

**COMMITTEE ON THE RIGHTS OF THE CHILD**

**Forty-ninth session**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER  
ARTICLE 44 OF THE CONVENTION**

**Concluding Observations of the Committee on the  
Rights of the Child: Djibouti**

1. The Committee considered the second periodic report of Djibouti(CRC/C/DJI/2) at its 1347th and 1348th meetings (see CRC/C/SR. 1347 and 1348), held on 17 September 2008, and adopted, at the 1369th meeting, held on 3 October 2008, the following concluding observations.

**A. Introduction**

2. The Committee welcomes the submission of the second periodic report, as well as the written replies to its list of issues (CRC/C/DJI/Q/2/Add.1) and appreciates the frank and constructive dialogue it was able to have with the high-level and multisectoral delegation, which provided a better insight on the situation of children in the State party.

**B. Follow-up measures and progress achieved by the State party**

3. The Committee welcomes the adoption of:
  - (a) The Outline Act on the education system in August 2000;
  - (b) The Family Code in January 2002;
  - (c) The Law on the Labour Code in January 2006;
  - (d) Legislation on the organization of an anti-smoking campaign in January 2007;
  - (e) The Law on the protection of persons living with VIH/Aids, in April 2007;  
and
  - (f) The Law against trafficking in human beings in December 2007.
4. The Committee welcomes the ratification by the State party on 5 November 2002 of the following human rights instruments:
  - (a) The International Covenant on Economic, Social and Cultural Rights;
  - (b) The International Convention on the Elimination of all Forms of Racial Discrimination;

- (c) The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; and
  - (d) The two Optional Protocols to the International Covenant on Civil and Political Rights.
5. The Committee also welcomes the ratification by the State Party of the following instruments:
- (a) ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour in February 2005;
  - (b) ILO Convention No. 138 concerning Minimum Age for Admission to Employment in June 2005;
  - (c) The Protocol to the UN Convention against Transnational Organised Crime to Prevent, Suppress and Punish Trafficking in Person, Especially Women and Children in April 2005;
  - (d) The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa in February 2005;
  - (e) The Rome Statute of the International Criminal Court in November 2002; and
  - (f) The WHO Framework Convention on Tobacco Control in July 2005.

### **C. Main areas of concern and recommendations**

#### **1. General measures of implementation (arts.4, 42 and 44, paragraph 6 of the Convention)**

##### **The Committee's Previous Recommendations**

6. The Committee notes that several of the concerns and recommendations made upon the consideration of the State party's initial report (CRC/C/15/Add.131) have been addressed at national level. It nevertheless regrets that some of its concerns and recommendations, including on such issues as independent monitoring, data collection, sexual exploitation and juvenile justice, have not been adequately addressed.
- 7. The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations of the initial report that have not yet been implemented or sufficiently implemented and to provide adequate follow-up to the recommendations contained in the present concluding observations on the second periodic report.**

##### **Reservations**

8. The Committee is concerned about the extent of the declaration made to the Convention by the State party and reiterates that such a declaration appears to be incompatible with the object and purpose of the Convention. The Committee notes the State party's desire, expressed in its written replies to the list of issues of the Committee, to replace its broad declaration under the Convention with a more specific reservation addressing articles 14 and 21. The Committee, bearing in mind the provisions of article 51 of the Convention enabling a State party to submit the text of reservations to the Convention only at the time of ratification or accession, takes

note with interest of the State party's indication, expressed during the dialogue with the delegation, of its intention to reexamine its position on this field.

- 9. The Committee, in line with its previous recommendation, and in light of the Vienna Declaration and Programme of Action (1993), urges the State party to consider reviewing its declaration to the Convention with a view to withdrawing it.**

#### **Legislation**

10. The Committee notes that the State party has made efforts to harmonise its legislation with the Convention, in particular through the adoption of the Family Code, the Labour Code, the Nationality Code and laws on the orientation of educational and health policies. The Committee notes with regret, however, that the implementation of the provisions in these laws is hindered by a lack of human and financial resources.
- 11. The Committee encourages the State party to take all appropriate measures to ensure adequate human and financial resources for the full implementation of the provisions of its laws relating to children.**

#### **Coordination**

12. While the Committee welcomes the establishment of the Ministry for the Advancement of Women, Family Welfare and Social Affairs and notes the envisaged role of the yet to be established Sub-Commission of the National Human Rights Commission, it regrets that a national mechanism to coordinate activities on children does not exist.
- 13. The Committee recommends that the State party expedite the establishment of a national coordinating body and that it provide this body with sufficient resources, human and financial, to carry out its work efficiently.**

