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普遍定期审议

普遍定期审议工作组报告\*

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**CONTENTS**

	<i>Paragraphs</i>	<i>Page</i>
Introduction.....	1 - 4	3
I. SUMMARY OF THE PROCEEDINGS OF THE REVIEW PROCESS...	5 - 66	3
A. Presentation by the State under review.....	5 - 15	3
B. Interactive dialogue and responses by the State under review.....	16 - 66	6
II. CONCLUSIONS AND/OR RECOMMENDATIONS.....	67 - 70	16
<b>Annex</b>		
Composition of the delegation.....		21

## Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its fourth session from 2 to 13 February 2009. The review of Djibouti was held at the 2nd meeting on 2 February 2009. The delegation of Djibouti was headed by H.E Mohamed Barkat Abdillahi, Minister of Justice, Penitentiary affairs, in charge of Human Rights. At its meeting held on 4 February 2009, the Working Group adopted the present report on Djibouti.
2. On 8 September 2008, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Djibouti: Russian Federation, Bolivia and Indonesia.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Djibouti:
  - (a) A national report submitted / written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/4/ DJI /1);
  - (b) A compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR), in accordance with paragraph 15 (b) (A/HRC/WG.6/4/ DJI /2);
  - (c) A summary prepared by OHCHR, in accordance with paragraph 15 (c) (A/HRC/WG.6/4/ DJI /3).
4. A list of questions prepared in advance by Czech Republic, Denmark, Germany, Latvia, the Netherlands and the United Kingdom of Great Britain and Northern Ireland was transmitted to Djibouti through the troika. These questions are available on the extranet of the UPR.

## I. SUMMARY OF THE PROCEEDINGS OF THE REVIEW PROCESS

### A. Presentation by the State under review

5. At the 2nd meeting, on 2 February 2009, H.E. Mr. Mohamed BARKAT ABDILLAHI, Minister of Justice, Penitentiary affairs, in charge of Human Rights, described the progress made as well as the constraints, limitations and efforts undertaken to place the human being at the heart of Djibouti policies. He also highlighted that its country was committed to promoting dialogue based on objectivity, impartiality and non-selectivity and that Djibouti attached great importance to the UPR, which represents a self-assessment and an opportunity to learn from other experiences. He recalled the country's voluntary pledges made in 2006 on the occasion of its candidacy to the Human Rights Council, namely the ratification of the two Optional Protocols to the Convention on the Rights of the Child (CRC) and the International Convention of the Elimination of all Forms of Racial Discrimination (CERD); all those instruments had since been ratified. This was in addition to an already long list of international and regional human rights instruments to which Djibouti is party to and that the delegation enumerated.
6. He reported on measures taken in order to domesticate these instruments in national law, in addition to relevant provisions enshrined in the Constitution. The promotion of human rights being of the Government's main priorities, Djibouti established a National Human Rights Commission (NHRC) in line with the Paris Principles; its role is to publish advisory opinions. Despite material difficulties, the Commission is working normally and has notably contributed

extensively to preparing the national report for the UPR. It was also a key player in awareness raising activities conducted to commemorate the sixtieth anniversary of the Universal Declaration of Human Rights. The delegation indicated that further human and material resources will be mobilised for an optimum operation of the NHRC. He indicated that the establishment of pluralist democracy and the rule of law required an in-depth reform of the judicial system, directed both in human and material capacities. A law on the status of magistrates, a considerable increase of magistrates' salary, the establishment of jurisdictions competent for family law and the establishment of a prison guards unit trained in human rights were mentioned as part of these efforts. In less than a decade, the judicial staff has increased threefold. All justice facilities have been refurbished in order to facilitate access to justice and to improve magistrates' working conditions.

7. He also informed that, alongside the modern justice system, there was a traditional justice system, which is independent and accessible to all. It is competent to settle minor civil cases and respects fundamental judicial principles, such as right to appeal, contradictory approach and publicity. An Ombudsman was established in 1999 by law, who is entrusted in settling disputes between the administrative services and its users. The Ombudsman is appointed for a mandate of 6 years, is an independent body, and enjoys immunities in the exercise of his/her functions. The Ombudsman reports on a yearly basis to the President of the Republic and to the Parliament. The delegation of Djibouti acknowledged that the established system can certainly be improved.

8. He indicated that the new Labour Code defines the non-negotiable principle "equal pay for equal work". In this regard, the President of the Republic of Djibouti initiated a voluntarist policy for the promotion of women. One objective of the National Strategy to Integrate Women in Development is to increase their participation in decision-making. Although women are members of the Government and the Parliament as well as present in the judiciary and other public services, he acknowledged that parity is far from being reached. Many initiatives were undertaken in order to improve the status of women but he also acknowledged that customs and traditions are the main obstacles to reach this aim. The ratification by Djibouti of CEDAW enabled the revision of the national legislation. In 2000, on the Women's Day, the President of the Republic referred to the cultural burdens and called for a national awareness of the need for partnership and complementarity between men and women in order to redress the situation.

