the Indian Ocean. The country stretches over a total surface area of 23,000 km². It is bordered to the West by Ethiopia, the North-East by Eritrea and Somalia to the South-East.
2. The Republic of Djibouti, which ratified the Charter on 11 November 1991, could not meet obligations to submit, within the required timeline, its initial report to the African Commission on Human and Peoples' Rights (ACHPR). This delay is not due to a lack of political will but rather a combination of technical factors.
3. The purpose of this combined initial and periodic report, which covers the period 1993 to 2013, is to provide the Commission with elements for assessment of key human rights developments in Djibouti, as required by Article 62 of the African Charter on Human and Peoples' Rights. It presents the legislative, administrative and judicial measures and mechanisms adopted by the State party to give effect to the rights and freedoms recognized and guaranteed in the Charter.
4. Djibouti had previously prepared several reports in relation to international commitments in the area of human rights and this facilitated the interpretation of information contained in this report, in particular those relative to the Core Document, the Covenant on economic and social rights, the Covenant on civil and political rights and the Convention on the elimination of all forms of discrimination against women.
5. The Republic of Djibouti has, since 1992, initiated a series of measures to ensure greater protection of human rights through modernization of its legislative acts, reform of its civil service and establishment of institutions capable of guaranteeing the fundamental rights and freedoms of people.
6. Government action is geared towards the effective realization of the economic, social and political rights of citizens with special emphasis on issues relating to access and equity.
7. Constraints such as high illiteracy levels and difficulties to reduce poverty among populations despite positive measures in the education sector and the National Social Development Initiative (**INDS**) inhibit the effective implementation of the provisions of the Charter.
8. Nonetheless, human rights monitoring has significantly improved with the establishment of the Inter-ministerial committee in charge of coordinating preparation and submission of reports to treaty organs (2008) and of the National Human Rights Commission (**CNDH**).
9. This report has been prepared pursuant to the simplified directives of the two aforementioned organs. It was validated during a meeting attended by various partners working in this area. Technical support received from the Regional Office of the United Nations High Commissioner for Human Rights and coordination by the UN system in Djibouti greatly facilitated the conduct of this activity.

PART 1: GENERAL INFORMATION

I. BACKGROUND AND SOCIO-ECONOMIC ASPECTS

1. HISTORICAL OVERVIEW

10. In ancient times, the current territory of the Republic of Djibouti was part of a geographical region that historians called “the land of Punt”, which was a peripheral trade centre of ancient Egypt reputed for its incense and myrrh.
11. Like many African countries, its contemporary history is marked by the phenomenon of colonialism with the installation of a French base in Obock (1862). In 1896, the colonial administration moved to Djibouti-city to develop port activities along the French Somali Coastland (**CFS**). The impact of the railway and salt trade reinforced its status as capital city of the colony.
12. The first political leaders were from trade unions though their influence on key decisions regarding the colony, notably providing the colony with its own currency, the Djiboutian Franc (**DJF**) pegged to the dollar (1949), was only felt from the Second World War.
13. Despite growing claims to independence during the ‘50s and ‘60s, the colonial system prevailed by means of violent repressions, electoral manipulations (1958 and 1966 referendums) and imposed new statutes on the colony. The French Territory of the Afars and the Issas (**TFAI**) was hence established in 1967. The country gained independence in 1977 through joint actions of political movements and armed organizations such as the Front for the Liberation of the Somali Coast (**FLCS**) with support from international institutions (UN) and regional institutions such as the Organisation of African Unity (**OAU**) and the Arab League.
14. Hassan Gouled took up the reins of power in a context of great regional instability seriously inhibiting the effective implementation of his development policy. The Horn of Africa is deeply affected by conflicts and crises in Somalia and Ethiopia and their populations take refuge in Djibouti.
15. The civil war opposing the regular army to the Front for the Restoration of Unity and Democracy (**FRUD**) strongly affected the country’s socio-economic situation as early as 1990 (loss of human lives, deterioration of infrastructure and public finances...).
16. Following the 1994 peace accords, a government of national unity was established and FRUD members joined this government thereby making it de facto a legal political party. Forces were demobilized and war-affected zones rehabilitated.
17. The coming into power of Ismail Omar Guelleh (1999) is a new step towards greater reconciliation and giving new impetus to the democratization process as well as national development.

2. DEMOGRAPHIC AND ECONOMIC DATA

18. The **demographic characteristics** of the country are captured in the general population and housing census conducted in 2009. Based on this census, the Republic of Djibouti has a total population of 818,159 inhabitants.
19. The population of Djibouti is primarily city-based, more than 7 out of 10 inhabitants live in urban areas, and highly concentrated in the capital Djibouti-city (nearly 6 out of 10 inhabitants). It is also characterized by a high proportion of special populations (nearly one out of five) predominantly composed of immigrants from the sub-region affected by war and economic hardships. Another characteristic of the Djiboutian population is the significant number of nomadic populations which represent almost 20% of the total population.

Table 1: Population distribution and key characteristics

Region	Urban population			Rural settled population	Nomadic population	Total population
	Ordinary	Special	Total Urban			
Djibouti-city	353 801	121 521	475 322			475 322
Ali-Sabieh	22 630	15 309	37 939	11 977	37 033	86 949
Dikhil	19 347	5 539	24 886	22 510	41 552	88 948
Tadjourah	12 157	2 633	14 820	23 482	48 402	86 704
Obock	9 933	1 773	11 706	9 780	16 370	37 856
Arta	11 043	2217	13 260	11 345	17 775	42 380
Total	428 911	149 022	577 933	79 094	161 132	818 159

Source: GPHC 2009

20. The sex ratio is 116.4% taking into account special populations and 97.2% excluding the latter. An analysis of the age structure reveals that 11.4% of the population is aged between 0 and 4 years, 23.8% between 5 and 14 years, 60.7% between 15 and 59 years and 4.1% aged 60 years and above. Population density is 27.5 inhabitants per square kilometre. The average household size, which was 6.2 persons, dropped to 5.6 in 2012 (EDAM-IS3).
21. Djibouti was classified in the 2011 Human Development Report among countries with a medium level of human development (HDI = 0.43), and ranked 165 out of 183 countries.
22. In the '80s and '90s, the national economy developed at a chequered pace due to successive political crises (regional wars, internal armed conflicts) and economic shocks (drought) resulting in a gradual decline in the country's competitiveness, financial situation and economic and social infrastructure. By 1995, per capita income had decreased by more than 25% relative to 1984 whereas the national budget

deficit reached 10.1% of GDP. Key human development indicators regarding education, maternal and child health and access to drinking water were constantly on the decline.

23. To reverse this trend, the Government initiated in 1996, economic adjustment and restructuring programmes with the support of the IMF and the World Bank and implemented reforms in various key areas: public finance, social security, state companies, education, health... Moreover, the Government developed, in 2000, a poverty reduction strategy with the following objectives: i) restoring economic growth, ii) developing human resources, iii) enhancing social safety nets, and iv) modernizing the State and promoting good governance.
24. Given its strategic position as a trade hub between Asia and Europe, Djibouti's economy is that of a rentier State relying on its port infrastructures and military bases but with a sizeable informal sector. The economy is dominated by the tertiary sector (transport, communication, trade, tourism...) accounting for 76% of GDP and employing 60% of the labour force.
25. Results of programmes implemented since 1996 have been mixed. Significant progress achieved in the macro-economic field with a reduction of the budget deficit did not succeed in reversing the downward trend in the country's social situation. Economic growth was negative (-3.2%) during the 1991-2001 period).
26. The EDAM-IS2 survey shows that the incidence of relative poverty and extreme poverty increased between 1996 and 2002 from 45.1% to 74% and 9.6% to 42.1% respectively. It also reveals that poverty is generalized and affects all geographic areas and social categories.

II. LEGAL FRAMEWORK

1. RATIFIED INTERNATIONAL INSTRUMENTS

27. The Republic of Djibouti has, over the past ten years, deployed significant efforts to accede to key international and regional human rights instruments and submit related reports. 2010 was a significant year in this regard with the preparation of several reports to treaty bodies including the core document common to all reports.

Table 2: Key ratified instruments

International and regional instruments	Accession/Ratification	Preparation of reports to treaty bodies
Convention on the rights of the child Two optional protocols	1990 2009	1 st report: 1998 2 nd report: 2008
International Covenant on Civil and Political Rights (ICCPR) and its two optional protocols	2002	1 st report: 2013
International Covenant on Economic, Social and Cultural Rights (ICESCR) and its two optional protocols	2002	1 st report: 2013
International Convention on the Elimination of all forms of Racial Discrimination (CERD)	2007	
Convention on the Elimination of all forms of Discrimination Against women (CEDAW)	1998	1 st report: 2011
Convention against Torture and other cruel, inhuman or degrading treatment or punishment (CAT)	2002	1 st report: 2011
Convention on the Rights of Persons with Disabilities (CRPD) and its optional protocol	2009	
African Charter On Human And Peoples' Rights (ACHPR) Protocol on the establishment of the African Court on Human and Peoples' Rights Protocol on the rights of women	1991 2004 2005	1 st report: Under preparation
OAU Convention of 10 September 1969 on refugees	2006	
African Charter on child rights and welfare	2009	

28. The Republic of Djibouti is currently holding consultations to ratify the following basic human rights conventions:

- Convention for the Protection of All Persons from Enforced Disappearance;
- Convention on Protection of the Rights of all Migrant Workers and Members of their Families.

29. The State has also initiated ratification of other international treaties such as those relating to the International Labour Organization (**ILO**) and the Geneva conventions.

Table 3: International ILO and Humanitarian Rights treaties

International treaties	Accession/Ratification
Forced Labour Convention, 1930 (No. 29)	2004
Convention on freedom of association and protection of the right to organise, 1948 (No. 87)	2004
Migrant Workers Convention, 1949 (No. 97)	2004
Equal Remuneration Convention, 1951 (No. 100)	2004
Convention on the abolition of forced labour, 1957 (No. 105)	2004
Convention on discrimination (employment and occupation), 1958 (No. 111)	2004
Minimum age convention, 1973 (No. 138)	2004
Worst forms of child labour convention, 1999 (No. 182)	2004
Maternity protection convention, 2000 (No. 183)	2004
1977 additional protocols to the Geneva Conventions of 12 August 1949 relating to the protection of war victims adopted following the declaration of 1978	1991
Rome Statute of the International Criminal Court (ICC)	1998

30. **Transposition into national law** of provisions of the various human rights instruments is conducted in accordance with the Constitution (articles 37 and 63) following ratification by the National Assembly of treaties submitted by the Executive branch. The adopted bill is then enacted by the President of the Republic and published in the Official Gazette for implementation.
31. The Constitution grants international human rights provisions precedence over ordinary legislation. Also, Djibouti has gradually integrated into its legislation the provisions of certain international instruments (ICRC, CEDAW, Minimum age convention).

2. FUNDAMENTAL PIECES OF LEGISLATION

32. The Constitution stipulates in its preamble Djibouti's commitment to the Universal Declaration of Human Rights and the African Charter on Human and Peoples' Rights whose provisions are directly incorporated in the Constitution. Basic human rights are enshrined and guaranteed in Part II of the Constitution thereby providing the necessary basis for incorporating these and other rights into national legislation.
33. Article 10 enshrines the sanctity of human life which includes the right to life, freedom, security and integrity of the individual. Article 16 further prohibits torture, abuse and inhuman, cruel, humiliating or degrading treatment.

34. The fundamental principle of non-discrimination in the enjoyment of rights guaranteed by law which must not exclude any category of population including non-nationals is also set forth in Article 18 of the Constitution.
35. The Constitution also guarantees the right to a fair and equitable trial by upholding the fundamental rights of the individual during arrest, prosecution or detention.
36. Articles 11 to 16 of the Constitution provide the necessary guarantees for civil and political rights. Articles 12, 13 and 14 guarantee the right to privacy with all its implications such as the right to property, inviolability of homes, confidentiality of correspondence, and freedom of movement. They are a line of defence against all security measures.
37. The right to freedom of opinion is guaranteed by Article 15 of the Constitution whereas Article 11 encompasses the freedom of thought, conscience and religion. The latter article also guarantees the right to form and join a trade union as well as the right to strike.
38. The right to vote and to participate in the management of public affairs are guaranteed by articles 5 and 6 which also stipulate that the right to participate in universal suffrage is especially expressed through freedom to create and conduct activities of political parties.
39. The Constitution puts limitations on the scope of human rights and freedoms under special circumstances involving respect of the rights of others, public order, national security and protection against all threats that might endanger individuals.
40. The Constitution, having laid down the guidelines for the organization of human rights, is supplemented by other legislative and regulatory texts which further define their implementation in specific areas:
41. The most relevant are:
 - Organic law No. 1/AN/92/3rd L amending the Elections Act;
 - Organic law No. 2/AN/92/2nd L on freedom of communication;
 - Organic law No. 4/AN/93/2nd L establishing the rules of procedure of the Constitutional Council;
 - Act No. 174/AN/02/4th L on the status of regions;
 - Act No. 140/AN/06/4th L on the adoption of a national policy on risk and disaster management;
 - Act No. 48/AN/99/4th L establishing the new healthcare policy;
 - Act No. 96/AN/00/4th L on the education system policy;
 - Act No. 133/AN05/5th L on the Labour Code;

- Act on the special statute of civil servants;
- Act No. 212/AN/07/5th L on the establishment of the National Social Security Fund;
- Act No. 79/AN/04/5th L on the Nationality Act;
- Decree No. 99-0059/PRE on the creation of the Ministry in charge of Women's Empowerment, Family Welfare and Social Affairs; superseded by the 2012 Act;
- Decree No. 2008-0093/PRE establishing the Ministry of State in charge of national solidarity;
- Act No. 152/AN/02/4th L on the Family Code;
- Act No. 192/AN/02/4th L establishing a quota system in elected positions and the civil service in favour of women;
- Act No. 51/AN/99/4th L relating to the Ombudsman;
- Decree No. 2008-0103/PRE on the establishment of the National Human Rights Commission (CNDH);
- Act No. 210/AN/07/5th L on combatting human trafficking;
- Act No. 106/AN/00/4th L on the environmental framework;
- Act No. 59/AN/94 on the Penal Code;
- Act No. 60/AN/94 on the Code of Penal Procedure;
- Organic law No. 16/AN/12/6th L on the amendment of Article 33 of the 1992 Electoral Act.