#### **National Plan of Action**

14. While the Committee welcomes the 2005 National Plan of Action to Combat Abuse and Sexual Exploitation of Children and the Accelerated Strategy for Child Survival and Development, as well as the 2005 national integrated early childhood development policy, it notes with regret that there is no comprehensive national plan of action for children covering all areas of the Convention.
- 15. The Committee encourages the State party to adopt a National Plan of Action on Children that addresses fully all of the rights of the child enshrined in the Convention, and takes into account the outcome document "A World Fit for Children" adopted by the United Nations General Assembly at its special session on children held in May 2002 and its mid-term review of 2007. The Committee also recommends that the State party provide a specific budget allocation and adequate follow-up mechanisms for full implementation of the Plan and ensure that it is equipped with an evaluation and monitoring mechanism to regularly assess progress achieved and identify possible deficiencies for corrective action. The Committee encourages the State party to also monitor the implementation of the "Accelerated Call for Action" adopted during the mid-term review of "Africa Fit for Children", held in Cairo in November 2007**

## **Independent monitoring**

16. The Committee notes that the National Human Rights Commission's Sub-Commission for the protection of the rights of the child will, among other tasks, monitor implementation of the Convention. However, the Committee is concerned that the Sub-Commission will not be an independent body and that it will not be adequately resourced. The Committee is further concerned about possible overlap between the role of the Sub-Commission and that of the existing Office of the Ombudsman.
- 17. The Committee recommends that the State party establish an independent body, to monitor the implementation of the Convention on the Rights of the Child, in accordance with the Paris Principles (General Assembly resolution 48/134) and taking into account the Committee's general comment No. 2 on national human rights institutions. Such a body should be able to receive and investigate complaints from, or on behalf of, children on violations of their rights and should be provided with the necessary human and financial resources. In this regard, the Committee recommends that the State party seek technical assistance from, inter alia, UNICEF and OHCHR.**

## **Allocation of Resources**

18. The Committee welcomes the increase in budget allocations to the social sectors, including education and health. The Committee also notes with interest that social spending in favour of children has increased since consideration of the State party's initial report. Nevertheless, the Committee notes with regret that these allocations are insufficient, particularly in the health sector and in the area of advancement of children and women.
- 19. The Committee urges the State party taking into account the Committee's recommendations made by the Committee during its Day of General Discussion in 2007 on "Resources for the Rights of the Child - Responsibility of States", to continue to increase budgetary allocations for children at national and local levels. The Committee further recommends that the State party start budget tracking from a child rights' perspective with a view to monitoring budget allocations for children, seeking technical assistance for this purpose from, inter alia, UNICEF.**

## **Data collection**

20. While the Committee welcomes the surveys that have been carried out in a number of areas, including poverty, education, and health, it notes that gaps exist in these surveys and that there is a lack of capacity to centralize and analyze data on the population. The Committee also expresses regret that its recommendation to establish a data collection system for all areas covered by the Convention, made in its previous concluding observations (CRC/C/15/Add.131, paragraph 18) on Djibouti's initial report, has not been addressed.
- 21. The Committee reiterates its recommendation that the State party establish a centralized data collection system to collect data in areas addressed by the Convention, including through the organization of the national census. The State party should ensure that information collected contains up to date data on a wide-range of vulnerable groups, including children with disabilities, child**

workers, children living in the streets and refugee children, etc. The State party is encouraged to use this data as a basis for assessing progress achieved in the realization of child rights and to design policies to implement the Convention. The Committee also recommends that the State party seek technical assistance from, *inter alia*, UNICEF.

#### **Dissemination of the Convention and training**

22. The Committee notes with appreciation the translation of the Convention into national languages and its dissemination to the public by radio. The Committee welcomes training programmes for teachers, awareness-raising campaigns, dissemination and other activities carried out in areas related to child rights. Nevertheless, the Committee regrets that the Convention is still not widely known in the State party's territory.
23. **The Committee recommends that the State party continue and strengthen awareness-raising efforts regarding the Convention and child rights, with a particular focus on strengthening these efforts in rural areas. It also recommends the reinforcement of adequate and systematic training of *all* professional groups working for and with children, including teachers, law enforcement officials, health personnel, social workers and personnel of childcare institutions.**