9. Regarding children's rights, he recalled that Djibouti was one of the first States to ratify the Convention on the Rights of the Child (CRC) and many of its provisions were integrated in national legislation, such as protection against all forms of violence, respect of the opinion of the child and its best interests, the protection of children in conflict with the law and birth registration, which is mandatory by law. He further stated that education is a priority of the Government and absorbs 28 per cent of the national budget. A comprehensive review organised in 1999 reaffirmed the right of all to education and established compulsory education for children aged between 6 and 16 years. The objective of the Government is to achieve education for all in 2015 pursuant to the Millennium Development Goals (MDGs). In order to reach this goal, the Government's strategy is based on two complementary aspects, namely available schooling and the social demand for education, notably through the building of schools, recruitment and training of teachers and awareness-raising campaigns, notably regarding schooling for girls and education for children with special needs. The rights of the child are integrated in primary school curricula and human rights in the post-primary school curricula. Human rights and the rights of the child are also included in the training modules for teachers. He also provided statistics regarding the increase in numbers of classrooms in primary and secondary education, the increased numbers of teachers and the significant increase in the access

to the first year of primary school. The university teaching started in 2000-2001 using national funding and the numbers of students had significantly increased since then.

10. Regarding health, he indicated that the percentage of the national budget dedicated to health care increased considerably these past few years. Considerable efforts have been undertaken to help vulnerable people, notably mothers and children and still need to be undertaken to reach the MDGs. Reference was made to the National Health Development Initiative and to the National Health Development Plan and to the dynamic sub-regional cooperation undertaken in order to counter transmissible infections such as AIDS, TB and malaria. Efforts have been also focused on the reinforcement of human resources, notably training of staff through new bodies such as the Sciences and Health High Institute and the Medicine School.

11. The Labour Code established the minimum age for access to the labour market at 16 years, in line with the law on schooling, and provides for special measures for disabled workers. This code focuses on social dialogue and gives the State a facilitating instead of an organizing role. In addition, trade unions are provided with necessary guarantees to be set up freely in the Labour Code and the National Labour, Employment and Vocational Training Council is reviewing the legislation in this regard after recommendations made by the International Labour Organisation Monitoring Body regarding ILO Convention 87. Freedom of association is guaranteed in the Constitution and by law. Such associations are numerous in Djibouti, including with regard to human rights and the fight against poverty.

12. He recalled that Djibouti made considerable efforts to counter poverty and social exclusion, notably through the implementation of a National Policy to Campaign Against Poverty, which is included in the Poverty Reduction Strategy Paper. Several priority measures and actions were defined, such as encouraging economic growth, bolstering competitiveness, enhancement of human resources and promoting local development, and mixed results were identified through the first review of this policy three years after its adoption. While economic growth was achieved and access to basic social services enhanced, a significant part of the population continues to get poorer. Further to this review, the President of the Republic launched the National Social Development Initiative aimed at promoting access to basic social services, revising and restructuring national economic structure and assisting vulnerable people or people with specific needs. He underlined that all these efforts are based on economic, social and political governance and a Secretary of State under the auspices of the Prime Minister in charge of national solidarity was established to coordinate public aid programmes for vulnerable people and is working alongside the Agency for Social Development. The latter is mandated to contribute to the fight against poverty among most vulnerable groups and to lessen disparities among regions, through notably microfinance and micro-loans for those who cannot have access to bank loans. In order to finance these efforts, the Government of Djibouti mobilised 45.5 millions of dollars, including 5.5 by Djibouti itself, namely 10 per cent of the national budget.

13. He also thanked the countries which had put questions in advance and regarding the ratification of the Optional Protocol the Convention against Torture (OP-CAT) and the standing invitation to the special procedures, he took note of the point and would provide a reply in due time. On lesbian, gay and transgender and bisexual rights, he stated that the Constitution enshrines a non-discrimination principle and that the Criminal Code penalises violations of this principle. He informed that civil society was largely involved in the drafting of the national report, notably by collecting data, the national validation workshop and the drafters included many representatives of the civil society. On freedom of religion, he pointed out that Djibouti

had no concerns in this respect, as such freedom is guaranteed by the Constitution, all major religions have places of worship and discrimination based on religion is severely punished under law. He emphasized that human rights are a cross-cutting issue and that, as reflected in the delegation, several ministries are involved in the promotion and protection of human rights. In the Ministry of Justice, two directorates respectively responsible for the harmonization of national law with international standards and for alerting the public prosecutor of human rights violations are involved in this regard.