III. INSTITUTIONAL FRAMEWORK

42. The 1992 Constitution determines the principles underpinning political organization in the Republic of Djibouti, defines the political system and informs of relationships between the various institutions. It stipulates that Executive and Legislative bodies are voted into office based on free and multiparty elections.
43. Djibouti has a **presidential system of government** with extended powers granted to the President as Head of State and Government. The President defines and implements national policies, has regulatory powers and enacts laws adopted by the National Assembly.

44. Though the Constitution was amended to reinforce the parliamentary system with the imminent creation of a Senate, the National Assembly is currently the only institution with the power to legislate (Article 56 of the Constitution).
45. In accordance with Article 57 of the Constitution, the **National Assembly** considers and amends draft bills on the functioning of the Government and on the realization of human rights and fundamental freedoms for adoption. It is thus involved in the establishment of rules and procedures regarding the operating activities of public authorities, the distribution of roles between central Government and local government units, the establishment of public agencies or national corporations and limitations on public freedoms imposed in the interest of national defence.
46. On the basis of its prerogatives in terms of information and control, (questions to the Government, parliamentary commissions of enquiry, annual debate on the state of the Nation), the Assembly monitors main policy orientations and Government actions. It amends budget laws, regulations and programmes and can thus, for instance, assess the level of implementation of the national budget at various stages as well as the attainment of national socio-economic goals.
47. Finally, declarations of war submitted by the Executive cannot be effective without its consent. Likewise, a state of siege and a state of emergency declared at a Cabinet meeting cannot be extended beyond fifteen days without the Assembly's informed opinion.
48. The parliament therefore plays a key role in the promotion and protection of human rights, essential in the everyday lives of populations and especially in crisis situations. In order to ensure the sustainability of its interventions, the Assembly has financial autonomy and Article 51 guarantees the independence of the legislative branch by granting parliamentarians immunity to protect them from prosecution and arrest for opinions expressed in the performance of their duties.
49. **The judiciary** is independent of the legislative and executive powers and ensures that the rights and freedoms guaranteed by the Constitution are respected. It consists of a single legal system and obeys the principle of the right of appeal.
50. The Constitutional Council, comprising six members, verifies the constitutionality of laws. It judges the constitutionality of the law and is the guarantor of fundamental rights of individuals and public freedoms.

PART 2: IMPLEMENTATION OF HUMAN RIGHTS

I. CIVIL AND POLITICAL RIGHTS

1. Right to non-discrimination and equality before the law

Article 2

Every individual shall be entitled to the enjoyment of the rights and freedoms recognised and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or any status.

Article 3

Every individual shall be equal before the law

Every individual shall be entitled to equal protection of the law

51. The Republic of Djibouti has spared no effort to ensure the effective implementation of human rights for the benefit of everyone on its territory, without discrimination. In this regard, the State has implemented a series of legislative, administrative and legal measures and regularly undertakes initiatives to ensure equality and combat all forms of discrimination.
52. The third paragraph of Article 1 of the Constitution sets out the State's obligation to ensure equality for all before the law regardless of language, origin, race, sex or religion. The Constitution (Paragraph 1 Article 10) further states that respect and protection of fundamental human rights may be guaranteed only if all human beings are equal before the law. In accordance with these constitutional provisions, everyone shall enjoy inalienable rights that may not be subject to any discrimination and whose underlying principles must be upheld by the State.
53. The Criminal Code strictly prohibits discriminatory acts, which are defined as any distinction made between natural or legal persons on grounds of origin, sex, family situation, state of health, disability, tradition, political opinions, trade union activities, or membership of a particular ethnic group, nation, race or religion (Article 390). Subsequent provisions (articles 391 and 393) go on to establish the penalties imposed on offenders. A 2-year prison sentence and a fine of 500,000 Djibouti francs (DF) are provided for acts such as refusal to provide a good or service, obstruction of the exercise of any economic activity, making recruitment subject to conditions, punishment or dismissal.
54. The desire to prevent and combat these practices is also reflected in the Labour Code and, in particular, in Article 3 which states that an employee's sex, age, race, colour, social origin, nationality or national extraction, membership or non-membership of a trade union, or opinions, particularly religious and political opinions, shall not be taken into account by any employer in making decisions relating to recruitment, conduct and distribution of work, professional training, advancement, promotion, remuneration and other conditions of work, award of social benefits, discipline or breach of contract. This highly detailed provision concerning employment is limited only by more favourable regulations protecting women, children and young persons.
55. This same desire is found in Act No. 48/AN/83/1st L on General Civil Service Regulations which states that no distinction shall be made between the sexes other than in exceptional measures dictated by the nature of the duties (Article 7). The Special Civil Service Regulations Act confirms the principle of equal access to civil service posts by establishing a competitive selection process.
56. Enactment of the Personal Status Act has significantly strengthened the equality of rights and responsibilities of spouses by establishing shared parental authority. From a general perspective, the State has undertaken a series of positive measures to accelerate gender equality especially through

implementation of the National Strategy on Gender Mainstreaming for Development (**SNIFD**) and the National Gender Policy (**PNG**) as set forth in Act No. 154/AN/12/6th L of 9 June 2012. Djibouti's report prepared in 2011 and submitted to the committee in charge of monitoring CEDAW helps to fully comprehend this issue.

57. As part of the reform of the judiciary, the State initiated a series of initiatives to better ensure equality before the law and the right to equal protection. The Code of Criminal Procedure (1996) reinforces the principle of the right of appeal and puts in place a judge in charge of enforcing sentences.
58. An increase in salaries and in the number of magistrates favourably contributes to implementing the principle of equality. Provision for legal aid consolidates the right to equal treatment before the courts particularly for citizens with low income.
59. In general, the numerous human rights information and awareness-raising programmes for the police force, the gendarmerie and prison guards ensure the establishment of lasting non-discriminatory practices.

2. Right to life and to physical and moral integrity

Article 4

Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right.

60. Article 10 of the Constitution establishes the right of the human person to respect and protection. This article provides that the State of Djibouti has the obligation to ensure that all individuals within its jurisdiction enjoy the right to life, freedom, security and integrity of the person (paragraph 2). The law also protects the right to life through the imposition of penalties provided for in the Criminal Code on all those who violate human life.
61. Djibouti has continued to extend the scope of application of article 4 of the Convention concerning the right to life, with the aim of protecting human life in all circumstances and all situations where a person's physical integrity is threatened. This protection is a priority in cases where the age or physical condition of the person concerned does not allow that person to defend him or herself against possible attacks. To this end the legislature has set out a number of special provisions in the Criminal Code and other national pieces of legislation (Family Code) for children and older persons.
62. **Protecting a child's right to life** is based on measures guaranteeing a child's survival and self-fulfilment, responsibility for which falls primarily to the parents. However, the State provides legal support and ensures protection of the family and of minors by imposing sanctions on legal guardians for attitudes likely to cause harm to minors such as abandonment, neglect and endangerment (articles

451 to 457 of the Criminal Code). Criminal law also aims to protect the morality of adolescents by punishing activities leading to their corruption (articles 458 to 462), or involvement in sexual acts (articles 463 to 466) and procuring (article 396).

63. It also ensures that the physical integrity of children is protected by prohibiting violence, abuse and murder (articles 325, 326, 330 and 332). The fight against female genital mutilation was strengthened with the amendment in 2009 of Article 333 of the Criminal Code to allow associations working in this area to be able to file civil suits. Advocacy and awareness-raising campaigns undertaken over the past years within the context of the strategy on eliminating female genital mutilation have led to a considerable decline in FGMs in young girls and a gradual decline in the most severe forms of infibulation (from 98% to 73%).
64. With the adoption of the Family Code, the legal arsenal for child protection has been strengthened and given new impetus through implementation of measures to make the family setting healthier and preserve the child's socio-economic rights in case of family break-up. In addition to the many public awareness-raising sessions on the Convention and the various national reports, the State seeks to further ensure the protection of children by facilitating the realization of rights essential for the development of the child (right to food, right to water, right to a decent standard of living...), by providing women with small credits, by distributing food to disadvantaged families, and by increasing the number of boreholes and reservoirs to boost household resources.
65. **Protection of older persons** is ensured, in accordance with national tradition, by the children or descendants within the family. It is therefore their responsibility to provide for the elderly in compliance with the provisions of the Family Code.
66. Since 1996, amendments to domestic legislation to adapt to realities at home and international human rights commitments have expedited the death penalty abolition process. The new criminal legislation adopted represents a major breakthrough for the prohibition of the death penalty as the ultimate punishment for the most serious crimes is now life imprisonment. The Government has amended the third paragraph of Article 10 of the Constitution (2010) to prohibit capital punishment in order to reaffirm the de facto abolition of the death penalty and remove any inconsistency with the letter and the spirit of the Charter.
67. In view of the fact that it is located in a region of instability that is wracked by wars, Djibouti made a commitment as soon as it gained independence to undertake peace-building initiatives, a vital condition for its development and a basis for its relations with other countries in the region with a view to preventing arbitrary deprivation of life. As expressed in the country's national motto "Unity, Equality, Peace", Djibouti is convinced that the right to life can only be guaranteed in this framework.

3. Prohibition of torture and other cruel, inhuman or degrading treatment

Article 5

Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man, particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.

68. Article 10 of the Constitution of the Republic of Djibouti establishes the principle that the human person may not be violated on any grounds. Therefore, in accordance with this article, the State party has the obligation to do everything possible to “respect and protect” the human person.
69. Regarded as a corollary of the right to life and the quality of being human, legal personality is absolute in Djibouti. Despite the lack of provisions expressly establishing this right in Djibouti law, legal personality is not restricted in any way, as the right is acquired at birth and lasts throughout one’s lifetime. Thus, it is recognized that everywhere, regardless of a person’s situation, everyone has the right to realize the various aspects of their personality.
70. Article 16 of the Constitution prohibits torture and cruel, inhuman, degrading or humiliating treatment and protects every person against such acts. The Constitution also prohibits the arbitrary detention of individuals who have not violated the criminal law in force. Among the constitutional protections afforded to detainees is the right of every individual to a medical examination.
71. The Republic of Djibouti acceded to the Slavery Convention of 26 September 1926, and to the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 7 September 1956. Djibouti also ratified ILO Convention No. 29 concerning forced or compulsory labour of 10 June 1930 and Convention No. 105 concerning the abolition of forced labour in 2004.
72. Djibouti ratified without reservation the Convention against torture and other cruel, inhuman or degrading treatment or punishment in 2002 and submitted its initial report in 2010 to the Committee against torture pursuant to articles 21 and 22 of this Convention.
73. The State makes every effort to prevent and punish acts of torture and cruel, inhuman or degrading treatment in practice and in accordance with criminal legislation. Title III, chapter 1, of the Criminal Code sets out the penalties for the most serious and lesser offences against persons. Anyone who has been arrested has the right to telephone their lawyer or a family member as soon as they are taken into police custody. If a person has been remanded in custody, they have the right to family visits in accordance with the Prison Code.
74. Article 325 of the Code punishes abuse of authority against private individuals. It stipulates that “when an official or public employee, in the exercise of, or by virtue of, their functions, uses or orders the use

of violence or torture or commits an act of barbarity against persons, they shall be punished in accordance with the nature and seriousness of that violence and the penalty increased accordingly”.

75. Regulatory and administrative measures have led to the establishment of bodies such as human rights units within the police force and Gendarmerie.
76. There are regular efforts to promote and teach values concerning the prohibition of torture and inhuman treatment among the public in general and the security forces in particular. The security forces are now a major partner in efforts to promote and protect human rights.
77. There has been a steady increase in information available to the public in recent years on the need to respect the dignity of the person, thanks to the deeper involvement of civil society and the media. While not referring specifically to the prohibition against torture and other cruel treatment, pertinent information to promote the rights of women and children has been distributed to the entire population during awareness-raising campaigns mounted by ministerial departments and NGOs.
78. The Criminal Code punishes acts of torture and barbarity and violence leading to mutilation, amputation or any other impairment resulting in partial or permanent disability. Criminal legislation, which also prohibits slavery and slavery-like practices, is complemented by the Labour Code, which bans forced labour.
79. Act No. 210/AN/07/5th L on combating trafficking in human beings was promulgated in an effort to adapt domestic legislation to regional realities. The Act is intended primarily to protect the most vulnerable groups (women, children and persons with disabilities).
80. In Djibouti, **forced labour** is defined as any work or service exacted from an individual under physical and/or mental duress and for which they have not offered themselves voluntarily. It is thus prohibited to use forced labour under article 2 of Labour Code No. 133/AN/05/5th L. Although the Code makes limited exceptions to this rule, they are strictly circumscribed by law. Thus the following may not be considered to be forced or compulsory labour:
 - Any work or service exacted by virtue of compulsory military service laws for work of a purely military character;
 - Any work or service in the public interest as defined by the laws on civic obligations;
 - Any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or private legal entities;
 - Any work or service exacted in cases of emergency, that is to say, in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic or epizootic diseases, invasion by animal, insect or vegetable pests, and in general any

circumstance that would endanger the existence or the well-being of the whole or part of the population;

- Minor communal services of a kind which, being performed by the members of the community in the direct interest of the said community, can therefore be considered as normal civic obligations incumbent upon the members of the community, provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services.