#### **Cooperation with civil society**

24. The Committee welcomes the State party's indication that it provides support to civil society through training and encouraging activities of these organizations. However, the Committee notes that there is often a high degree of dependency on civil society to provide social services to children.
25. **The Committee recommends that the State party continue and further strengthen its collaboration with civil society and widen the scope of cooperation to cover all areas related to the promotion and protection of the rights of the child, including the coordination of a National Action Plan for Children. The Committee also recommends that the State party take a stronger role in service delivery while encouraging active, positive and systematic involvement of civil society, including NGOs, in the promotion of children's rights, including, *inter alia*, their participation in the coordination of the implementation of the Convention and follow-up to the concluding observations of the Committee.**

## **2. General principles (arts. 2, 3, 6 and 12 of the Convention)**

#### **Non-discrimination**

26. The Committee welcomes efforts to ensure that all children have access to education, health and other social services, in particular, through the construction of schools and health centres in rural localities, awareness-raising campaigns for equal access to schools of girls, and the repeal of provisions reserving school for children born of Djiboutian parents. Nevertheless, the Committee regrets that disparities remain, in particular with regard to children belonging to vulnerable groups, including children living on the streets, migrant children, refugee children and children with disabilities.

27. The Committee reiterates its previous recommendation (CRC/C/15/Add.131, paragraph 28) that the State party continue and strengthen its efforts to ensure full implementation of the principle of non-discrimination and full compliance with article 2 of the Convention and that it take measures to address instances of discrimination that impact on equal access of all children to education, health and other social services. The Committee also encourages the State party to adopt a comprehensive strategy to eliminate discrimination on any grounds, including against girls and against all vulnerable groups, such as children with disabilities, children living in the streets, refugee children and children from different ethnic groups.
28. The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account general comment No.1 (CRC/GC/2001/1) on the aims of education.

#### **Right to life, survival and development**

29. The Committee welcomes the progress made by the State party in ensuring the survival of children and mothers. The Committee also welcomes the reduction since 2002 in the mortality rates of infants and children under five. The Committee notes with interest that a parental education booklet has been produced by the Ministry for the Advancement of Women to inform parents and institutions responsible for children about the main causes of infant mortality and malnutrition, as well as the protection of women during pregnancy and childbirth. The Committee also notes the State party's indication that the principle of the right to life, survival and development is recognized in Djiboutian law, including the penal code which protects children from violations affecting their overall development. Nevertheless, the Committee is concerned that the rates of infant mortality remain among the highest in the world and that malnutrition rates not only remain high but have also increased slightly over the past years. The Committee also notes with concern that sanitation coverage remains low in both urban and rural areas.
30. The Committee urges the State party to continue and strengthen its efforts to address issues related to the right to life, survival and development, particularly through the application of its strategies, policies and programmes on this issue. The Committee further recommends that particular attention be given by the State party to addressing the problem of infant mortality, malnutrition and the related issue of household food insecurity, as well as sanitation coverage, in both urban and rural areas.

#### **Respect for the views of the child**

31. The Committee notes with appreciation that the Family Code recognizes the right of the child to express himself/herself freely and calls on all persons to respect this right. The Committee also notes that measures have been taken to allow children to express their views in the education sector and that child delegates have been given the opportunity to express their views and concerns to the President. However, the

Committee notes that this right is not systematically applied in administrative and judicial proceedings.

- 32. The Committee recommends that the State party continue and strengthen efforts to implement article 12 of the Convention and promote respect for the views of the child in administrative and judicial proceedings. The Committee also recommends that the State party promote the participation of children and respect for their views in all matters that concern them in the family, school, children's institutions and the community.**

### **3. Civil rights and freedoms (arts. 7, 8, 13-17, 19 and 37(a) of the Convention)**

#### **Birth registration**

33. The Committee welcomes actions taken to improve the rate of birth registration, including through the provision of birth certificates to students in some of the schools in Djibouti-ville, the provision of better material means and the training of personnel. Nevertheless, the Committee notes with concern that around 10% of children in Djibouti do not have a birth certificate and that the non-provision of birth certificates particularly affects non-Djiboutian children. The Committee is also concerned that the State party's efforts to improve birth registration are limited to school-going children, in a small number of schools in the capital city, therefore leaving out a significant portion of the population.
- 34. The Committee recommends that the State party continue and strengthen its efforts to encourage birth registration of all children, including children living in remote areas, children living on the street, children of refugees and other non-Djiboutian children. The Committee encourages the State party to use mobile registration units to reach distant children and to provide for registration, including late registration, of births free of charge.**