14. He also mentioned that relations were developed in 2008 with OHCHR, notably through several workshops organised jointly in 2008. Pursuant to this collaboration, an action plan aimed at enhancing human rights was drafted in cooperation with OHCHR. Regarding health care and children, he mentioned a series of texts, plans, programmes and bodies referring to HIV/AIDS, vaccinations or children's diseases, including the Integrated Management of Childhood Illness set up in 2004. With regard to reporting obligations to treaty bodies, he indicated that efforts were being made in order to suppress delays and recalled that the first periodic report to the Committee on the Rights of the Child was reviewed in 2008. On the question of female genital mutilation (FGM), he indicated that it had been penalised in the Criminal Code since 1995 and that a number of prosecutions have taken place.

15. Lastly, H.E. Mr. Mohamed Barkat Abdillahi stated that Djibouti was open to recommendations and advice and was ready to cooperate with the troika.

#### **B. Interactive dialogue and responses by the State under review**

16. During the interactive dialogue, statements were made by 44 delegations, a number of which praised Djibouti for the high quality of its presentation and for its national report. Statements which could not be delivered during the interactive dialogue due to time constraints are also posted on the UPR extranet.\*\*

17. Oman noted with interests the efforts and developments made by Djibouti in the field of human rights. It welcomed the establishment of the national human rights commission as well as the important steps undertaken to face various challenges and difficulties. Oman approved the request made by the Government to OHCHR to send a mission to assess needs for technical assistance in areas of human rights. Oman also welcomed the decision of the President to launch a new initiative to fight against poverty.

18. Bahrain welcomed Djibouti's efforts to protect the rights of women and children. It noted that the Ministry for the Advancement of Women has been set up in order to, inter alia, promote equality between men and women and counter sex discrimination. Bahrain requested information about Djibouti's progress in increasing the participation of women in political life and its implementation of national programs to combat practices that constitute violence against women. Noting the significant progress made in promoting the rule of law and justice in the country, Bahrain asked about the measures that have been taken to promote the role of judges. It also recommended Djibouti continue its efforts to strengthen the judiciary in the field of human rights and improve the access to justice.

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\*\* Bangladesh, Botswana, Burkina Faso, Cameroon, Chile, Congo, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Gabon, Haiti, Kenya, Latvia, Libyan Arab Jamahiriya, Niger, Nigeria, Norway and Tunisia.

19. Yemen noted the commitment of Djibouti to the promotion and protection of human rights. It highlighted the transparency and sincerity demonstrated by the report and acknowledged the serious steps undertaken in the area of human rights, including the legal framework and the reinforcement on the ground of protection of human rights including the establishment of a ministry for women. However a number of issues still required an answer and more light should be shed on everything that has been achieved regarding the participation of women in politics and the elimination of the excision of young girls. Yemen recommended that Djibouti continues its efforts to counter illiteracy among girls.

20. Egypt welcomed the various positive developments in the area of building a national human rights architecture, the establishment of a national human rights institution and a national human rights framework in collaboration with civil society. It commended Djibouti for its attention in upholding human rights especially those of women and children. It recommended Djibouti continue its relentless efforts aimed at reducing the rate of female illiteracy. It recommended also Djibouti continue its efforts for the promotion and protection of human rights, particularly in the area of building a more robust national human rights architecture and overcoming the capacity constraints emanating from the lack of resources and technical expertise. It also recommended that the international community and OHCHR positively respond to Djibouti's expressed needs in the area of capacity-building and provision of the needed human, financial and technical resources, provide the necessary training to officials in the various concerned departments and ministries and to the National Human Rights Institution, and provide assistance in the area of human rights education so as to spread a culture of human rights in Djibouti within the framework of the national strategy of the Government for the promotion and protection of human rights.

21. Cuba noted that Djibouti has made great progress in terms of its human rights obligations since its independence in 1977; especially since the adoption of the Constitution. It particularly noted Djibouti's positive advances in terms of education and health, thanks to Government plans that have been implemented during the past ten years. The Cuban Government is committed to continuing collaboration with Djibouti in the training of health personnel. It recommended that Djibouti continue its positive efforts to reach the MDGs by 2015. In particular, it underlined the importance of strengthening the education sector by increasing the number of primary and secondary schools, attaining parity at all levels of schooling and strengthening higher education. Finally, Cuba recommended that Djibouti continue its positive efforts to improve its system of medical care and health-care coverage in the country.

22. Kuwait noted the great efforts made by Djibouti in the field of human rights and highlighted the priority given by the Government to education and the improvement of the educational system in response to the provisions of the International Covenant on Economic Social and Cultural Rights (ICESCR). Kuwait also praised the progress made in the field of health, especially in remote areas, and in expanding health services and reducing infant mortality. It recommended that OHCHR sends an assessment mission to Djibouti in order to evaluate the abilities and the capacities available and the national efforts that need support. Kuwait recommended that the Government of Djibouti continues its efforts to reduce illiteracy among women.