81. It is thus prohibited for any person to exact a service from another person under duress or for the State to establish services of a compulsory character other than those expressly covered by this law.
82. By endorsing the Universal Declaration of Human Rights, Djibouti has accepted that the measures contained therein should be incorporated into the Constitution and implemented in Djibouti.
83. Thus Article 4 of the Declaration states: “No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms”. This is an absolute prohibition without exception. The prohibition is also set out in domestic law, including the Criminal Code and the aforementioned Act No. 210/AN/07/5th L on combating trafficking in human beings.
84. The Republic of Djibouti has taken measures to complement this Act, with considerable support from technical and financial partners (IOM, OHCHR, IGAD, AU...). These measures have focused on awareness-raising and training in particular. There are regular television announcements on the dangers of trafficking. Moreover, there are national and regional training workshops and seminars for the relevant stakeholders (police, Gendarmerie, judiciary, prefects of regions, etc.) in the campaign against illegal immigration and human trafficking.
85. The State is seeking to establish an Executive Secretariat in charge of preventing and combating human trafficking and the draft decree in this regard was reviewed by an Inter-ministerial committee in May 2013.

4. Right to security of the person and freedom from arbitrary arrest or detention

Article 6

Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained.

86. Article 10 of the Constitution states that arbitrary arrest or detention is unlawful and persons may be arrested or detained only in accordance with the law.
87. In order to ensure strict compliance with criminal law and thus prevent abuse, the public prosecutor’s office supervises police work and, in cases of arbitrary detention, releases the persons concerned in

accordance with article 64-2 of the Code of Criminal Procedure and calls for inquiries to be opened through the chief public prosecutor's office to establish liabilities.

88. In general, the majority of arrests take place following a criminal complaint filed by a person, after which police investigators call the person in for questioning and decide after hearing the person whether they should be held in custody, for a maximum period of 48 hours. If investigators are unable to prepare a case for trial, the officers may request the State prosecutor or a deputy prosecutor to extend the 48-hour period in strict compliance with articles 64 ff. of the Code of Criminal Procedure. Other measures of deprivation of liberty are governed and provided for by articles 117 ff. of the Code of Criminal Procedure.
89. In addition, persons charged with serious and lesser offences are generally held in detention pending their trial, in accordance with article 133 of the Code of Criminal Procedure, which states: "*pre-trial detention is applicable only to persons being prosecuted for acts designated as serious offences or acts designated as lesser offences punishable by a prison sentence of 1 year or more.*" However, under articles 139 ff., the investigating judge may order the release of persons held in custody as long as they provide the necessary guarantees that they will appear at all stages of the proceedings.
90. Furthermore, leaving aside criminal detentions, there is a single psychiatric centre for the confinement of persons with severe mental disorders in Djibouti. However, families very seldom commit relatives with such disorders to the centre because of the existence of very strong family structures.
91. Thus, only persons who pose some threat to society because they are prone to violence are subject to confinement. Fortunately, the confinement of such persons takes place in strict compliance with medical regulations and it is rare for any of them to be subjected to total deprivation of liberty.

5. Right to a fair trial

Article 7

1. Every individual shall have the right to have his cause heard. This comprises:
 - a. The right to an appeal to competent national organs against acts of violating his fundamental rights as recognized and guaranteed by conventions, laws, regulations and customs in force;
 - b. The right to be presumed innocent until proved guilty by a competent court or tribunal;
 - c. The right to defence, including the right to be defended by counsel of his choice;
 - d. The right to be tried within a reasonable time by an impartial court or tribunal.
2. No one may be condemned for an act or omission which did not constitute a legally punishable offence at the time it was committed. No penalty may be inflicted for an offence for which no provision was made at the time it was committed. Punishment is personal and can be imposed only on the offender.

92. The Constitution of the Republic of Djibouti guarantees, in its preamble, equality before the country's courts and tribunals by incorporating the Universal Declaration of Human Rights. In addition to the

Declaration, there is article 10 of the Constitution, which sets out in far more specific detail the principle of equality for all persons before the law by stating that every individual has the right to life, liberty, security and integrity. A person may be prosecuted, arrested, accused or convicted only under a law promulgated before the acts of which the person is accused took place. Everyone charged with an offence shall be presumed innocent until proved guilty by the competent court. The right to defence, including the right to be assisted by counsel of one's own choosing, is guaranteed at all stages of the proceedings. Anyone subjected to a custodial penalty shall be entitled to be examined by a doctor of their choice. No one may be detained in a penal institution without a warrant issued by a judicial officer.

93. These statements and principles were first applied in practice through Act No. 52/AN/94/3rd L of 10 October 1994 on the establishment of a court of appeal and court of first instance, and were subsequently included in various provisions of the Criminal Code and the Code of Criminal Procedure, which entered into force in 1995.
94. Regarding **equal access to justice**, subject to certain procedural rules that are essential for the sound administration of justice, the Code of Civil Procedure, Code of Criminal Procedure and Labour Code offer the right of legal action to any party with an interest in a dispute.
95. In addition, Djibouti is in the process of establishing courts of first instance in the interior to give individuals more direct access to justice. Meanwhile, the Ministry of Justice organizes circuit courts for the same purposes.
96. Furthermore, article 4 of Act No. 52 provides for the right to legal assistance in any case. Legal assistance by a court-appointed lawyer must be offered to any person accused of a criminal offence who cannot afford to engage a lawyer of their choosing under article 65-4.
97. The Republic of Djibouti has, since 2011, reorganized legal aid services to help to cover the costs of those most in need, particularly costs associated with courts, proceedings or official documents, preparation of the defence and lawyers' fees. This measure promotes greater social justice among citizens and an improved functioning of justice.
98. Observance of the right to a fair hearing, including the right to be tried in one's presence, to be assisted by a lawyer, to have reasonable preparation time and to be presumed innocent, is guaranteed at all stages of the procedure. Pursuant to the general provisions of the Constitution and articles 4 and 5 of Act No. 52 concerning the right to a fair hearing as a whole, the adversarial principle is strictly applied in all cases, very clear procedural rules covering the discussions in hearings are laid down in articles 241 ff. of the Code of Criminal Procedure, and pre-trial detention in criminal matters is limited only to cases in which release is liable to compromise the establishment of the facts or would be against public policy, in accordance with articles 133 ff. of the Code of Criminal Procedure.
99. Article 3 of Act No. 52 guarantees the public nature of all hearings. However, some cases may be heard in camera at the request of the parties. Moreover, given the high illiteracy rates among the population and the large number of foreign nationals in Djibouti who do not know how to read or write, an interpreter is always present during hearings.

100. Like many countries, Djibouti gives any person who has been convicted by a court of first instance the right to appeal or challenge that decision before a court of appeal.
101. In accordance with the Charter, the judicial system in Djibouti provides for the right to a **review of the trial**, although it is rare in practice. Article 472 of the Code of Criminal Procedure sets out the conditions and methods for such a review.
102. Subject to the rules set out under articles 473 ff. of the Code of Criminal Procedure, review may be sought from the General Assembly of the Supreme Court, which shall rule on the procedure and the merits. A successful review of a trial entitles the appellant to seek payment of damages from the State in accordance with articles 478 and 480 of the Code of Criminal Procedure.
103. Article 18 of the Criminal Code states that “no prosecution may take place against anyone who can provide evidence that they have been tried abroad for the same offence and, where convicted, that the sentence has been served or has lapsed”, which means it is impossible to try a person twice for the same offence.
104. In keeping with the constitutional principle set forth in article 10 of the Constitution, the principle of non-retroactivity of laws and regulations lies at the heart of the judicial system of Djibouti. Moreover, in criminal matters, the legislator extended this principle through article 5 of the Criminal Code, which states that “*only acts that constituted an offence at the time they were committed are punishable*”.
105. However, new provisions are applicable to offences committed before they entered into force and that have not resulted in a final judgement, when they are less severe than the previous provisions. The new law may thus be applied to offenders if the penalties provided for by the new law are lighter than those provided for by the previous law.

6. Freedom of thought, conscience and religion

Article 7

Freedom of conscience, the profession and free practice of religion shall be guaranteed. No one may, subject to law and order, be submitted to measures restricting the exercise of these freedoms.

106. Article 11 of the Constitution guarantees everyone the right to freedom of thought, conscience, religion, worship and opinion in accordance with the law and regulations. This right is further backed up by article 1 of the Constitution, which prohibits all forms of discrimination and guarantees the equality of all citizens before the law, without distinction as to language, origin, race, sex or religion.
107. These guarantees greatly help persons to enjoy the freedom to have or adopt a religion of their choosing and to profess their religion individually or collectively, in public or in private, under the

conditions provided for by law. There are also many places of worship to practise one's faith (Catholic, Protestant, Coptic, Greek Orthodox and other churches), which is a clear reflection of the tolerant nature of Djiboutian society.

108. The legal exercise of the freedom of religion thus recognized is borne out by the facts, namely the absence of any specific exclusion of religious minorities, whether they are citizens or foreign residents, as they enjoy the same State benefits and services as the rest of the population. Furthermore, non-Muslim citizens do not experience discrimination in employment, including in the civil service, or in participation in affairs of State.
109. Religious minorities do not face any restrictions on their right to demonstrate their beliefs freely. They may organize seminars, establish religious schools and distribute or sell publications of a religious nature for the purpose of practising and teaching religion.

7. The right to receive information and freedom of expression

Article 9

Every individual shall have the right to receive information.

Every individual shall have the right to express and disseminate his opinions within the law.

110. Article 15 of the Constitution guarantees everyone the right to express and disseminate their opinions freely either in speech, writing or images. Any legal restrictions on the exercise of the right to freedom of opinion and expression are justified by the need to respect the rights and dignity of others or uphold morality and law and order. Such restrictions are in no way contrary to those set out in the Charter.
111. Under the Criminal Code any concerted attempt to impede the exercise of the right of opinion by battery, violence, assault, threats or destruction or defacement is punishable by three years' imprisonment and a fine of DF 1 million (Article 388). Accordingly, persons cannot be prosecuted for their opinions under Djiboutian law.
112. National legislation recognizes freedom of the press, particularly through the Freedom of Communication Act of 1992. This law sets the conditions for the exercise of freedom of the press, which is guaranteed by the Constitution. Article 3 of the Act defines freedom of communication as the *“right of everyone to create and use freely the medium of their choosing in order to express their thoughts by imparting them to others and to gain access to the expression of others' thoughts”*.
113. Articles 8, 41 and 45 of the Act establish freedom of publication and distribution for the press, radio and television under conditions laid down by law.
114. The Constitution establishes preliminary restrictions by stating that *“these rights are limited by law and by respect for the honour of others”*. In this light, article 4 of the Freedom of Communication Act sets out the

limitations to the principle of freedom of expression, as follows: “*Freedom of communication must not disturb the peace, threaten the dignity of the human person or disrupt law and order; it must not contain any information or assertion contrary to Islamic morality or liable to justify racism, tribalism, treason or fanaticism*”.

115. In compliance with the Freedom of Communication Act (Article 5), two regulatory agencies will be established: the National Communication Committee (**CNC**) and the National Committee in charge of issuing official press cards.
116. A law on the status of members of the press and broadcast media was adopted in 2007 to meet the need to regulate the profession of journalism, referred to in the 1992 legislation on the press (Article 65). In an effort to promote freedom of expression as well as unity and solidarity within the corporation, these organizations network at the regional and international level with the Federation of African Journalists (**FAJ**) and the Eastern Africa Journalists Association (**EAJA**) to name a few.
117. These initiatives are indications of the gradual change in the broadcasting and print media landscape marked by the emergence of new papers and magazines as well as the expression, in the context of political pluralism, of contrasting opinions fundamental for the exercise of journalism in a democratic country.

8. Freedom of association, demonstration and assembly

Article 10

Every individual shall have the right to free association provided that he abides by the law. Subject to the obligation of solidarity provided for in Article 29, no one may be compelled to join an association.

Article 11

Every individual shall have the right to assemble freely with others. The exercise of this right shall be subject only to necessary restrictions provided for by law, in particular those enacted in the interest of national security, the safety, health, ethics and rights and freedoms of others.

118. Although freedom of association and freedom to form and join trade unions are recognized in article 15 of the Constitution, which lays down the principle that “all persons have the right to freely form associations and trade unions, provided that they satisfy the requirements of the laws and regulations”, the Government has not paid the same attention to their implementation.

119. Since its independence, Djibouti has ensured that groups of individuals have the possibility to defend their interests by helping them set up official structures. Thus, the 1901 Act on contract of association was adopted to govern non-political not-for-profit associations. Article 2 of this Act recognizes that *“associations of persons may be freely established without prior authorization or notification, but they shall be entitled to the enjoyment of legal capacity only if they satisfy the requirements of article 5”*. The only limitation to this principle is compliance with basic rules for their registration at the Ministry of the Interior if they wish to acquire legal personality.
120. The Ministry of the Interior has been officially notified of the establishment of more than 750 associations of the kind described in the Act of 1901. The majority are not very visible in the civil society sphere or elsewhere, owing to their inadequate material and human resources. However, there are about twenty NGOs that are very active in promoting and protecting all aspects of human rights.
121. Article 212 of the Labour Code provides that *“all employees or employers, without any distinction whatsoever, shall have the right to form their own trade unions in the occupational and geographic sectors they so determine. They shall have the right to join and leave trade unions freely, as shall former workers and former employers who had at least one year of service in their occupation. Minors older than sixteen years of age may join a labour union unless decided otherwise by their father, mother or guardian. Trade unions may also be established freely by self-employed workers who do not employ any staff.”*
122. Trade unions must also obey the rules relating to notification and establishment. These rules are enumerated in articles 213 ff. of the Labour Code.
123. Thus, many occupations and economic sectors have in fact established trade unions, many of them affiliated with the two main trade union federations, the Djiboutian Workers Union (**UDT**) and the General Union of Djiboutian Workers (**UGTD**). In reality however, aside from the post-civil war period when the economic situation was quite difficult, there is currently a decline in the number of strike actions as trade unions tend to prefer to negotiate.
124. The freedoms corresponding to the exercise of the rights recognized under article 11 are guaranteed by the Constitution (Article 15). Article 58 of Organic Act No. 1/AN/92 on elections sets forth this freedom. It reads as follows: *“The head of the administrative district must be notified of electoral meetings at least 24 hours in advance. The notification shall specify the name, occupation, address and function of the organizers in charge of the electoral meeting, the location and starting and ending time of the meeting, and whether the meeting venue is open or closed to the public.”* This provision therefore grants all political groups the freedom to organize public events.
125. In 2002, efforts commenced ten years earlier to strengthen democracy paid off with the establishment of a full multi-party system, which led to the emergence of new political parties of different persuasions.
126. In the same vein, the Government enacted in 2013 the organic law amending Article 33 of the 1992 Electoral Act. The new Act introduces proportional representation for parliamentary elections. This initiative led in 2013 to the entry into parliament for the first time of opposition members.