#### **Corporal punishment**

35. While the Committee takes note of the State party's indication that corporal punishment has been forbidden in schools and that the Educational Plan of Action 2006-2008 lauds the implementation of measures prohibiting corporal punishment the Committee is concerned that children are still subjected to corporal punishment, particularly in the home.
- 36. The Committee recommends that the State party explicitly prohibit by law all forms of violence against children, including corporal punishment, in all settings, including in the family, schools, alternative childcare and places of detention, and implement those laws effectively. It also recommends that the State party intensify its awareness-raising campaigns in order to promote the use of alternative forms of discipline in a manner consistent with the child's human dignity and in accordance with the Convention, taking into account the Committee's general comment No.8 on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (CRC/C/GC/8, 2006).**

## **Follow-up to the UN Study on Violence against Children**

37. The Committee notes that a unit has been established to provide advice, guidance and support to children and other victims of violence. It is concerned, however, that there is no comprehensive strategy to deal with this problem.

**38. With reference to the United Nations Secretary-General's Study on violence against children, the Committee recommends that the State party:**

**(a) Take all necessary measures to implement the recommendations of the United Nations Study on violence against children (A/61/299) taking into account the outcome and recommendations of the Regional Consultation for the Middle East and North Africa (held in Cairo from 27-29 June 2005). In particular, the Committee recommends that the State party pay particular attention to the following recommendations:**

- (i) Prohibit all forms of violence against children**
- (ii) Strengthen national and local commitment and action**
- (iii) Promote non-violent values and awareness-raising**
- (iv) Enhance the capacity of all who work with and for children**
- (v) Ensure accountability and end impunity**

**(b) Use the recommendations of the Study as a tool for action in partnership with civil society and, in particular, with the involvement of children to ensure that all children are protected from all forms of physical, sexual and psychological violence and to gain momentum for concrete and time-bound actions to prevent and respond to such violence and abuse; and**

**(c) Seek technical cooperation in this respect from OHCHR, UNICEF and WHO and other relevant agencies, inter alia, ILO, UNESCO, UNHCR, UNODC as well as NGO partners.**

### **4. Family environment and alternative care (arts. 5, 18(paras.1-2), 9-11, 19-21, 25, 27 (para.4) and 39 of the Convention)**

#### **Family environment**

39. The Committee welcomes the State party's indication that the State, to the extent of its means, supports efforts of parents by giving them assistance, benefits and other advantages. The Committee also welcomes the fact that the State party requires parents to provide for their children and that a judge can order that maintenance be paid. However, the Committee is concerned that the existing penalty for abandonment of the child is prison and a fine. The Committee also reiterates the concern expressed in its previous recommendations (CRC/C/15/ADD.131, paragraph 33) about the impact on children of the continuing practice of polygamy.

**40. The Committee encourages the State party to continue and strengthen its parental education efforts and to ensure adequate resources for activities carried out to provide support for parents in caring for their children. The Committee recommends that the State party consider more effective ways of obtaining**

**maintenance for children, such as automatic enforcement of the maintenance system and local mediation mechanisms. The Committee also recommends that the State party undertake an in-depth and comprehensive study on impact of polygamy in order to find out whether polygamy has negative consequences on the upbringing and development of children and, if so, to develop measures, including awareness-raising measures, to address those negative impacts.**

#### **Children without parental care**

41. While noting that the Family Code provides for a system of guardianship of children deprived of their family environment, recalling its previous concluding observations (CRC/C/15/Add.131, paragraph 35), the Committee notes with concern the high numbers of vulnerable and orphaned children that need special attention from the State party to ensure upbringing in their families and communities of origin or, as a last resort, in alternative care centres.
42. **The Committee recommends that the State party, while taking into account the recommendations of the day of general discussion on children without parental care (CRC/C/153, 2006) and with the assistance of UNICEF, continue and strengthen its efforts to provide special protection for children deprived of a family environment and to improve its legislative framework, policies, mechanisms, structures and plans to ensure a better family environment and alternative care, including through the provision of support to families with children and the strengthening of the capacities of its alternative care facilities in such a way as to maintain a family-type of environment. The Committee also encourages the State party to ensure that an appropriate monitoring mechanism is in place to monitor alternative care facilities and foster care/guardianship programmes.**

#### **Adoption**

43. The Committee, while taking into account that the Family Code advocates the strict prohibition of adoption in Djibouti, is concerned that in practice inter-country adoptions impact children, especially non-Djiboutian children, who are given over to the care of private institutions that send them out of the country to be adopted without ensuring that inter-country adoptions procedures are respected.
44. **The Committee urges the State party to take appropriate measures to ensure that inter-country adoption is performed in full compliance with the best interests of the child and that it provides appropriate legal guarantees for children, including non-nationals, throughout the adoption process, in order to avoid possible cases of sale or trafficking of children for adoption or other aims. The Committee also encourages the State party to consider ratifying the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry adoption of 1993 without delay.**

#### **Abuse and neglect**

45. The Committee notes Djiboutian law does not specifically provide for the separation of children from their parents, as a last resort, in cases of abuse or neglect. The Committee further notes that the separation of a child from his or her parents is, in general, not easily feasible due to a lack of appropriate infrastructure. The Committee

is concerned that existing legislation has not been used to deal seriously with child abuse, and that punishment for perpetrators of such acts generally are light.