23. Venezuela commended Djibouti's commitment to the promotion and protection of human rights. Noting the efforts made during the last decade for the right to education, Venezuela encouraged Djibouti to continue consolidating its efforts to extend basic education to all children. In that respect, Venezuela indicated that it stood ready to share its own best practices in this area.

Venezuela also noted the Government's efforts to eradicate poverty and to launch a new programme for social development. It requested additional information on the scope of this new initiative and the main obstacles to its implementation.

24. China noted with appreciation the broad consultations that were held with civil society groups and the establishment of an inter-ministerial committee in order to prepare the national report. It noted that since its independence, Djibouti has made significant efforts and achieved great progress in the building of democratic institutions and economic development. It noted that Djibouti has made the protection and promotion of human rights a fundamental State policy. It further noted that Djibouti has made the right to education a top priority and highlighted that the adoption and implementation of the Act on the Education System has advanced basic education. China requested information about any other initiatives that the Government plans to take to further promote basic and higher education.

25. France inquired about the steps to be undertaken by Djibouti to improve the status of women in all areas, especially access to responsible posts, combating illiteracy and putting an end to FGM. It also asked Djibouti about the actual status of ratification of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). France recommended (a) Djibouti take steps to effectively guarantee trade union freedom. It recommended (b) Djibouti extend standing invitation to United Nations Special Procedures mandate holders to visit the country. It also recommended (c) Djibouti ratify ICERD and sign and ratify the International Convention for the Protection of all Persons against Enforced Disappearances (CED).

26. Malaysia commended Djibouti's commitment to human rights and its efforts in support of the implementation of civil and political rights and also economic, social and cultural rights. It recommended Djibouti continue its positive engagements and close cooperation with the various mechanisms of the Human Rights Council, with a view to improving further the steps currently being undertaken in the promotion and protection of human rights of its people. It also recommended further improving access to education for children by increasing the number of primary and secondary schools and by strengthening the higher education system. It also recommended Djibouti redouble its efforts in addressing the issue of extreme poverty and develop more sustainable poverty reduction strategies which include access to clean water, adequate sanitation, food and shelter.

27. Pakistan noted with appreciation that Djibouti has made the Universal Declaration of Human Rights an integral part of the preamble to its Constitution. It also noted the establishment of independent national institutions for the protection of human rights and the inter-ministerial committee to draft reports to treaty bodies. Pakistan noted that Djibouti has frankly stated that it faces challenges to promote the rights of women and children due to the traditional nature of its society. It noted that strengthening actions to eliminate discrimination and violence against women is among the Government's priorities and requested further information about measures taken to achieve this objective. Pakistan supported Djibouti's request for assistance in the areas identified in its report. It recommended that the Government of Djibouti further refine its requirements for international assistance.

28. Qatar paid tribute to all the stakeholders who took part in the preparation of the national report. It referred to the 1992 Constitution of Djibouti, which is based on the respect and protection of human rights and fundamental freedoms. It paid tribute to the Government's strategic aim of improving education and providing it to all. In this connection, Qatar inquired

about the measures taken to provide education to disabled children in order to reduce the dropout rate among them. It recommended the Government continue its efforts to reach the MDGs, including increasing the number of secondary schools, by the year 2015.

29. Azerbaijan commended the efforts achieved in the field of human rights and the ratification of a number of international human rights instruments. It inquired what measures were taken to incorporate them into domestic law. It also welcomed the measures taken to guarantee food security and recommended the Government increase its efforts to reduce poverty within society and fight against unemployment. It inquired about the measures taken to ensure women representation in society.

30. The United Arab Emirates welcomed the health policies adopted by Djibouti. It took note of the Government's methodology for identifying national priorities and called upon the Council to take into account the obstacles faced by the country in this field. It requested information about the measures and steps taken by Djibouti to decrease incidences of infant mortality. It recommended further efforts to develop human resources in the health sector in accordance with the needs.

31. Saudi Arabia welcomed the Minister of Justice and noticed the great attention Djibouti pays to human rights through its Constitution and laws and the establishment of a ministry for women and referred to statistics showing Djibouti's progress in the field of human rights. It paid tribute to the accomplishment of improvements of human rights at the legal and institutional levels and on the ground. Saudi Arabia recommended that Djibouti continue its efforts in order to achieve the MDGs and increase the number of its primary and secondary schools while expanding higher education.

32. Russian Federation commended Djibouti's leadership in the field of promotion and protection of human rights and the significant progress achieved, notably by acceding to main human rights of treaties, developing education and, inter alia, reducing maternal mortality. However, challenges still remain in the area of legislation and the courts system as well as capacity-building for the promotion and protection of human rights. The Russian Federation fully supported Djibouti's request to OHCHR to provide technical assistance and to send a needs-assessment mission.