9. Freedom of movement, right to asylum and prohibition of collective expulsion

Article 12

1. Every individual shall have the right to freedom of movement and residence within the borders of a State provided he abides by the law.
2. Everyone has the right to leave any country, including his own, and to return to his country. This right may only be subject to restrictions, provided for by law for the protection of national security, law and order, public health or morality.
3. Every individual shall have the right, when persecuted, to seek and obtain asylum in other countries in accordance with the law of those countries and international conventions.
4. A non-national legally admitted in a territory of a State Party to the present **Charter**, may only be expelled from it by virtue of a decision taken in accordance with the law.
5. The mass expulsion of non-nationals shall be prohibited. Mass expulsion shall be that which is aimed at national, racial, ethnic or religious groups.

127. All citizens are free to move and reside anywhere in the country in compliance with the above provisions. Article 14 of the Constitution lays down the principle of freedom of movement and residence for all citizens as it states that *“This right can only be restricted by law”*.
128. In fact, no administrative document is required to travel from one city to another within the country.
129. Aside from these freedoms, conditions to enter and leave the country are strictly regulated by law, which requires the possession of travel documents. These travel documents such as a passport or laissez-passer for neighbouring countries are issued to all Djiboutians who make the request and provide proof of citizenship.
130. However, the relevant authorities may refuse to issue such documents if it is the case that the applicant is forbidden by a court of law to leave the country.
131. Non-nationals are required to obtain entry visas at diplomatic representations in their country of residence or at airport and border police service upon arrival. Once in possession of these documents, non-nationals may move freely within the country in the same way as Djiboutians.
132. With the adoption of Act No. 201/AN/07/5th L establishing the conditions for entry and stay, Djibouti now has a specific instrument governing this area. Pursuant to this Act, deportation of a non-national with legal stay in Djibouti can only be conducted in two ways. The first consists of an expulsion order signed by the President of the Republic on the proposal of the Minister of the Interior if the presence of this individual in the country is detrimental to the interests of Djibouti. The second consists of an expulsion order signed by the Minister of the Interior on the proposal of police authorities where absolutely necessary to preserve public order or in case of an overriding need for State security or public security. However, aliens who are subject to expulsion orders have under the Act one month to leave the country before being compelled to do so by law-enforcement authorities.

133. There is in fact no one who is currently being detained for violating the law on immigration; the Government prefers to escort them back to the border.
134. Regarding the right to asylum, the National eligibility committee housed within the Ministry of the Interior deliberates on these cases. The National agency for assistance to refugees and disaster victims (**ONARS**) provides support to these populations as well as to internally-displaced citizens. Deported persons may also benefit from its support upon registration with its services. Djibouti, a haven of peace and refuge, has always offered assistance to people from neighbouring countries (Ethiopia, Somalia, Eritrea) affected by wars or natural disasters and the latter have found paid employment in the country. In addition to this tradition of hospitality, the country is firmly engaged in diplomatic efforts to build peace in the region and provides continued support for the reconstruction of Somalia. Collective deportations as a result of racial, ethnic or religious discrimination are hence unknown in Djibouti.

10. Right to participate in public affairs

Article 13

1. Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law.
2. Every citizen shall have the right of equal access to the public service of the country.
3. Every individual shall have the right of access to public property and services in strict equality of all persons before the law.

135. Since adoption of the 1992 Constitution, Djibouti has progressively put in place measures necessary for the application of Article 13 of the Charter. The Constitution (Article 6) first established a multi-party system limited to four political parties until 2002 corresponding to a transitional period.
136. A new stage was entered to ensure greater participation of citizens in the management of public affairs with the adoption in 2012 of the Act introducing proportional representation for legislative elections.
137. The Electoral Act No. 1/AN/92/2nd L prescribes rules for the establishment of political parties, and the conduct and termination of their activities. Its Article 3 stipulates that “*citizens are free to join a political party of their choice (...). The internal organization of political parties must be based on democratic principles*”.
138. **In terms of eligibility**, the provisions of the Constitution relative to Executive and Legislative powers (Parts III and V) sets out the necessary guarantees in the exercise of the right to stand as a candidate for the different public offices.
139. It specifies in particular the right for every Djiboutian to stand as a candidate for elections provided they meet the conditions to be a voter as well as those specific to each elective office. Upon satisfaction also of the basic requirements (nationality, enjoyment of civil and political rights) and age restrictions –

aged at least forty and at most seventy five years for the office of President (Article 23 of the Constitution) and at least twenty three years old for parliamentary office (Article 46) - every Djiboutian is eligible for elective office.

140. The 1992 Electoral Act determines eligibility conditions of candidates, the organization of elections, counting of votes and declaration of results. It contains all provisions necessary for free and fair elections.
141. Article 11 of this Act stipulates that “*every voter who can read, write and fluently speak French and Arabic*” may stand for parliamentary elections. These legal provisions are not a form of discrimination based on the level of education but are rather motivated by the desire to allow parliamentarians to fully play both their legislative role and that of overseeing the action of the Government with their ability to review documents prepared in the two official languages of the country.
142. Successive reforms introduced by the 1992 Electoral Act have made it possible to remove certain restrictions on the right to be elected, such as membership of a political party (articles 22 and 23). The State has undertaken to broaden the political landscape, as reflected in the burgeoning of political parties, and independent candidates now have the possibility to stand for presidential elections.
143. Laws governing the conduct of regional and municipal elections were prepared along the same lines. Article 16 of the 2005 Act on the statute of the city of Djibouti and Article 22 of the Act on Decentralization and Regional Statutes state that “*lists may be presented by political parties and independent candidates*”. Local governments established subsequent to the first elections in 2008 included a significant number of councillors from civil society.
144. The 10-day period made available to submit nominations for candidates in presidential (Article 21) and parliamentary elections (Article 33) as well as the payment of a fee of DF 5 million by candidates for presidential elections and a fee of DF 500,000 for candidates in parliamentary elections are reasonable and non-discriminatory.
145. Article 28 recognizes “the right for every presidential elections candidate to be refunded should they obtain more than 10% of votes cast”. Under the much simplified procedures for local elections, the nomination of candidates is confirmed simply by submitting an electoral list (article 16 of the Act on the Statute of the City of Djibouti and article 19 of the Act on Decentralization and Regional Statutes).
146. The Government of Djibouti has always strived to ensure respect and implementation of rights and the Constitutional Council is in charge of monitoring the effective realization of these rights by deciding on the various issues which may be brought before it.
147. Articles 43 and 46 of the Constitution specify conflicts of interest between elected office and certain posts with regard to the exercise of presidential and parliamentary functions.
148. Government measures in this area have fostered the holding of periodic and fair elections, universal and equal suffrage, and the secret ballot. In that spirit, Djibouti allows the presence of national and international observers to monitor the regularity and fairness of elections.

149. In order to enhance the free expression of the will of the electorate, the 1992 Electoral Act has been gradually improved in the course of several elections. In 2002, amendments to articles 40 and 41 led to the establishment of the National Independent Electoral Commission, which supervises electoral activities at all national elections. Detailed information on the composition and specific mandate of this body, whose task is to ensure the transparency and regularity of elections, is contained in the common core document.
150. With regard to **electoral disputes**, the Act introduced an important innovation concerning the division between the constitutional and administrative jurisdictions. The Constitutional Council examines in sole instance complaints related to referendums and to presidential and parliamentary elections. The Administrative Court established by the 2009 Act tries in sole instance all complaints connected with municipal and regional elections. Decisions rendered by this Court may be brought before the administrative Chamber of the Supreme Court.
151. **Equality in terms of the right to vote** in elections is addressed by the Constitution (Article 4) and the Electoral Act of 29 October 1992 (Article 3) which stipulate that “*all nationals of Djibouti, of both sexes, who have reached their majority and are in possession of their civil and political rights may vote as provided for by the law*”. The right to vote is subject by law to registration on the voters’ list in the administrative division of the voter’s domicile or residence (Article 4).
152. Elimination or suspension of voting rights for legal reasons relate to “*individuals convicted of serious offences as well as those convicted of minor offences and sentenced to at least three months imprisonment or with a suspended prison sentence of more than one year, with the exception of those convicted of negligence; these cannot register on the voters’ list*” (Article 6).
153. These legal provisions also lay down reasonable limitations on the right to vote with a view to rendering it effective for all adult citizens by facilitating voter registration in particular. The same applies to reasons for depriving an individual of their right to vote which should be objective and a close relation established between the time of application and the time when the offence was committed. Finally, non-convicted detainees effectively exercise their right.

II. ECONOMIC, SOCIAL AND CULTURAL RIGHTS

1. Right to property

Article 14

The right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws.

154. In Djibouti, everyone has the right to own, use, dispose of and bequeath his or her lawfully acquired possessions. In this respect, Article 12 of the Constitution states that “*the right to property is guaranteed*” and

that "*no one can be deprived of it, unless a legally established public necessity demands it, under the condition of a just and prior indemnity*". Requisitions based on procedures for expropriation in the public interest are among the most common reasons for an individual to be deprived of their property.

155. Pursuant to Act No. 172-AN of 10 October 1991 on expropriations in the public interest, the Government may, under the condition of a just indemnity, expropriate land in the public interest.
156. Expropriation is conducted by means of a regulatory text (decree, order) following several procedures to clearly establish the materiality of this public interest and the need to expropriate and after other means such as sale or exchange have been exhausted.
157. The law guarantees individuals the possibility to bring their expropriation case before the Administrative Court if the procedure is flawed in any way. The Court may order that the expropriation act be repealed.

2. Right to the enjoyment of fair and favourable conditions of work

Article 15

Every individual shall have the right to work under equitable and satisfactory conditions, and shall receive equal pay for equal work.

158. Though these provisions of the Charter are not included in the Constitution of Djibouti, they are guaranteed by the State in view of their social nature and the fact that it "owes" each citizen the right to work and social protection.
159. To ensure the realization of this right, the State through the Ministry of Labour and Civil Service in particular, is implementing specific policies as well as other measures to promote recruitment in the civil service, private sector and parastatals.
160. Based on the third household survey for social indicators (EDAM3-IS) in 2012, the State is the first employer of Djibouti with 41.3% of the active population working in the civil service. A competitive recruitment process is organized for access to civil service employment. In addition to the competitive recruitment process, the State also recruits based on applications and professional review where required.
161. Economic difficulties as a result of the civil war and budget restrictions initiated under the supervision of the IMF led to a rapid decline throughout the '90s in the observance and protection of the right to fair and satisfactory conditions of work in the civil service.
162. To remedy this situation, Djibouti progressively initiated several measures to restore basic conditions of work for civil servants and contract-based workers such as the payment of salary arrears and the resumption of career advancements in the early 2000s. The State has since been paying salaries on a

regular basis at the end of each month. In the same vein, the State has begun to increase the wages of low-paid civil servants.

163. In Djibouti, major reforms have been undertaken in respect of regulations governing the exercise of employment rights in the private sector aimed at introducing greater flexibility, productivity, job creation, enhancing human capital and protecting a maximum number of workers.
164. Several texts have been adopted to this effect including Act No. 133/AN/05/5th L on the Labour Code in Djibouti which put an end to the regulations that had been governing this sector since the colonial period.
165. Act No. 212/AN/07/5th L established the National Social Security Fund (**CNSS**), created by combining the Social protection agency (**OPS**) and the National retirement fund (**CNR**). It has, since 2007, been in charge of providing various services to workers under the general and special service regimes with the exception of the Djiboutian armed forces. In addition to these customary services, the CNSS has greatly improved social protection of workers that are not affiliated to the formal sector or are particularly vulnerable through the establishment of community-based healthcare centres, enhanced access to generic drugs and the establishment of a document certifying the lack of means so as to obtain free healthcare. The Government is currently working towards universal social protection for the entire population.
166. Significant investments made in the reform of the education system in Djibouti are a clear indication of the State's commitment to enhance human capital and combat youth unemployment. For the past ten years, significant budget allocations to the education sector as well as the support of technical partners have greatly contributed to democratizing access to school at all levels. Vocational training has been incorporated into the prerogatives of the Ministry of Education since 2012 and a specific department created to this effect.
167. The State has undertaken other measures to guarantee the right to work for all:
 - The National employment, training and professional placement agency (**ANEFIP**), through its various activities (matching labour supply and demand, placement in firms and training centres, gathering, examining and disseminating statistical data...) supports effort to combat unemployment and the exclusion of vulnerable groups such as women and young people;
 - The FDED (...) was established to facilitate the creation of sustainable economic units by providing financing especially to students;
 - The Savings and credit fund (CPEC) has been financing various micro-projects since 2008 and aims to promote income-generating activities for women;
 - The National youth forum organized by the Department of Youth is a platform for exchange between public authorities (led by the Head of State) and young Djiboutians on issues of concern to young people including employment.