- 46. The Committee recommends that the State party take all necessary legislative, policy and other measures, and ensure that they are implemented, in order to address and prevent abuse and neglect of children and to provide for the care, recovery and reintegration of child victims. Such measures would include the creation of appropriate infrastructure in cases where, as a last resort, children have to be separated from their parents due to abuse and neglect and the introduction of mandatory reporting of abuse and neglect of children.**

**5. Basic health and welfare  
(arts. 6, 18 (para.3), 23, 24, 26, 27 (paras.1-3) of the Convention)**

**Children with disabilities**

47. The Committee notes with appreciation the draft law relating to the social inclusion of persons with disabilities and the integration in the Educational Plan of Action 2006-2008 of measures in support of the refurbishing of academic establishments that is more appropriate for persons with disabilities. The Committee also takes note of the survey carried out in 2002, which allowed for the collection of data on persons with disabilities. The Committee notes with regret, however, that recommendations stemming from a two day workshop held in 2006 on the need to improve occupational and social reintegration of persons with disabilities, such as the access to specialized care for children with disabilities and the improvement of occupational integration, still remain unachieved.

**48. In light of the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's general comment No. 9 on the rights of children with disabilities (CRC/C/GC/9, 2006), the Committee recommends that the State party:**

- (a) Take all necessary measures to ensure the implementation of legislation relating to the rights of children with disabilities and consider adopting specific legislation on the issue;**
- (b) Make every effort to provide community-based programmes and services, in particular specialized services, for all children with disabilities and ensure that such services receive adequate human and financial resources, with a particular focus on the right to education of children with disabilities;**
- (c) Continue and strengthen awareness campaigns to sensitise the public about the rights and special needs of children with disabilities and encourage their inclusion in society;**
- (d) Provide training for professional staff working with children with disabilities, such as medical, paramedical and related personnel, teachers and social workers; and**
- (e) Consider ratifying the Convention on the Rights of Persons with Disabilities and its Optional Protocol.**

## **Health and access to health services**

49. The Committee notes with appreciation the various efforts of the State party in the field of health, including with regard to nutrition, infant and maternal mortality rates, vaccinations, and HIV/AIDS. While the Committee notes that budgetary allocations for health have been increasing, it remains concerned that they remain insufficient and that the health sector continues to experience financial difficulties. The Committee also notes with concern that there is a shortage of qualified health personnel. The Committee is also concerned at:

- (a) The continued high levels of infant, under-five and maternal mortality rates;
- (b) The increase in infant malnutrition rates in the State party over the past few years despite the concomitant success of awareness-raising campaigns to encourage exclusive breastfeeding;
- (c) The low continued and exclusive breastfeeding rates; and
- (d) The low level of vaccination rates, due in part to the lack of health workers.

**50. The Committee recommends that the State party continue and strengthen measures taken to ensure that health care is both accessible and affordable and that the problems of infant and maternal mortality and malnutrition are given a high priority, including through awareness-raising campaigns and other support activities to encourage exclusive breastfeeding of children up to the age of six months and continued breastfeeding of children beyond six months. The Committee also urges the State party to strengthen its efforts to improve immunization rates and to continue, strengthen and expand training for health workers. The Committee encourages the State party to consider seeking technical assistance from UNICEF and WHO, among others.**

## **Adolescent health**

51. The Committee notes with interest that the State party's Plan of Action to combat drug abuse (2002-2005) developed awareness-raising and information activities targeted at youth in difficult situations, such as those not going to school, dropouts and street children. However, the Committee notes with concern that there are no adequate and confidential services for adolescent healthcare and that teenage pregnancy is an increasing problem.