33. Responding to comments and questions put forward by various delegations, Djibouti stated that there has been a constant political will since 1999 to increase the participation of women in the country's development. Particularly noteworthy were the adoption of a specific National Strategy for the Integration of Women in Development (NSIWD) covering four priority areas (health, decision-making, participation in the economy and national education). Following the adoption of laws on quotas in elective functions, women entered Parliament for the first time in 2003; an implementing Decree adopted in November 2008 established a quota of 20 per cent in public services. The delegation also mentioned other measures regarding the leadership of women in the administration and to a programme for a gender institutionalisation to strengthen the gender approach in nineteen ministries. A system for monitoring NSIWD had been established to assess the representation of women in the Government. The female illiteracy rate was being through, inter alia, a literacy and a post-literacy programme and income-generating activities.

34. Djibouti recalled that FGM had been penalised since 1995 and that awareness-raising campaigns were undertaken concerning it. Other relevant developments included the strategy to

counter all forms of FGM (2006), the establishment of a unit within the Ministry for the advancement of women to coordinate all programmes to combat FGM (2007), a joint programme to speed up the elimination of all forms of FGM through four main networks. Djibouti recalled that the right of education is a fundamental right for all children aged between 6 and 16. The Government hoped to raise the gross enrolment rate – currently 72 per cent - by developing strategies based not only on formal education but also on mobile education for nomads, special education for disabled children and the construction of new schools, including mobile schools, etc. In addition, in order to fight against illiteracy, Djibouti has an ambitious programme to reduce disparities in access to school to ensure full participation.

35. Despite falling significantly between 2002 and 2006, the infant mortality rate remained high. The delegation referred to the main reasons for the high rate and the good results regarding vaccination coverage in the country. It also recalled the major initiatives and programmes adopted in the health sector, as enumerated in the replies to the advance questions, and pointed out that steps were taken in 2008 to counter malnutrition and to enhance health status. The delegation also recalled the increase in the proportion of the health budget in the national budget. The delegation also drew attention to a 2008-2012 strategy aimed at reinforcing human resources both in rural and urban areas. Despite those efforts, there was still a shortage of staff in the health sector.

36. Iran noted Djibouti's progress and its significant achievements regarding establishment of the rule of law and the administration of justice since the general meeting on justice held in 2000. It recommended that Djibouti continue strengthening the judiciary and further improve access to justice. Iran also noted with satisfaction the measures taken by the Government to improve access to education, fight poverty and launch new initiatives for social development as well as the specific attention accorded to the promotion and protection of the rights of women and children. Iran recommended that Djibouti continue its efforts to achieve the MDGs by, inter alia, increasing the number of primary and secondary schools to ensure parity at all levels of education, strengthen higher education, curb the high rate of illiteracy among women and reduce child mortality and mortality in general. Iran also welcomed Djibouti's policies for reform of the health sector and recommended that it continue its efforts to upgrade and develop human resources according to the needs of the health system.

37. Algeria paid special tribute to the Ambassador of Djibouti and his work in 2008 as Vice-President of the Human Rights Council and welcomed the role played by Djibouti in resolving the conflict in Somalia. It also recommended that OHCHR respond to the Government's appeal to send a mission to assess needs in areas enumerated in paragraph 118 of the national report and, pursuant to the results of this mission, to provide the assistance needed for Djibouti to reach its goals and meet its human rights commitments. Algeria recommended that Djibouti continue, as part of its priority programme, its efforts to present timely reports to the treaty bodies and that OHCHR provide the necessary technical assistance, in particular through the training of officials, to ensure the Government is autonomous in this area in the future.

38. Jordan commended Djibouti's commitment to the promotion and protection of human rights. It noted the efforts made to boost human rights in the country, particularly the progress made in the areas of education, health care, protection of men and women, children and poverty eradication. It also welcomed the cooperation with human rights mechanisms and asked about the Government's measures in the field of education to eliminate disparities and meet the needs of children with special requirements. It recommended that Djibouti continue its efforts to achieve the MDGs by setting up a large number of primary and secondary schools.

39. The United Kingdom welcomed the creation of the National Human Rights Commission and recommended that the necessary funding be put in place to allow the implementation of all its activities. The United Kingdom also welcomed the measures Djibouti has taken to promote the rights of women, including the implementation of the Family Code. It recommended that Djibouti takes further steps to improve implementation of its laws on Female Genital Mutilation, and ensure prosecutions through the appropriate judicial channels. It commended the Ministry of Justice for its work in incorporating international human rights law within Djibouti's own domestic law and recommended that the Government consider the establishment of a section within the Ministry of Justice specifically dedicated to human rights. It welcomed the abolition of the death penalty in 1995 and the creation of the Ministry for the Advancement of Women, Family Welfare and Social Affairs. Such steps demonstrated the Government's commitment to improving human rights. The United Kingdom recommended that Djibouti involve civil society in the follow-up to the UPR review.