168. Despite multiple interventions of the State to promote the right to work, trends in the employment situation show the persistence of a crisis in the labour market even though there has recently been a significant drop in the number of unemployed persons.

Period	1996	2002	2012
Unemployment rate	44,1%	59,5%	48,4%

Source:EDAM3-IS

169. Nonetheless, Djibouti continues to explore other avenues by establishing agencies that can contribute to creating more jobs such as in the construction of several port infrastructures, rehabilitating the railway line between Djibouti and Ethiopia, and constructing a new railway line between Djibouti and Balho.

3. Right to the highest attainable standard of physical and mental health

Article 16

1. Every individual shall have the right to enjoy the best attainable state of physical and mental health.

2. State Parties to the present Charter shall take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick.

170. The determination of the Government of Djibouti to realize the rights of populations to adequate healthcare protection is reflected in the adoption of a series of measures to this effect and relentless efforts to adapt these to the needs of individuals.

171. Government actions have always focused on promoting the right to health in Djibouti especially through service delivery to vulnerable groups such as women and children. However, it is only in the mid '90s that greater consideration was given to reforming the health system so as to further guarantee the rights of populations in line with Article 16 of the Charter.

172. Act No. 48/AN/99/4th L on the health policy was the first step in this health system reform process. It covers the right to health for all, adopts and supports the principle of solidarity and equality in terms of healthcare access and spending. On the basis of this principle, an equitable contribution is requested of each citizen. It however requires the State to provide priority assistance to children, mothers, people with disabilities, vulnerable groups and victims of natural disasters. National priority programmes take into consideration interventions necessary to improve the health of mothers, children as well as the poor, for whom free healthcare is planned.

173. Key priorities in the health policy as set out in Chapter 8 of the Act include: (i) availability of and financial access to drugs, (ii) promoting prevention, and (iii) hygiene.

174. The law of 31 January 2001 redefined the structure of the health system in Djibouti which is based on a district-approach and a primary healthcare strategy. From an administrative standpoint, there is the central level (Office of the Minister, General Secretariat and central departments) and the peripheral level (5 rural districts and 2 urban districts in Djibouti-city).
175. Healthcare facilities are organized in a three-tier pyramidal structure. In the public sector, at the base of the health pyramid are Health posts (**PS**) in rural areas and Community health centres (**CSC**) in urban areas, at the middle level are Medical hospital centres (**CMH**) which play the role of both regional and district hospital, and at the top level are national referral facilities (**CHN**) and specialized facilities (**CNRS**).
176. Following adoption of the public health policy, Djibouti established a strategic healthcare development policy framework for the 2002-2011 period. Two 5-year plans were developed for its implementation. The 2002-2006 and 2008-2013 National health development plans (PNDS) are an indication of the firm determination of national authorities to give priority to the health sector for the benefit of populations.
177. In this regard, the Government significantly increased its budget allocation to the health sector in 2006 and is progressively moving towards realizing the Abuja commitment of allocating 15% of the national budget to the health sector.

Period	2002	2003	2004	2005	2006	2007	2008	2009
Proportion health budget / National budget (%)	9.96	10.17	9.50	10.44	12.59	13.98	11.90	12.21

Source: PNDS 2008-2012 updated

178. To address the ever-increasing needs of the population, Djibouti has paid particular attention, with the support of technical and financial partners, to ensuring the delivery of high quality healthcare that is accessible to all through construction of healthcare facilities in both rural and urban areas. These efforts help to bring users closer to healthcare facilities and reduce the dependence of inland regions on the capital city.
179. In an effort to fully implement its community-based healthcare policy, regional hospitals have been built and equipped with drugs and the necessary equipment. These facilities now have high quality technical equipment including internal medicine, paediatric, gynaecology, emergency and ICU services. They will contribute to addressing referral needs along with top-tier facilities in each region in accordance with the standards of the health map.
180. Furthermore, health posts constructed in rural areas are supplemented by mobile teams to reach populations in remote areas as well as nomads.

181. Implementation of the new health policy is supported by a human resources development strategy. The State has thus stepped up the recruitment of paramedics, enhanced pre-service training courses at the Faculty of Medicine and at the Higher Institute of Health Science, ensured further training of national physicians in various specialities and in public health and increased as well as realigned salary levels.
182. This resulted in a rapid increase in the number of healthcare workers which rose from 509 in 1999 to 2,353 in 2012 as indicated in the table below.

Evolution of medical and paramedical staff

	1999	2012	Perspectives 2012-2013
General practitioners	23	149	75
Specialists	10	58	13
Registered nurses	53	285	207
Registered midwives	31	175	114
Laboratory technicians	15	75	63
Skilled technicians	10	260	171

Source: Ministry of Health

183. The general health situation has developed favourably since implementation of the five-year plans particularly during the first PNDS as illustrated in population surveys (PAPFAM 2002 and EDIM 2006).
184. The health status of children has improved through Integrated Management of Childhood Illness (**IMCI**) and progress made in certain vaccination programmes. As a result, there has been a decline in the infant mortality rate (99.8 for 1,000 live births in 2002 to 67 in 2006), infant and child mortality rate (127 for 1,000 live births in 2002 to 94 in 2006) and the incidence of fever (22.4% in 2002 to 5.9% in 2006).
185. Maternal health has also improved particularly in terms of contraceptive prevalence, all methods included (9% in 2002 to 17.8% in 2006), pre-natal consultations (81% to 96.3%) and delivery at a health facility (74.1% to 87.4%). It is also worth noting that the maternal mortality rate has dropped from 546 for 100,000 live births in 2000 to 300 for 100,000 live births in 2011 according to data provided by the Ministry of Health.
186. The Ministry has also implemented successful programmes to combat communicable diseases and hence reduce population morbidity and mortality rates. Regarding the fight against HIV/AIDS, screening and care activities which were previously provided only in Djibouti-city have now been extended to all regions since 2005. The HIV prevalence rate has thus been stabilized at 2.9% since 2003.
187. The decentralization of activities to combat tuberculosis has been essential in reducing national prevalence. The number of directly observed treatment centres has increased from 8 to 20. Despite the quality of care to patients, efforts to lessen the impact of this disease have been subdued by the

presence of displaced persons from neighbouring countries and the prevalence of tuberculosis consequently remains very high.

188. Regarding the fight against malaria, coordinated and parallel actions to distribute insecticide-treated nets to populations and vector control activities conducted in most parts of the country have contributed to a substantial reduction in breeding grounds under surveillance. This has resulted in a significant decline in the spread of this disease and the country is leaning towards initiatives to eliminate malaria.

4. Right to education and rights of individuals to participate in cultural activities

Article 17

1. Everyone has the right to education.
2. Every individual may freely take part in the cultural life of his community.
3. The promotion and protection of morals and traditional values recognized by the community shall be the duty of the State.

189. Over the past ten years, the right to education has been considered a national priority by successive governments. The 2000 Framework Act on the education system in Djibouti endorsed this determination to ensure access to education for all children by introducing the requirement for children between the ages of 6 and 16 years to attend school and receive free basic education.

190. The Republic of Djibouti allocates significant funds to finance the education sector, between 22.2% and almost 30% of the national budget during the 2000-2009 period, supplemented by substantial support from partners and financiers. Promotion of education is considered a real investment in the poverty reduction strategy.

191. In the formal education system, implementation of several Education action plans (PAE) from 2001 to 2012 has led to concrete actions (greater supply through construction and equipment of schools, adoption of incentives for girls' education and reduction of regional disparities...) for the realization of the right to education for all and helped improve indicator levels in this sector over the past years.

192. The State has adopted the following measures to ensure effective implementation of various reforms in the education system, particularly the principles of compulsory attendance and free basic education:

- Implementation of the book publishing policy for the development of school textbooks that are financially accessible and adapted to the national socio-cultural context;
- Distribution of school supplies;
- Ensuring sustainability of school canteens with the support of the FAO;
- Provision of free books and transport allowance to orphans and vulnerable children;

- Establishment of community-based kindergartens in remote areas and disadvantaged regions to provide children with a healthy start in life.

193. These initiatives have contributed, in the basic education sub-sector, to an annual increase of 5% in the number of school-going children since 2000, representing almost twice the growth rate recorded during the '90s (31,000 in 1990 to 63,612 in 2012). This increase has had a positive impact on the gross enrolment rate which rose from 37% in 2000 to 78.2% in 2012. The number of newly enrolled first year pupils has also risen in similar proportion: the gross intake rate for first year pupils has increased from 36% in 2000 to 76% in 2012 representing a 40% rise.

Evolution of gross intake rate and gross enrolment rate in the basic education sub-sector (2003-2012)

Year	Gross intake rate	Gross enrolment rate
2003-2004	50.7 %	49.5 %
2004-2005	57.0 %	51.5 %
2005-2006	64.6 %	54.6 %
2006-2007	68.5 %	57.8 %
2007-2008	76.9 %	68.3 %
2008-2009	76.3 %	67.9 %
2009-2010	73.6 %	72.9 %
2010-2011	76.8 %	75 %
2011-2012	76.0 %	78.2 %

Source: Statistical yearbook MENFOP 2011-2012

194. Construction of new schools and rehabilitation of old ones have contributed to expanding intake capacities in intermediate and secondary education. These efforts to improve education supply have led to positive trends in gross enrolment rates: from 19% to 56% for middle schools and 9% to 36.5% for secondary schools between 2000 and 2012. As can be observed, the number of children in middle schools has tripled and those in secondary school even more so.

Evolution of gross intake rate and gross enrolment rate in intermediate education (2003-2012)

Year	Gross intake rate	Gross enrolment rate
2003-2004	31.5 %	28.8 %
2004-2005	38.0 %	32.8 %
2005-2006	37.1 %	33.0 %
2006-2007	47.2 %	38.6 %
2007-2008	66.2 %	46.2 %
2008-2009	49.4 %	49.7 %
2009-2010	45.5 %	53.6 %
2010-2011	47.7 %	56.1 %
2011-2012	50.6 %	56.0 %

Source: Statistical yearbook MENFOP 2011-2012

Evolution of gross intake rate and gross enrolment rate in secondary education (2003-2012)

Year	Gross intake rate	Gross enrolment rate
2003-2004	13.2 %	13.3 %
2004-2005	14.9 %	15.3 %
2005-2006	17.4 %	16.2 %
2006-2007	18.5 %	17.9 %
2007-2008	23.0 %	20.4 %
2008-2009	27.4 %	23.3 %
2009-2010	26.5 %	26.7 %
2010-2011	29.9 %	28.7 %
2011-2012	44.4 %	36.5 %

Source: Statistical yearbook MENFOP 2011-2012

195. The majority of Djiboutians had to rely on foreign institutions abroad for higher education (distance learning in collaboration with French universities in the early '90s) prior to the establishment of university clusters in 2000. The University of Djibouti (UD) was only established in 2006 but there was a massive influx of students (2,500 in 2009 and nearly 6,000 in 2012) registering at its various faculties (science, law, economics and management, languages and technology). The State has since been working relentlessly to increase the intake capacity and the University of Djibouti is currently undergoing a third extension phase. In light of the growing number of students, Djibouti has significantly stepped up its recruitment of lecturers. In parallel, the State continues to send the best students abroad for training in specific fields, providing them with adequate scholarship.

196. In addition to actions aimed at enhancing access to education and ensuring retention, a series of measures have also been adopted to promote quality education. As part of the book publishing policy, several school textbooks and pedagogical documents in line with the new curricula and focusing on a skills-based approach were published and made available to children in basic education. These efforts are currently being duplicated in the secondary education sub-sector. Improving the quality of education also requires teacher training and the Ministry of National Education and Vocational Training (**MENFOP**) is in the process of constructing a training centre which should help equip teachers with the necessary tools to adequately address the needs of school children.

197. From a general perspective, the 2010-2019 Master plan highlights key areas in the education sector that are in need of strengthening. This entails:

- Developing pre-school education in collaboration with the private sector, associations and the MPFBEF by focusing efforts of the MENESUP on children from poor backgrounds and rural areas;
- Achieving the objective of 100% primary school enrolment rate by 2014 and a 90% gross enrolment rate for the 11-14 age group by 2019;
- Eliminating gender disparities in primary and secondary schools by 2015 and establishing equality by 2019;

- Ensuring that all primary school pupils command at least 80% of knowledge and skills in the curricula regarding languages, mathematics, science and life-based skills;
- Reforming secondary education as well as technical and professional training to ensure excellence and relevance of training relative to the labour market;
- Improving all aspects with regard to quality and relevance of higher education and university research;
- Improving governance practices at all levels to ensure effective and efficient management of services offered and the utilization of resources.

III. SPECIFIC RIGHTS

1. Rights of the family, women, children, older persons and people with disabilities

Article 18

1. The family shall be the natural unit and basis of society. It shall be protected by the State which shall take care of its physical health and moral.
2. The State shall have the duty to assist the family which is the custodian of morals and traditional values recognized by the community.
3. The State shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of women and the child as stipulated in international declarations and conventions.
4. The aged and the disabled shall also have the right to special measures of protection in keeping with their physical or moral needs.

198. The Republic of Djibouti in acceding to the African Charter on Human and Peoples' Rights has integrated into the preamble of its Constitution the principle that the family is the natural and moral unit of the human community. This is further validated by Article 57 of the Constitution which places the family under the protection of the State and public authorities. The latter are required to ensure the physical and moral health of all members of the family, in particular women, children, older persons and people with disabilities. Several legislative and institutional measures have been adopted and socio-economic programmes initiated to meet these basic requirements.

A. Family rights

199. Act No. 152/AN/02/4th L on the Family Code of 31 January 2002 is part of efforts to modernize legislation in Djibouti. It provides the country with a statute that falls in line with its national identity as well as its cultural and religious specificities while adhering to universal principles especially those relating to the rights of women and children as set forth in international conventions. This new

instrument calls for the restructuring of judicial bodies in charge of dealing with issues relating to the status of the individual.