**52. The Committee recommends that the State party, taking into account the Committee's general comment No.4 (CRC/GC/2003/4) on adolescent health and development in the context of the Convention on the Rights of the Child, increase its efforts to establish more programmes and confidential services in the area of adolescent health and to obtain valid data on adolescent health concerns through, inter alia, studies on this issue. The Committee also recommends that the State party elaborate clear policies and, when applicable, legislation, addressing the prevention of adolescent health-related issues, in particular early pregnancies.**

## **Drug Abuse**

53. The Committee notes with concern that consumption by Djiboutians, including children, of the drug Qat (Khat), which may have a negative impact on health and is thought to impair concentration and judgment, remains high.

**54. The Committee recommends that the State party continue and strengthen evidence-based measures to prevent the use and abuse of drugs, including Qat.**

#### **Harmful Traditional Practices**

55. The Committee notes that the State party has been carrying out awareness-raising activities to combat harmful traditional practices, including early marriage, and welcomes the raising of the minimum age for marriage of girls to 18 through the Family Code. However, the Committee notes that there are exceptions to this age, including when the marriage is consented to by the child's guardian, and is concerned that there is no minimum age threshold for such exceptions. While the Committee welcomes the State party's efforts to eliminate Female Genital Mutilation (FGM), which resulted in the prohibition by law of the practice, it notes with grave concern that FGM, including infibulations, the most extreme form of FGM, continues to be widely practiced in the country. The Committee also notes with concern that there have been no prosecutions to enforce the law prohibiting FGM.

**56. The Committee urges the State party to:**

- (a) Apply legislative and other measures to prohibit harmful traditional practices, including female genital mutilation and early marriage;**
- (b) Set a minimum age threshold for exceptions to the Family Code minimum age of 18 for marriage, including consent of a child's guardian to a marriage;**
- (c) Ensure that legislation prohibiting harmful traditional practices provides for appropriate sanctions and that perpetrators of such acts are brought to justice;**
- (d) Strengthen awareness-raising and sensitization activities for practitioners, families, traditional or religious leaders and the general public in order to encourage changes in attitudes; and**
- (e) Take measures to provide practitioners of female genital mutilation with adequate training and support to find alternative sources of income.**

#### **HIV/AIDS**

57. The Committee welcomes the State party's efforts to combat HIV/AIDS, including through the creation of a national programme to fight pandemics (2003-2007), the setting up of a new institutional and organizational framework to address the issue, and the passing of a law in December 2006 implementing measures against discrimination and stigmatization of persons living with HIV/AIDS and their families. The Committee also welcomes the setting up of a Solidarity Fund in 2004 to assist AIDS orphans.

58. The Committee notes with interest that the State party has developed initiatives, targeting children from vulnerable groups such as school dropouts and street children, on prevention and combating of HIV/AIDS through information campaigns and the distribution of contraceptives. The Committee also notes that a study was carried out in 2005 on the behaviour, attitudes and practices of youth faced with HIV/AIDS although there is no information on the use of the recommendations of this study in light of the high prevalence of HIV/AIDS in the country. Nevertheless, the Committee is concerned that the prevalence of HIV/AIDS remains high and, without

policy and other interventions, could rise even higher, and that stigma and discrimination against persons affected by HIV/AIDS remain widespread.

**59. The Committee urges the State party, while taking into account the Committee's general comment No.3 (CRC/GC/2003/3) on HIV/AIDS and the rights of the Child and the International Guidelines on HIV/AIDS and Human Rights, to take measures to reduce HIV/AIDS infection in its territory, particularly with regard to the young people through, inter alia:**

- (a) Strengthening, continuing and developing policies and programmes, to provide care and support for children infected or affected by HIV/AIDS, including programmes and policies to strengthen the capacity of families and the community to care for such children;**
- (b) Developing without delay a national programme or plan of action to specifically address the issue of HIV/AIDS;**
- (c) Carrying out activities aimed at reducing stigma and discrimination related to HIV/AIDS and providing awareness-raising on human rights within the context of HIV/AIDS; and**
- (d) Continuing to disseminate information and materials to the public, including to refugee populations, on prevention and protection methods, including safe sex practices.**

#### **Standard of living**

60. The Committee takes note of the 2001 Poverty Reduction Strategy Paper (PRSP) and welcomes the strengthening of social policy measures which included a microcredit programme for women and a programme for essential development needs targeting underprivileged communities. The Committee is concerned that the rates of relative and extreme poverty remain very high and that, while some health and education indicators demonstrate positive changes, others, such as nutrition, water and sanitation, remain alarming. The Committee is also concerned that almost half of the population currently faces food shortages and that a fifth of the population depends on emergency food assistance.