40. Mexico acknowledged Djibouti's efforts to incorporate in its Constitution a legal framework for the promotion and protection of human rights and actions to harmonize international standards with its domestic legislation. Mexico recommended Djibouti continue its efforts to guarantee fully the principle of non-discrimination, efforts the work of the new Ministry for the Advancement of Woman would further boost. It also recommended Djibouti increase its efforts to submit its periodic reports to the Committee against Torture, the Human Rights Committee and the Committee on the Elimination of Discrimination against Women as soon as possible and make every possible effort to comply with the recommendations made by the Committee on the Rights of the Child.

41. Slovenia commended Djibouti for the work done in recent years to promote and protect human rights, especially the incorporation of human rights in the Constitution and domestic law, the creation of ministerial departments responsible for human rights and the establishment of a national human rights commission. It welcomed the ratification by Djibouti of the optional protocols to the CRC and recommended establishing an independent body to monitor the implementation of the Convention and adopt a National Plan of Action on Children. It recommended adopting and implementing legislation and policies concerning children, especially with respect to birth registration, violence against children, juvenile justice and street children. It also recommended implementing consistently the legislation and policies to combat discrimination against girls and women and enforcing the law prohibiting FGM.

42. Turkey noted that Djibouti was pledged to ratify the Convention on the elimination of All Forms of Racial Discrimination and encouraged the State meet that commitment. It noted Djibouti's request for technical assistance to prepare and present reports to treaty bodies and considered that OHCHR should respond favourably to it. It observed that Djibouti took into account the recommendations made by the Committee on the Rights of the Child, especially with regard to child labour, sexual exploitation, begging among children and birth registration in rural areas. It recommended that the efforts being made by Djibouti in the areas of child labour, sexual exploitation and begging among children and to increase birth registration in rural areas should be enhanced. It also observed that education and the reduction of illiteracy are a priority for the Government and recommended that Djibouti continue its efforts to reduce illiteracy.

43. Sudan commended Djibouti's programmes to promote human rights and to achieve the MDGs by 2015. In the light of the strengthening of the international cooperation and bilateral cooperation for the promotion and protection of human rights, it asked Djibouti to communicate

its experience in combating FGM and to keep the Council informed on all progress achieved through its measures to combat poverty.

44. India welcomed Djibouti's ratification of the main international legal instruments on human rights and humanitarian law and gradual incorporation of provisions from international instruments in its domestic law. It also welcomed the setting up of the National Human Rights Commission and congratulated Djibouti for having made substantial progress in the field of education. It also noted the numerous challenges and constraints facing Djibouti and expressed appreciation of the Government's efforts to address them.

45. Ghana noted the Government's efforts and achievements in complying with various international conventions on human rights. It requested further information on the measures planned to respond to the reported continuing limited access to justice.. Noting that unemployment affects 60 per cent of the active population, it asked the Government to give more information on its fight against poverty and on the Social Development Initiative. In its efforts to combat problematic traditional practices and reduce the high illiteracy rate among women. Djibouti needed, and Ghana hoped it would receive, assistance from all friendly countries. Ghana commended Djibouti for the recent establishment of a National Human Rights Commission and for its role in the peaceful settlement of conflicts in the region.

46. Belarus noted that Djibouti has a solid system for the promotion and protection of human rights, including the Office of the Ombudsman and the National Human Rights Commission. Acknowledging that Djibouti has ratified and incorporated into domestic law many important human rights instruments, it recommended it continue its practise of acceding to the main international human rights instruments. It also recommended that Djibouti continue to pay attention to the question of access to education at all levels and enhance its quality and continue to implement factual programmes to secure the right to food and health.

47. The Netherlands welcomed the Government's pro-active attitude to human rights and its close cooperation with OHCHR. It asked whether invitations would be extended to special rapporteurs such as those on the right to food and the right to education and to the Working Group on Arbitrary Detention. While commending the establishment of a Ministry for the Advancement of Women, Family Welfare and Social Affairs, the Netherlands expressed concern that women continue to be subjected to domestic violence and harmful traditional practices, such as the still widespread FGM. It recommended that Djibouti more actively enforce its law prohibiting FGM and take other pro-active measures to combat that practice. It also recommended taking all necessary actions to protect and improve the situation of children and taking the steps needed to promote freedom of expression and freedom of association in all its forms.

48. Benin noted that Djibouti has ratified the main instruments of human rights and international humanitarian law and invited other States to support Djibouti's efforts to strengthen respect for human rights. It requested information about measures taken to combat poverty, particularly among the more vulnerable segments of the population, namely women and children. It recommended that Djibouti endeavour to prepare and submit reports to the treaty bodies on time.