200. The Family Code determines the conditions of marriage and divorce, the mutual obligations of spouses, the responsibility of parents, filiation and the inheritance regime.
201. Article 5 of Act No. 169/AN/02/4th L designates the Madhun-Al-Shari, in lieu of the traditional Cadis, as the authority competent to perform marriage, decree divorce and also mediate between the spouses in the case of marital disputes in compliance with the provisions of the Family Code (Article 8). It is responsible for entering a record of the various acts for which it is responsible and forwarding the records to the institutions concerned as well as to the civil registrar and the personal status court (Article 13).
202. In addition to the various conditions for contracting marriage, provisions of the Family Code embody the principle of consent thus granting future spouses the capacity to give their free consent for contracting marriage, without discrimination between men and women. Forced marriage is hence considered an infringement of individual freedom and is punishable by law. In line with national cultural values, for a marriage to be valid the presence of two witnesses is required as well as the payment of a *mahr* (dowry) to the woman (Article 7).
203. The Family Code sets the age of marriage at 18 years or older for both men and women in conformity with civil majority (Article 13). The Code states that the marriage of minors who have not reached the age of legal majority requires the consent of their guardians or the authorization of a judge (Article 14). The marriage of minors is therefore the exception based on these provisions, which establish a legal framework in favour of the numerous actions against early marriage conducted by ministerial departments and NGOs since the country gained its independence.
204. With a view to strengthening unity and harmony within the family, the Code lays down the rights and duties of spouses by stipulating that they are duty bound to mutual respect, fidelity, and to bring relief and assistance to one another. Furthermore, the husband bears the household expenses and provides for the needs of his wife and children to the extent his means permit (Article 31).
205. To enhance family cohesion, the Family Code allows the woman to freely dispose of and administer her assets. The Code offers her the possibility to include in the marriage certificate clauses relating to persons or assets (Article 19), that her contribution to household expenses can only be voluntarily if she has assets, and finally the husband has no power to administer over his wife's own assets (Article 32)..
206. All provisions contained in the Family Code are aimed at ensuring shared responsibility in the management of family affairs so as to promote full development of the basic unit of the society. Article 67 of the Code establishes shared parental authority between spouses.
207. Along the same lines, family law has moved away from the practice of repudiation. Divorce conditions have significantly improved as the new Code allows legal proceedings to be brought before the Madhun or the courts (Article 38).

208. The Family Code has also shifted the approach to polygamy. Article 22 introduces the right for a wife to refer the matter to the courts for a judge to assess the prejudice caused by a new marriage. The judge will issue a marriage certificate only after an assessment is made of the man's socioeconomic situation and the wife's views have been recorded. The law hence gives women a role that is more dynamic than previously and allows her to positively influence the matrimonial home.
209. The 2002 Act focuses firmly on enhanced support to and successful reintegration of children into society, promoting children's rights when couples separate by making a priority of resolving the issues of custody, maintenance and the preservation of family ties. In this regard, the legislator has strengthened the legal mechanism to guarantee the economic and social rights of the child.
210. In an effort to protect the family and promote its rights, the position of Deputy Minister in charge of Women's Empowerment, Family Welfare and Social Affairs was created in 1999, attached to the Office of the Prime Minister. This department became a full-fledged Ministry in 2008.
211. The Ministry in charge of Women's Empowerment, in collaboration with the United Nations Population fund (UNFPA), organized in November 2012 a widespread communication campaign on family planning to heighten awareness of populations on the benefits of birth control. The purpose was to enhance development of the family unit, particularly women, the linchpins of the family, whose weakening could have a significant impact on the basic unit of society. Along the same lines as the existing partnership between these two institutions regarding the fight against female genital mutilation (FGM), these actions are the starting point of a long-term family planning strategy to adapt population growth to national development.
212. Furthermore, an increasing number of family-oriented mechanisms and specific measures have been developed over the past ten years to reduce social inequalities. These initiatives have prompted great progress in various areas such as health, education, vocational training, social housing, rural and local development and decentralization. The Government has conducted several other family-oriented actions in the form of assistance programmes to vulnerable groups and victims of natural disasters under the umbrella of the Social Development Agency of Djibouti (ADDS) established in 2007 to implement the National Social Development Initiative (INDS).
213. The main mission of ADDS is to fight poverty, contribute to alleviating inequalities and eliminating social exclusion of vulnerable persons. It focuses on sensitive zones in rural areas and peri-urban areas by boosting the income and improving the living conditions of inhabitants.
214. The food and energy crisis of 2008 greatly affected a large section of Djibouti's population and public authorities adopted immediate measures such as food distribution (in schools and workplaces), elimination of taxes on basic food products and setting limits on benefit margins of wholesale importers.
215. For greater food security, the State developed a national strategy to implement immediate impact actions such as:
- Acquisition of vast expanses of agricultural lands in Sudan, Ethiopia and Malawi;

- Creation of the Food security agency of Djibouti (**SDSA**) and the National food security fund (**FNSA**) in 2009 to develop agricultural land and produce;
- Promotion of market gardening and production of fodder for livestock around boreholes and reservoirs in the country.

B. Women's rights

216. The principle of gender equality in all its forms is enshrined in the Constitution. The first article of the Constitution of Djibouti guarantees equality of all before the law regardless of language, origin, race, sex or religion and this is further confirmed by Article 10 which stipulates that all human beings are equal before the law.
217. Djibouti also ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in December 1998 but only submitted its initial report in 2011.
218. Several pieces of legislation provide the legal framework for the respect, protection, promotion and realization of women's rights and confirm Djibouti's commitment to eliminate all forms of discrimination against women, especially violence.
219. The Criminal Code (Article 390) defines discrimination as set out in the CEDAW and makes it a criminal offence that is severely punished (Article 391).
220. Gender-based violence and particularly female genital mutilation (FGM) is also punished pursuant to Article 333 of the Criminal Code which states that these actions are punishable by a five-year imprisonment term and a fine of One million DF. This provision has, to date, never been applied due to the cultural and psychological barriers that young girls may face with regard to lodging a complaint against their parents. Awareness-raising and education programmes are constantly being organized to tackle this delicate issue.
221. Djibouti is firmly committed to protecting women and children from human trafficking and has ratified most related international instruments. Criminal laws (articles 394 to 400) punish procuring and related offences.
222. Act No. 210/AN/07/5th L on combatting human trafficking adopted in 2007 compels the State to implement an active policy to prevent human trafficking and to take the necessary legislative and other measures to help victims restore their physical, psychological and social balance.
223. The 2002 Family Code, in bringing together rights governing personal status (modern law, customary law, Muslim law) and in organizing family life (marriage, filiation, divorce, maintenance obligation...) through the establishment of precise procedures, further guarantees the fundamental rights of women and children. Their interests are better protected by this new Code.
224. Djibouti guarantees women and men equal rights with regard to the acquisition, change or retention of nationality and its transmission to their children. Act N° 200 of October 1981 on the Nationality Code,

which had already guaranteed equal rights in this area (articles 8 and 9), was supplemented by the Nationality Act No. 79/AN/04/5th L. The new Nationality Code places greater emphasis on equality between men and women with regard to the transmission of nationality to their children and spouse.

225. The education system reform initiated in 1999 led to the adoption of the Education Act No. 96/AN/04/4th L which guarantees the right to education for all children from age 6 to 16 years without discrimination. Basic education is free and compulsory though pre-school is optional.
226. Emphasis placed on access and equity has resulted in an increase in school enrolment rates at all levels. Efforts have also been made by Djibouti since 2000 to promote girls' education and reduce gender disparities: definition of a framework of action for the promotion of girls' education, organization of social gatherings in favour of girls' education, reduction of school fees, enhancement of school conditions (access to water and electricity, functional latrines, school canteens, dormitories in isolated schools, health clinics in schools) and construction of 20 schools in rural areas between 2006 and 2008.
227. Consequently, gender parity, increasingly on the rise in the basic education sub-sector (primary and intermediate), could be effective in 2015. The pace is however much slower in other sub-sectors (secondary, technical, professional, higher). Djibouti has adopted appropriate administrative and financial measures to increase equal opportunity between girls and boys in education as well as increase intake capacities.
228. It is committed to eliminating gender stereotypes and discriminatory images in school textbooks and pedagogical documents by raising the awareness of curriculum developers and training teachers in this regard.
229. Various pieces of labour-related legislation such as the Labour Act No. 133/AN/05/5th L of January 2006 contribute to efforts being deployed by Djibouti to develop a legal arsenal in favour of equal employment. The Code recognizes the principle of non-discrimination between the sexes as regards access to employment (Article 1) and wages (Article 137) and grants women specific rights in terms of maternity and delivery (articles 112 to 116).
230. Equal access to healthcare is an issue that Djibouti is tackling through its health policy. Act No. 048/AN/99/4th L on the health policy covers the right to health for all based on the principle of solidarity in terms of healthcare access and spending. This legislation requires the State to provide priority assistance to vulnerable populations including children, mothers and persons with disabilities. To ensure greater equity in health matters, the State established the Department of Maternal and Child Health, implemented several programmes on reproductive health and HIV/AIDS among others, acquired new equipment for health facilities and enhanced the capacities of its human resources.
231. In view of the fact that cultural factors are the most significant barrier to ensuring balance of rights between men and women and the need to overcome these and hence improve the status of women in Djibouti, a series of measures were initiated for the integration of women in development.
232. As early as 1999, this political vision was translated into action with the establishment of a ministry in charge of women's empowerment, family welfare and social affairs, attached to the Prime Minister's

Office, and the appointment of a woman to head this ministry. The ministry immediately developed the national strategy for integration of women in development (SNIFD).

233. The 2002 Act defines the national policy on integration of women in the development process for the 2003-2012 period and identifies implementation of the SNIFD strategy as a national priority. This strategy advocates equal participation of women and men in the country's development process and has four priority areas: participation of women in decision-making processes, maternal and child health, girls' education and women's literacy programmes, and enhancement of economic conditions of women.
234. In the framework of increasing the participation of women in political and public life, the 2002 Act on the quota system established that at least 20% of one or the other sex shall be represented in elective and administrative positions marking the entry of women into the National Assembly (7 parliamentarians in January 2003). Following the 2008 legislative elections, nine women were elected, i.e. 14% of parliamentarians.
235. Though women's representation in the Executive branch has been recent, efforts deployed by the President of the Republic have gradually improved the situation. To date, women hold three ministerial positions: Ministry of Women's Empowerment, Ministry of Solidarity and Ministry of Housing.
236. Women are well-represented in the judiciary. Indeed, the Supreme Court, the highest court in the country, the Court of first instance and the Appeal Court are headed by women.
237. The implementing order issued by the President of the Republic in 2008 for proportional representation with at least 20% of one or the other sex occupying high-level positions in the Government resulted in a significant increase in the number of women in positions of responsibility in most ministries.

C. Rights of the child

238. Djibouti has made considerable efforts to improve the lot of children residing on its territory, by progressively implementing a sustained multisectoral policy to promote and protect their rights. That the Government of Djibouti attaches particular importance to the matter is borne out by the submission of its first periodic report to the Committee on the Rights of the Child.
239. That report and information contained in the common core document highlight that the legal, socio-economic and cultural measures taken in order to boost child development and protect children have led, in particular, to a reduction in infant mortality.
240. The Family Code now clearly sets the age of civil majority at 18 years. It also puts an end to harmful traditional practices and ensures that girls are properly protected from early marriage.
241. Respect and consideration for the "best interests of the child", a key notion in the architecture of the fundamental principles underlying the Convention on the Rights of the Child, have now been enshrined in family law. This basic criterion makes it possible to go beyond the interests of the child, which could

already be invoked by the courts in the past, and ensure that court rulings favour the most vulnerable in cases of family breakdown.

242. The 2002 Act focuses firmly on improved support and successful reintegration of children into society, promoting children's rights when couples separate by making a priority of resolving the issues of custody, maintenance and the preservation of family ties.
243. The minimum age for access to work has been raised and set at 16 years of age (Article 5) in line with the International Labour Organization Minimum Age Convention, 1973 (No. 138). The ILO Worst Forms of Child Labour Convention, 1999 (No. 182) is a recent instrument that focuses on children facing the juvenile justice system. Ratified in 2004, these norms have now been incorporated into labour legislation. The law focuses more closely on youth (16-18 year-olds) labour, whereby working conditions, hours and danger levels must be in conformity with the demands of human dignity and the Convention on the Rights of the Child. Alongside wage discrimination, the employment of young people in domestic service, hostelry, bars and alcohol sales outlets (Article 115) is prohibited. Similarly, article 96 prohibits employers from making minors work at night.
244. Article 32 of the Criminal Code sets the age of majority at 18 and so provisions relating to minors therefore apply only to children or young people below the age of 18. Due to their age and immaturity, these young people are thus treated differently from adults in criminal proceedings. This provision also sets the minimum age for criminal responsibility at 13, an age limit that is high enough to take account of a child's maturity and development.
245. While parents have the right and the duty to nurture the development of their children's abilities, the State provides legal support and ensures that families and minors are fully protected by penalizing harmful practices including the abandonment, neglect and endangerment of children by their legal guardians (articles 451 to 457).
246. The law also ensures that the physical integrity of children is protected by prohibiting violence, abuse and murder (articles 325, 326, 330, 332). Female genital mutilation is addressed by criminal legislation, under which individuals found guilty of such practices are severely punished (Article 333).
247. Penal legislation also aims to protect the morality of adolescents by punishing activities leading to their corruption (articles 458 to 462), or involvement in sexual acts (articles 463 to 466) and procuring (article 396).
248. Desirous of ensuring that greater attention is focused on protecting children, Djibouti has ratified the optional protocols to the Convention on the Rights of the Child and is therefore committed to using all available means to prevent their involvement in armed conflicts and activities connected with the sale of children, child prostitution and child pornography.
249. The right to civil status and to the registration of births has been the subject of a study aimed at identifying obstacles to the fulfilment of those rights. Community capacity-building programmes have been launched in order to promote the enjoyment of such rights, especially in rural areas. Non-informal classes on human rights are offered to local communities, which in turn conduct activities to raise the

awareness of community members on the importance of the right to education, health, the registration of births and a nationality.