**61. The Committee recommends that the State party:**

- (a) Strengthen its efforts to reduce the rates of relative and extreme poverty in the population, in particular with regard to alleviating the effects of the world-food crisis;**
- (b) Pay special attention to families and children in the development of its poverty reduction strategies, which should include targeted measures protecting children from the harmful impact of poverty on development, health and education;**
- (c) Provide access to clean water, adequate sanitation, food and shelter in all regions and communities of the country, including to the nomadic population;**
- (d) Assist children in acquiring vocational skills and finding occupations respecting the age limits set by the ILO Convention 138;**
- (e) Encourage participation of parents and children in the development of poverty-alleviation strategies; and**
- (f) Seek international cooperation and assistance.**

**6. Education, leisure and cultural activities**  
(arts. 28, 29 and 31 of the Convention)

**Education, including vocational training and guidance**

62. The Committee welcomes the large-scale master plan for reform of the educational system adopted by the State party and the increased share of the State's budget that is allocated to education. Furthermore, the Committee notes improvements in enrollment rates in both primary and secondary schools, training of teachers, quality of education and equipment of schools, including free meals for children from disadvantaged families. Nevertheless, the Committee expresses its concern that, with increasing age, the majority of children do not go to school and gender disparities, reflecting societal attitudes and poverty, remain a concern. The Committee is also concerned about regional disparities.

63. **The Committee recommends that the State party, taking into account its general comment No. 1 (CRC/GC/2001/1) on the aims of education:**

- (a) **Ensure that schools covering the years of compulsory education (primary and middle school) are accessible to all children;**
- (b) **Strengthen measures to increase school enrollment rates;**
- (c) **Continue efforts to diminish regional and socio-cultural disparities in the full enjoyment of the right to education at all levels of the educational system, particularly those related to gender;**
- (d) **Take measures to reduce dropout and repetition rates and to enhance transition rates to the next level of school in order to raise completion rates at all levels;**
- (e) **Expand the provision of early childhood education to all regions of the State party;**
- (f) **Continue teacher training and in-service programmes with respect to new curricular subjects and active learning methods;**
- (g) **Include human rights education and child rights in the curricula of schools at all levels;**
- (h) **Include emergency and disaster preparedness in school curricula; and**
- (i) **Expand vocational education and training in regular schools and in special training centres, including for children who have dropped out of school.**

**7. Special protection measures**  
(arts. 22, 38, 39, 40, 37(b) and (d), 30, 32-36 of the Convention)

**Asylum-seeking and refugee children**

64. The Committee notes that social and psychological rehabilitation of refugee children outside the camps is carried out mainly by NGOs and national associations. The Committee is concerned that no systematic measures are undertaken by the State party to ensure that refugee children have access to healthcare, education and other services.

- 65. The Committee recommends that the State party take all measures to ensure the protection of the rights of refugee children both inside and outside refugee camps and their access to social services, particularly health and education services. The Committee also recommends that the State party adopt a full – fledged refugee legislation that provides for the expedited treatment of asylum claims, integrates child-sensitive asylum procedures and recognizes child-specific forms of persecution.**

#### **Economic exploitation, including child labour**

66. While the Committee notes that child labour is prohibited by law, it notes with regret that this prohibition is not always enforced, and that children are often involved in various types of non-hazardous work including domestic work, agriculture, livestock and other informal activities. The Committee also expresses its regret that a shortage of inspectors reduces the likelihood of investigation of reports of child labour. The Committee expresses its concern that children are also involved in work in inhuman and degrading conditions and are particularly vulnerable to drugs, HIV/AIDS, sexually transmitted infections and early pregnancies.

- 67. The Committee urges the State party to ensure that policies, plans and legislation to address child labour, particularly in its worst forms, are implemented and provide effective protection for all children, in particular those belonging to vulnerable groups such as children living in the street and refugee children. The Committee also urges the State party to take concrete action to address the root causes of child labour, including poverty and traditional attitudes. The Committee encourages the State party to seek technical assistance from ILO/IPEC in this regard.**

#### **Street Children**

68. The Committee notes with interest the carrying out in 2002 of a study on “children in the street” as well as the integration of initiatives relating to the issue of street children in the project operation documents of a number of ministries. While welcoming initiatives to support children living on the street, the Committee remains concerned at the very high number of children who are still in the streets and that these children continue to be exposed to prostitution, sexually transmissible infections, including HIV/AIDS, economic and sexual exploitation and violence.