49. South Africa welcomed the Government's reform in various areas and noted Djibouti's collaboration with the mechanisms of the Human Rights Council, in particular its efforts to address the issues of children comprehensively as recommended by the Committee on the Rights

of the Child. It recommended that Djibouti consider instituting measures to strengthen its institutional and operational capacity in the administration of justice, including the establishment of a juvenile justice system, training of judicial and law enforcement officers who deal with juvenile cases and the development and strengthening of legislative measures to ensure prompt investigation and prosecution of sexual offences against children. It also recommended reinforcing efforts to set up regional assemblies to take services closer to the rural communities. Lastly, it encouraged Djibouti to reinforce its efforts even further and called upon the international community and particularly OHCHR to assist Djibouti by providing technical assistance for the implementation of recommendations from treaty bodies.

50. The Syrian Arab Republic highly commended the important steps Djibouti had made to improve its citizens' human rights despite facing difficult circumstances over a number of years as a developing country in need of all possible assistance in achieving development. It welcomed the policies on reform of the health sector as part of the Governments' strategy to promote and protect the right to health. It inquired on the measures taken to reduce morbidity and mortality among the general population and to improve mother-and -child health. It recommended Djibouti continue its efforts to upgrade and develop human resources in the health sector and improve health coverage in the country. It also recommended Djibouti continue its efforts to increase the number of neighbourhood primary and secondary schools and strengthen higher education and its efforts to curb illiteracy among women.

51. Angola welcomed in particular the efforts made to improve conditions in prisons and strengthen the administration of justice. Further progress in those two key areas was important and Angola recommended that Djibouti allocate increased human and financial resources to strengthening the independence of its judicial system. Angola noted that education had been a top priority in Djibouti for the past decade and hoped that the Government would actively pursue the enrolment in the school system of all children from 6 to 16 years old. Commending Djibouti for its Social Development Initiative to fight poverty, it asked about the effectiveness of this strategy and of other domestic poverty-alleviation initiatives. It noted with appreciation the attention paid to promoting and protecting the rights of the child and empowering women.

52. Regarding women's rights, Madagascar requested further information on women's participation in political life both in quantitative and qualitative terms. With respect to education and regional equality, practices and regulations should pay particular attention to rural areas. Encouraging Djibouti to continue its good work in combating poverty, it asked whether there was real progress in implementing the programme and whether the size of the country and its population were a help or hindrance. It also requested information about Djibouti's cooperation with neighbouring States regarding arable land, an innovative practice other countries might wish to follow.

53. Indonesia commended Djibouti's work for the realization of civil and political rights and economic, social and cultural rights. Though shortcomings and challenges remained, it recommended Djibouti stick to its present course, which was directed towards improvement for all as well as to the effective promotion and protection of human rights. It encouraged the Council to support and work with the Government for the gradual achievement of their identified human rights objectives in Djibouti.

54. Italy welcomed Djibouti's commitment to promoting and protecting human rights, as shown by, inter alia, its cooperative attitude in responding to questions raised by special procedures mandate holders. Noting that Djibouti has not extended a standing invitation to

special procedures, it asked the Government to consider doing so in the near future. It recommended Djibouti make more effective the implementation of Article 333 of the Criminal Code, which prescribes heavy penalties for the practice of FGM. It also recommended Djibouti conduct national awareness campaigns concerning the prohibition of FGM and enhance efforts to improve the functioning of the judicial system, in particular by adopting measures to ensure fairness and political impartiality of the judiciary.

55. Brazil commended the Government of Djibouti for its efforts in several areas, particularly the priority given to the advancement and protection of woman. It inquired about the programme to fight pandemics, especially HIV/AIDS, and the efforts to prevent child abuse, particularly abuse of detained juvenile offenders. It encouraged Djibouti to accomplish progressively the human rights goals set by Human Rights Council Resolution 9/12. It recommended that Djibouti consider ratifying the International Convention on the Elimination of All Forms of Racial Discrimination and adopting legislation which prohibited all forms of violence against children, including corporal punishment, and promoted alternative forms of discipline. In that connection, Brazil recommended taking further measures to guarantee that detained juvenile offenders are separated from adults.

56. Cote d'Ivoire congratulated Djibouti on the Government's measures to ensure education for all and the establishment of the National Human Rights Commission. It enquired what measures had been taken to reduce disparities; to ensure education for children with special needs and to reduce the drop-out rate. It also asked about the measures taken to ensure that the reports to the treaty bodies be submitted on time.

57. Burundi noted Djibouti's clear determination to progressively establish national structures and mechanisms to promote and protect human rights. Burundi congratulated Djibouti for the adoption of a number of measures. Burundi recommended Djibouti continue its already very significant efforts to provide free schooling for all school-aged children, which would gradually reduce illiteracy. It also recommended Djibouti continue efforts, slowly but surely, to counter the weight of traditions by gradually eradicating the practice of FGM. Burundi also recommended that the international community provide efficient support to Djibouti in its efforts to face material and technical challenges, which remain the major obstacle to agreed efforts to promote and protect human rights.