250. Legislation on the acquisition of nationality has been reviewed and reinforces the rights of children, who can obtain it if one of their parents is a national of Djibouti.
251. More generally, the State of Djibouti is committed to putting into practice the recommendations made by the Committee on the Rights of the Child after it submitted its periodic report. In this context, the recently approved National Strategic Plan for the Children of Djibouti (**PSNED**) for the period 2011–2015 is the benchmark for initiatives undertaken by all stakeholders working to build an environment that is protective and fosters the enjoyment of fundamental rights by children and equal access for them to basic social services. The new framework should also ensure that children benefit from the effective implementation of the provisions of international, regional and national instruments on the rights of the child regarding survival, development, protection and participation.

D. Rights of persons with disabilities or older persons

252. Djibouti has been a party since 2009 to the Convention on the Rights of Persons with Disabilities and its protocol.
253. From a general standpoint, the law proscribes all forms of discrimination in terms of employment and occupation. Article 119 of the Labour Code encourages the employment of persons with disabilities by proposing fiscal incentives to employers.
254. Act No. 210/AN/07/5th L of 27 December 2007 on combating human trafficking offers special protection to vulnerable groups such as persons with disabilities against all forms of exploitation (articles 1 and 2). Djibouti is committed to undertaking the appropriate prevention actions and providing support to victims of human trafficking (Article 5).
255. Respect of the rights of persons with disabilities is ensured by the State through several ministries such as the Ministry of Justice, Prison Affairs and Human Rights, the Ministry of Labour in charge of the Reform of the Civil Service, the Department of State in charge of National Solidarity, the Ministry of Women's Empowerment and Family Planning in charge of Relations with the Family, and the Ministry of National Education and Vocational Training. These various departments have developed mechanisms or conducted actions in favour of persons with disabilities. Furthermore, many civil society organizations are active on the ground to ensure the realization of the rights of persons with disabilities.

IV. RIGHTS OF THE PEOPLE

256. In its preamble (paragraph 1), the Constitution solemnly proclaims its attachment to the principles of democracy and human rights as defined in the Universal Declaration of Human Rights and the African Charter on Human and Peoples' Rights and these provisions are an integral part of the Constitution.

Djibouti is resolutely committed to promoting and protecting peoples' rights as reflected in its diplomatic efforts at the international and regional levels, and in the development of legal and policy frameworks conducive to their effective realization at the country level.

257. The ratification of several international human rights protection instruments such as the ICCPR, ICESCR, CERD, CEDAW and CRC was a priority for the State of Djibouti to enhance the living conditions of its populations.

1. The right of peoples to equality

Article 19

All peoples shall be equal; they shall enjoy the same respect and shall have the same rights. Nothing shall justify the domination of a people by another.

258. At the international level, the Republic of Djibouti, in its Constitution, pledges to cooperate in achieving peace and friendship with all peoples who share its ideals of freedom, justice and solidarity based on mutual respect, national sovereignty and territorial integrity (paragraph 3 of the preamble). Since its independence, Djibouti has conducted pioneering diplomacy advocating exchanges, consultations and dialogue for the socio-economic and cultural advancement of societies and peoples.

259. In this regard, the country has deployed multiple efforts to peacefully resolve conflicts that had for a long time destabilized the sub-region and greatly affected populations in the Horn of Africa. Using space offered by IGAD and then the African Union, Djibouti has been able to roll-out its negotiation strategy. To this day, Djibouti is pursuing this ideal and is wholly committed to restoring peace in Somalia with the organization on its territory of the Arta reconciliation conference (2000) which marked the return of Somali government authorities to Mogadishu. In May 2012, Djibouti sent 800 soldiers to the District of Hiran (Baladweyn) to support the African Union's peacekeeping forces in Somalia (AMISOM). These different interventions illustrate Djibouti's commitment to the equality of people and ensuring the full realization of their basic human rights.

260. At the country level, the Constitution stipulates that it is the duty of public authorities to establish a pluralist democracy governed by the rule of law that will guarantee the full enjoyment of individual and collective rights and freedoms (paragraph 2 of the preamble). These rights which are thus recognized in favour of all segments of the Djiboutian population can only be realized based on the principle of equality.

261. Article 3 of the Constitution sets forth the guarantees needed for the people to exercise their sovereignty and stipulates that no group can unilaterally assume or be deprived of this sovereignty; this is a considerable asset in terms of protection against domination of the people.

262. Though the Constitution does not clearly state the principle of equality of peoples, several provisions relating to the protection of human rights (Article 10) can be construed as promoting such as well as those stipulating that "all human beings are equal before the law".
263. Likewise, the law in Djibouti and government initiatives in all intervention areas (access to basic social services, employment, local development...) uphold the equality and dignity of peoples as a fundamental principle. In this regard, Djibouti ratified in 2004 the ILO Convention on Discrimination in respect of Employment and Occupation, 1958 (No. 111).
264. Lastly, given that personal development cannot be achieved without the right to personal dignity, Djibouti has progressively implemented legislative and administrative measures and conducted several information campaigns aimed at the public and the police force to give effect to the provisions of Article 5 of the Charter.
265. Efforts to ensure protection and promotion of the right of peoples to equality in Djibouti have been supported by a broad substratum of traditional customs and practices that structure the way the various communities live. Long before decentralization was put in place, the existence of this traditional system enabled community leaders (Okals) to voice their concerns to State authorities and the latter to consult with the former prior to any undertaking.

2. Right to self-determination

Article 20

1. All peoples shall have the right to existence. They shall have the unquestionable and inalienable right to self-determination. They shall freely determine their political status and shall pursue their economic and social development according to the policy they have freely chosen.
2. Colonized or oppressed peoples shall have the right to free themselves from the bonds of domination by resorting to any means recognized by the international community.
3. All peoples shall have the right to the assistance of the State Parties to the present **Charter** in their liberation struggle against foreign domination, be it political, economic or cultural.

266. For the purposes of Article 20 of the Charter, Djibouti, an independent and democratic country, acknowledges the fundamental principles laid down in these provisions and has firmly committed to adhere to these principles to the best of its ability knowing that the power of the State lies with the people of Djibouti as a whole (Part I of the Constitution).
267. The right of the people to self-determination in its diverse forms has always been a major concern.
268. The right to existence of the people of Djibouti was only realized in 1977 following a lengthy struggle for independence commenced in the late '50s. Like all populations on the African continent with budding aspirations for emancipation, the movement for independence in Djibouti expressed its right to liberate themselves from colonial domination during the first referendum on self-determination in 1958 which did not succeed in ending colonial rule. The second referendum (1967) was not successful either

and the colonial powers launched a brutal attack and played communities in Djibouti against each other. The success of the 1976 referendum was a result of joint actions of military organizations such as the Front for the Liberation of the Somali Coast and pro-independence leaders who came together and advocated with international institutions (UN) and regional institutions (OAU and Arab League) for their inalienable right to independence.

269. Since it achieved national sovereignty, Djibouti has continuously deployed efforts to institute and perfect its political system and thus render it effective to preserve the democratic rights of the nation. Early after independence, two constitutional laws were adopted to establish all principles required for internal and external self-determination of the people of Djibouti. Adoption of the first Constitution in 1992 represented the realization of the right to free determination and embarked the country on a democratic transition process, providing for a multiparty system limited to four parties, which ended in 2002.
270. In order to realize this right and to enable the people of Djibouti to freely determine their political status and economic, social and cultural development, the Government of Djibouti has duly consulted them on a regular basis and within the required time limits. The people of Djibouti have thus been able, over the past 20 years, to participate in referendums and free multiparty elections. The information contained in the common core document and the various reports submitted by the State of Djibouti set out the details of those elections.
271. Constitutional recognition of territorial units (Article 85) in 1992 and their effective establishment with the adoption of a legal framework in 2006 and the law on decentralization and the status of regions are some of the ways of ensuring the sustainable realization of the rights of communities to influence their own destiny.
272. The new provisions reinforce the existing legal framework, which is based on customary law particularly with regard to the traditional management of land in communities in the North and South of the country. The Okals, traditional chiefs of local communities are recognized by the State and consulted on all projects of relevance to them.
273. At the international level, national policy has always been consistent with the principle of the rights of peoples, abstaining from any initiative that may adversely affect its existence or that of other countries (preamble to the Constitution, paragraph 3).
274. Since it achieved national sovereignty, Djibouti has always supported national liberation movements and organizations fighting for the emancipation of their communities, such as the African National Congress (**ANC**) in South Africa and the Palestine Liberation Organization (PLO).
275. Against the background of border conflict and civil war in the Horn of Africa, Djibouti has played a decisive role in establishing a peace process. Through the implementation of foreign policy based on the principle of self-determination of peoples, particularly through the various initiatives of the Intergovernmental Authority on Development (IGAD), Djibouti unquestionably contributes to building a culture of peace and regional stability.

276. The purpose of the various conferences held with a view to reconciling the Somalis and the many initiatives undertaken by the Djibouti authorities to support the Somali Government in facing the Shababs, as well as to support populations victims of drought or terrorism, is to restore the conditions required for the realization of the right of the Somalis to freely determine their political status and pursue their economic and social development according to the policy they have freely chosen.

3. The right of peoples to freely dispose of their resources and wealth

Article 21

1. All peoples shall freely dispose of their wealth and natural resources. This right shall be exercised in the exclusive interest of the people. In no case shall a people be deprived of it.

2. In case of spoliation, the dispossessed people shall have the right to the lawful recovery of its property as well as to an adequate compensation.

3. The free disposal of wealth and natural resources shall be exercised without prejudice to the obligation of promoting international economic cooperation based on mutual respect, equitable exchange and the principles of international law.

4. State Parties to the present **Charter** shall individually and collectively exercise the right to free disposal of their wealth and natural resources with a view to strengthening African Unity and solidarity.

5. State Parties to the present Charter shall undertake to eliminate all forms of foreign exploitation particularly that practised by international monopolies so as to enable their peoples to fully benefit from the advantages derived from their national resources.

277. Djibouti has few known mineral resources other than geothermal resources, the exploitation of which requires significant financial resources. The exploitation of natural resources by the State and, accordingly, by business enterprises has never been detrimental to national communities.

278. Salt production at Lake Assal is a good example of compliance with the provisions of the Charter (paragraph 1 article 21). In order to safeguard the rights of access of local populations to natural resources, the State, having entrusted semi-industrial exploitation to local companies, has also effectively preserved the traditional exploitation of this resource. This ensures that sufficient benefits are derived for local populations, who are given priority access to resulting employment opportunities and the possibility of forming partnerships in the salt business.

279. An arid climate as well as the need to facilitate access to water for populations prompted government authorities to drill boreholes as early as 1977 and to reinforce this system in light of increased drought periods in the past few years.

4. Right of peoples to economic, social and cultural development

Article 22

1. All peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind.
2. States shall have the duty, individually or collectively, to ensure the exercise of the right to development.

280. Economic, social and cultural rights are considered second generation rights. The Government adopted several measures to ensure the realization of these rights.

281. In 1999, it began developing policies and strategies to boost economic and social development of all components and regions in the country. Public investment programmes are implemented in vital social sectors such as education, health, water, extension of road networks, housing, telecommunications and energy as well as in promising areas such as public works, small-scale industry and craft trades to reduce economic disparities between regions.

282. Government reform has also facilitated an increase in the number of banking institutions which obey open competition rules, which is in the interest of citizens and the national economy.

283. Economic reform was undertaken within the context of implementing the poverty reduction strategy of 2004 and this led to growth in the GDP (3% between 2001 and 2005, 4.8% in 2006, 5.9% in 2007 and 2008).

284. Following observation that the benefits of economic growth were not being enjoyed by all categories of the population in Djibouti, the fight against poverty was redefined and the National Social Development Initiative (INDS) put in place. The State Secretariat for National Solidarity is in charge of rolling out the poverty reduction strategy and promoting national solidarity with the key objective of implementing the INDS. One of the SESN's priority actions is to develop and monitor implementation of policies, programmes and projects targeting poor, vulnerable or excluded segments of the population. The mission of the ADDS, agency under the authority of the SESN, is to also reduce regional inequalities through support to sustainable development projects based on a participatory, partnership and community-based approach.

285. In 2012, the national strategy on social safety nets proposed the development of specific measures, through coordinated actions of the public and private sectors, to (i) provide nutrition assistance to populations at critical moments of their development, (ii) provide minimum protection to people who lack resources and are vulnerable because of their incapacity (temporary or permanent) to earn a minimum income; (iii) create job opportunities for low-skilled workers in industries such as construction, small-scale equipment and public infrastructures.