- 69. The Committee recommends that the State party continue and strengthen efforts to provide protection for the rights of children living in the streets, including through the provision of education, health services, food, shelter and other relevant social services. The Committee further urges the State party to take concrete action, in cooperation with children living in the streets, to address the underlying causes of this situation, and to strengthen efforts to prevent children from living in the streets and assist them in leaving the streets.**

#### **Sexual exploitation and abuse**

70. The Committee reiterates the concern expressed in its previous concluding observations (CRC/C/15/Add.131, paragraph 57) over the high number of children, in particular girls, involved in prostitution and the lack of facilities to provide services for sexually exploited children.

**71. The Committee recommends that the State party:**

- (a) Develop and strengthen appropriate legislative measures to address the issues of sexual exploitation and sexual abuse;**
- (b) Take appropriate measures to ensure the prompt investigation of reports of sexual exploitation or abuse and the prosecution of perpetrators of sexual offences against children;**
- (c) Ensure that child victims of sexual exploitation or abuse are not criminalized or penalized; and**
- (d) Continue to implement appropriate policies and programmes for prevention, recovery and social reintegration of child victims, in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children as well as the outcome of other international conferences on this issue.**

**Administration of Juvenile justice**

72. The Committee notes the State party's indication during the dialogue that only a very small number of children are in conflict with the law in Djibouti. Nevertheless, the Committee is concerned about the lack of specialized courts for juvenile offenders. The Committee is also concerned over the fact that juveniles as young as 13 years old can be detained for long periods of time, that there are no separate facilities to detain children apart from adults and that alternative responses to offences are at the discretionary power of the court.

73. **The Committee urges the State party to ensure that juvenile justice standards are fully implemented, in particular articles 37 (b), 40 and 39 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules). In particular the Committee recommends that the State party, while taking into account the Committee's general comment No. 10 on the administration of juvenile justice (CRC/C/GC/10, 2007):**

- (a) Take all measures to establish a specialized justice system for children;**
- (b) Take the necessary steps to ensure that persons working with children in the justice system, juvenile judges, etc. receive appropriate training;**
- (c) Take all necessary measures, including the development of a policy of alternative sanctions for juvenile offenders, to ensure that children are held in detention only as a last resort and for as short a time as possible;**
- (d) Take all necessary measures to ensure that when detention is carried out, it is done in compliance with the law and respects the rights of the child as set out under the Convention and that children are held separately from adults both in pre-trial detention and after being sentenced;**
- (e) Take all necessary measures to ensure that children are not ill-treated in detention, that conditions in detention facilities are conducive, to the extent possible, to the child's development and that**

**their rights, including visitation rights, are not violated, and that cases involving juveniles are brought to trial as quickly as possible; and**

- (f) Seek technical assistance and other cooperation from the United Nations Interagency Panel on Juvenile Justice, which includes UNODC, UNICEF, OHCHR and NGOs.**

#### **Protection of witnesses and victims of crimes**

- 74. The Committee also recommends that the State party ensure, through adequate legal provisions and regulations, that all children victims and or witnesses of crimes, e.g. children victims of abuse, domestic violence, sexual and economic exploitation, abduction, and trafficking and witnesses of such crimes, are provided with the protection required by the Convention and that it take fully into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20 of 22 July 2005) and general comment No. 5 (2003) on general measures of implementation of the Convention on the Rights of the Child.**

#### **8. Ratification of international and regional human rights instruments**

- 75. The Committee welcomes the signing by the State party in June 2006 of the Optional Protocols to the Convention on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict and takes note with interest of the State party's indication of its intention to ratify both instruments before the end of the year.**
- 76. The Committee encourages the State party to ratify the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography.**
- 77. The Committee also encourages the State party to ratify any other international human rights instruments to which it is not yet party.**

#### **9. Follow-up and dissemination**

##### **Follow-up**

- 78. The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented, inter alia by transmitting them to the members of the Council of Ministers, the Parliament, and to local Governments, when applicable, for appropriate consideration and further action.**

##### **Dissemination**

- 79. The Committee further recommends that the second periodic report and written replies submitted by the State party and the related recommendations (concluding observations) it adopted be made widely available in the languages of the country, and in an accessible form, to the public at large, civil society organizations, youth groups, professional groups, the media and children, in**

**order to generate debate and awareness of the Convention, its implementation and monitoring.**

#### **10. Next report**

- 80. The Committee invites the State party to submit its combined third, fourth and fifth periodic report by 31 October 2012. This report should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report every five years thereafter, as foreseen by the Committee.**
- 81. The Committee also invites the State party to submit a core document in accordance with the requirements of the Common Core Document in the Harmonised Guidelines on Reporting, approved by the 5<sup>th</sup> Inter-Committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3).**