286. The SESN also developed a national micro-finance policy in February 2012 to enhance access to micro-finance services for the majority of poor or low-income households sidelined by the conventional financial system as well as to micro-entrepreneurs throughout the country. The objective of this policy is to provide each and every one with an opportunity to generate their own income.
287. The Republic of Djibouti initiated several legal measures and practices to ensure **cultural development**.
288. Substantial progress has been made in the implementation of Djibouti's language policy for individual growth including for Somali and Afar communities residing in Djibouti and abroad.
289. In this respect, broadcasting by the public radio and television corporation (**RTD**) of information and outreach programmes in national languages on the cultural and artistic heritage of the various communities is no longer restricted to specific times of the day. Programmes are aired throughout the day.
290. In the framework of educational reforms launched in 2000, efforts to modernize the school system and make it more responsive to its sociolinguistic environment have been reflected in the development of curricula and the publication of textbooks on the national languages in basic education. Literacy programmes for communities in local languages is a long-standing practice which has proven its effectiveness (awareness-raising, mobilization...).
291. The Djibouti Institute of Languages (**ILD**), which is part of the Djibouti Study and Research Centre, is also involved in implementing the language policy by organizing discussions on, and standardizing and modernizing the national languages particularly through:
- The collection of existing documents;
 - The publication of scientific literature (including oral literature, dictionaries, journals...);
 - The organization of symposiums (e.g.: to standardize expressions most commonly used by the media in the Somali and Afar languages);
 - Participation in research on the teaching of national languages in Djibouti.
292. On account of these actions in favour of language development, Djibouti is considered as leading the way in the region for the promotion of cultural diversity. The capital is host to international organizations working in this field such as "Somali Speaking Pen" and "Afar Speaking Pen". With the assistance of the State of Djibouti, these organizations support all initiatives to promote knowledge of these languages, as well as their respective cultures and writings (including literary programmes in the media, the publication and exhibition of books, forums...).
293. The establishment of the Djibouti Arts Institute (**IDA**) in 2003 is part of this commitment to ensure the lasting promotion and development of culture through specific public policies. This initiative is expected to foster greater appreciation of the national cultural heritage and growing professional competence in the area of culture through technical training and practice in arts-related careers (music, drama and the visual arts). Through its various activities, this institute has also fostered the social

integration of young people, creativity and national artistic productivity, and undoubtedly strengthened the cultural identity of the peoples of Djibouti and the sub-region.

5. Right of peoples to peace and international security

Article 23

1. All peoples shall have the right to national and international peace and security. The principles of solidarity and friendly relations implicitly affirmed by the Charter of the United Nations and reaffirmed by that of the Organisation of African Unity shall govern relations between States.

2. For the purpose of strengthening peace, solidarity and friendly relations, State Parties to the present Charter shall ensure that:

a. any individual enjoying the right of asylum under Article 12 of the present Charter shall not engage in subversive activities against his country of origin or any other State Party to the present Charter;

b. their territories shall not be used as bases for subversive or terrorist activities against the people of any other State Party to the present Charter.

294. The principles of solidarity and friendly relations implicitly affirmed by the Charter of the United Nations and reaffirmed by that of the Organisation of African Unity (now African Union) shall govern relations between States. The realization of this right requires actions in favour of peace and international security.

295. In this respect, the Republic of Djibouti played a key role in regional and international efforts for the reconstruction of Somalia by organizing on its territory, the Arta Conference for reconciliation in 2000. Subsequent to this conference, and also in 2009, the election of the President of the Somali Federal Transitional Government (TFG) was conducted under the kind auspices of the authorities of Djibouti.

296. In the context of peacekeeping operations, Djibouti has participated in several missions to Haiti (1995) and Côte d'Ivoire (since 2010) among others. Since 2012, the Republic of Djibouti has a military battalion trained in peacekeeping. In May 2012, Djibouti sent the "Hiil Battalion" comprising 800 soldiers to the District of Hiran (Baladweyn) to support the African Union's peacekeeping forces in Somalia. Djibouti's efforts to maintain peace and reconstruct Somalia are recognized and commended by partner States at the regional and continental levels as mirrored in the appointment of Djiboutian officers to the influential positions of Chief of Defence Staff and Spokesperson of AMISOM.

297. The right to peace and security also requires the prohibition of persons that enjoy the right to asylum from undertaking subversive activities against their country of origin or any other country that is party to the Charter.

6. Right of peoples to a healthy environment

Article 24

All peoples shall have the right to a general satisfactory environment favourable to their development.

298. The Republic of Djibouti is constantly affected by desertification and is thus particularly aware of the importance of environmental protection at the national and international level. A founding member of IGAD, Djibouti also joined, in 1997, the Organization for the Conservation of the Environment of the Red Sea and Gulf of Aden. It is party to most international conventions on the environment including the Vienna Convention for the Protection of the Ozone Layer (1992) as well as the Montreal Protocol on Substances that Deplete the Ozone Layer (1993), the Convention on Biological Diversity signed on 12 June 1992 in Rio de Janeiro and several conventions of the International Maritime Organization (**IMO**).

299. Also, Djibouti adopted strong measures, very early on, to protect the environment: Act No. 65/AN/89 of 3 April 1989 prohibiting the importation on national territory of toxic, radioactive or industrial waste and pollutants. Furthermore, a framework law on environmental protection was adopted in 2000 and supplemented by implementing orders in key sectors such as protected areas. The Environmental Code was hence developed to reinforce protection.

300. Significant efforts were deployed by the State to ensure the mainstreaming of environmental issues in sectoral and inter-sectoral policies. This is reflected in key national documents such as the economic and social orientation law (2000-2010), the strategic policy framework for poverty reduction, the INDS as well as sectoral plans (water, fisheries, tourism...).

V. DUTIES

1. Dissemination of human rights culture

Article 25

State Parties to the present Charter shall have the duty to promote and ensure through teaching, education and publication, the respect of the rights and freedoms contained in the present Charter and to see to it that these freedoms and rights as well as corresponding obligations and duties are understood.

301. Laws and mechanisms can undoubtedly protect human rights but can be more effective if supplemented by an educational, cultural and media strategy. In this regard, the Government of Djibouti considers the widespread dissemination of human rights culture as a prerequisite to the protection and promotion of human rights and democracy learning. Measures to ensure greater

ownership of the rights and freedoms contained in the Charter are implemented through educational activities, specialized training and awareness-raising in communities.

302. Act No. 96/AN/00/4th L of 10 July 2000 on the education system in Djibouti lays down the essential roles of the School (Article 9) which should "educate on health and family welfare; educate on environmental protection and conservation; educate citizens on the principles of democracy, patriotism, national unity, African unity, Arab-Islamic unity and on the values of universal civilization; develop a spirit of solidarity, justice, tolerance and peace in each individual, and develop a sense of autonomy and responsibility".
303. These missions entrusted to schools in Djibouti will progressively help to shape and push forward human rights education.
304. Prior to the enactment of the law, promotion of the culture of human rights was confined to the primary education and professional sectors and its objective was to ensure that students embrace principles and concepts relating to the rights of the child.
305. This stage has been transcended with the introduction of humanitarian rights in history and geography programmes of middle schools, training of teachers in this area and introduction of related concepts in textbooks. This initiative is an effective anchor for humanitarian learning in the education system and will help students learn more about issues relating to international humanitarian law and challenges of humanitarian action for the benefit of human dignity. It is also an essential addition to the promotion of human rights and allows students to reflect on human rights in times of war.
306. Finally, implementation of the Programme on Education for a Culture of Peace (ECP) incorporated into several subjects (History, Geography, French and Arabic), is evidence of the State's determination to fulfil its obligations in respect of national, regional and international commitments by ensuring effective promotion of civic and human rights education. The various teaching aids prepared for teachers should help them educate students on the foundations of good citizenship, on individual, collective and universal human rights, on the principles of the Republic and the rule of law and develop their critical thinking skills based on legal and historical texts. This process is spread over a period of eleven years, from basic to secondary education.
307. The higher education sub-sector whose numbers are on the rise is still on the sidelines of this movement in favour of human rights promotion. Regardless of the type of commitment, its involvement in the protection of human rights would represent an investment in the future and would give new impetus to the promotion of human rights in the country.
308. **Specialized training sessions** in human rights were also organized by ministerial departments in collaboration with the CNDH and development partners to strengthen the capacities of civil servants.
309. The purpose of these training programmes is to help civil servants gain a better understanding of new legislation and/or of newly-established institutions. Police officers have thus been trained on the Family Code to enhance their knowledge on issues relating to the rights of the child and women and further

encourage professional behaviours and practices in the elimination of all forms of discrimination. Likewise, court judges have also been trained on national and international human rights norms.

310. A training programme focusing on human rights of persons in detention was also conducted for prison guards who can now fully and effectively carry out their duties.
311. Parliamentarians attended training on key international, regional and national instruments as well as on the role of human rights defence institutions in order to better play their primary role of promoting and protecting human rights.
312. In view of the importance of the media in human rights promotion, recent training programmes conducted in this area have also included the participation of journalists. The latter can hence disseminate the concepts of human rights in their various television and radio programmes aired in national languages.
313. To make these training programmes more available and have a lasting impact, the National Institute of Public Service (INAP) needs to be further equipped to offer training on human rights modules adapted to the various public institutions.
314. Human rights **awareness and promotion** programmes are regularly aired by the media during conferences and other civil society events focusing on these issues.
315. As part of the strategy on the elimination of excision practices, the Ministry of Women's Empowerment and Family Planning is implementing, since 2007, a programme on human rights education in all communities within the country.

2. National institutions for the promotion and protection of rights and freedoms

Article 26

State Parties to the present Charter shall have the duty to guarantee the independence of the Courts and shall allow the establishment and improvement of appropriate national institutions entrusted with the promotion and protection of the rights and freedoms guaranteed by the present Charter.

316. In addition to the numerous human rights promotion and protection activities undertaken by Djibouti pursuant to Article 25 of the Charter, government authorities have focused on initiatives to reinforce the institutional machinery and hence guarantee the full enjoyment of human rights and fundamental freedoms.

317. Likewise, Act No. 51/AN/99/4th L and Decree No. 2000-129/PRE on the **Ombudsman**, play a key role in the promotion and respect for the principle of equal treatment and fair application of the law in disputes between citizens and public authorities.
318. The Institution receives, examines and decides on complaints filed by citizens who believe they have been wronged by the public administration. The Ombudsman, through its mediation activities and the authority vested in it by the Law, contributes to settling a number of disputes and restoring the rule of law for the benefit of citizens.
319. Its documentation and archive unit also provides legal information to the public and the civil service. Finally, this State institution drafts proposals for reform of law and regulations in the form of circulars addressed to the relevant ministerial departments or agencies for a more equitable application of constitutional rights.
320. The **National Human Rights Commission** (CNDH) is the human rights defence institution empowered to alert public authorities on human rights violations and proposes measures intended to address these through the opinions, recommendations and reports it publishes.
321. Measures are also proposed to public institutions with respect to initiatives in favour of human rights promotion and protection and in particular, the ratification of international human rights instruments, compliance and harmonization of national legislation and practices with these instruments. It encourages widespread information on and public awareness of human rights to eliminate all forms of discrimination and racism. It is a framework for consultation among public actors and civil society representatives working on human rights related issues.
322. Authorities in Djibouti issued in April 2012 a decree guaranteeing independence and immunity for CNDH members enabling them to properly fulfil their mission. With the support of the State as well as technical and financial partners, the CNDH now has budgetary resources, appropriate office space and human resources.
323. Djibouti is currently revising the main texts governing the CNDH to bring them in line with the Paris Principles and hence ensure its membership to the International Coordinating Committee.
324. The Commission actively participates, within the Inter-ministerial Coordinating Committee, in the preparation and submission of periodic reports to the treaty bodies under the auspices of the Ministry of Justice and Human Rights.
325. It organized several workshops for journalists, magistrates, legal practitioners and members of civil society to raise awareness and familiarize them with human rights principles.

3. Duty to treat others with respect and of mutual tolerance

Article 27

1. Every individual shall have duties towards his family and society, the State and other legally recognised communities and the international community.
2. The rights and freedoms of each individual shall be exercised with due regard to the rights of others, collective security, morality and common interest.

Article 28

Every individual shall have the duty to respect and consider his fellow beings without discrimination, and to maintain relations aimed at promoting, safeguarding and reinforcing mutual respect and tolerance.

326. Article 3 of the 1992 Constitution defines a citizen as “any person recognized as a member and who accepts the related duties without distinction on the basis of language, race, sex or religion”. The Constitution establishes, in an original manner, the principle of equality of citizens.
327. The principles of equality of citizens and the prohibition of all forms of discrimination laid down in the Constitution are important references for respect by individuals of their duties.
328. The possibility of review by an independent body makes it possible to guarantee the rights of others and ensure compliance with duties deriving from it.
329. Rules on public security, protection of privacy, public decency and daily administrative measures taken and implemented by the Police ensure that individuals fulfil their duties.
330. Finally, in light of increasing delinquency rates and the lack of civic sense among young people in particular, and in order to instil in them the values of citizenship, an education programme on building a culture of peace is being implemented from basic to secondary education.

4. Duty to preserve the harmonious development of the family

Article 29

The individual shall also have the duty:

1. To preserve the harmonious development of the family and to work for the cohesion and respect of the family; to respect his parents at all times, to maintain them in case of need;
2. To serve his national community by placing his physical and intellectual abilities at its service;
3. Not to compromise the security of the State whose national or resident he is;
4. To preserve and strengthen social and national solidarity, particularly when the latter is strengthened;
5. To preserve and strengthen the national independence and the territorial integrity of his country and to contribute to his defence in accordance with the law;
6. To work to the best of his abilities and competence, and to pay taxes imposed by law in the interest of the society;
7. To preserve and strengthen positive African cultural values in his relations with other members of the society, in the spirit of tolerance, dialogue and consultation and, in general, to contribute to the promotion of the moral well-being of society;
8. To contribute to the best of his abilities, at all times and at all levels, to the promotion and achievement of African unity.

331. The rights of the family, the basic unit of the society, are guaranteed as we have seen throughout this report, by existing laws and in particular the Family Code.

332. The Personal Status Act promotes the family in its cultural specificities, protects the unit and ensures harmony within. It also sets forth the obligations of parents towards their children as well as the duties of the latter in respect of their parents.

333. Article 17 of the Constitution defines the **obligations of citizens towards the national community**: “The defence of the Nation and territorial integrity of the Republic is a moral duty of all Djiboutians”. Similarly, treason, spying, transmitting information to the enemy as well as all infringements committed against the State security are repressed by the Criminal Code.

334. The Adapted National Service (SNA) for unemployed young people who dropped out of school early was established to provide them with vocational training within the National Army and the qualifications needed to enter the labour market as well as to teach them the values of respect and safeguard of national interests.