58. Argentina welcomed the ratification by Djibouti of the main international human rights instruments and highlighted the setting up of the national human rights commission. Argentina noted that CRC urged Djibouti to give particular attention to addressing discrimination against both girls and women by, inter alia, reviewing domestic legislation so as to ensure that discriminatory provisions, including those affecting inheritance rights, are removed and that adequate protection from discrimination is provided. Argentina requested information on measures taken to implement this recommendation. It also noted that in 2008, the ILO Committee of experts expressed the hope that Djibouti would incorporate in its labour law the principle of equal pay for equal work for men and woman. Argentina asked for further information in this regard.

59. Canada congratulated Djibouti for having signed ICERD, acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty and established the National Human Rights Commission. However, Canada (a) recommended that Djibouti ratify ICERD. Canada is concerned at reports indicating acts of repression against people in unions and (b) recommended that Djibouti respect the rights of

unions, especially by refraining from arrest and arbitrary detention of, physical violence against and harassment of union representatives and from preventing union action. Canada also (c) recommended that Djibouti amend the 1992 law on freedom of communication of (Organization Act No. 2/AN/92) and update it on the basis of article 19 of the International Covenant on Civil and Political Rights (ICCPR). In particular, Canada (d) recommended Djibouti amend: article 14, which stipulates that participants in the financial management of a press body must be citizens of Djibouti; article 17, which requires the director and vice-director of a media outlet to be residents of Djibouti; and article 47, which requires the director of an audiovisual outlet to be at least 40 years of age. It also (e) recommended that Djibouti eliminate imprisonment for the punishment of press offences. It further (f) recommended that the use of intimidation against journalists should cease and should lead to a climate of tolerance so that opinions from opposition politicians can be freely expressed.

60. Palestine noted the Government's efforts to ratify the main international and regional human rights instruments and international humanitarian law. Palestine was particularly encouraged by Djibouti's decision to abolish the death penalty and asked if, in the same vein, the Government has abolished emergency courts. It also requested information about the safeguards provided by the Constitution and the Criminal Code against violent assaults, arbitrary detention, torture and other cruel, inhuman and degrading treatment. It Palestine encouraged Djibouti to proceed with its reform process despite all the challenges facing it.

61. Morocco welcomed Djibouti's efforts in favour of a pluralist society, its promoting of human rights in its legal arsenal and its accession to numerous conventions. It recommended that Djibouti continue its efforts to enhance its legal and institutional arsenal, that being fundamental for the promotion and protection of human rights. It recommended Djibouti consolidate and enhance its advances in promoting civil and political rights, especially as regards freedom of expression, freedom of the media and the dissemination of a human rights culture. It recommended Djibouti continue to make access to justice a priority of its national policy. Morocco also recommended that the international community be more fully involved alongside the young State of Djibouti and accompany it in its efforts to consolidate the rule of law, notably through the integration of international norms into domestic law, training in the preparation of national reports on human rights and the inclusion of human rights in school curricula and training. It also recommended that the international community assist Djibouti in promoting conditions of development conducive to the enhancement of human rights and work on the reinforcement of capacity-building for civil-society actors as well as the media in their neighbourhood actions related to awareness-raising and information on human rights.

62. Chad congratulated Djibouti for having acceded to most of the international human rights instruments. It encouraged the Government to continue this series of accessions to promote and improve human rights in the country. It also requested the international community to provide assistance to the country in overcoming the obstacles it faces so it can effectively implement its commitments. On the right to education, Chad asked how the Government intends to proceed to improve access to education for all. It also asked what measures could be taken to ensure the right to education for all, to reduce disparities, to encourage education for all children, in particular those with special needs and to lower the drop-out rate.

63. Senegal noted Djibouti's progress in combating unemployment and ensuring the enjoyment of fundamental rights such as the rights to housing, education and health. It also noted an ongoing improvement of the condition of women and the particular attention given to children. Senegal requested information on measures that Djibouti has taken or intends to take to promote

the rights of the child. It stressed that Djibouti would optimize any technical assistance provided in order to tackle the challenges faced by the country.

64. In response to the questions raised and comments made, Djibouti referred to the 2008 National Social Development Initiative, its three priorities and implementing structure as described in the introductory statement, but stated that it was too early to assess its implementation. Regarding the incorporation of international instruments into domestic law, the delegation recalled that the Universal Declaration of human Rights and the African Charter on Human and Peoples' Rights were part of the Constitution and that a chapter was devoted to individual and collective freedoms. This led to the ratification of ICCPR and ICESCR. In the Criminal Code, all forms of discrimination are penalized. CRC and CEDAW have also been incorporated in the Family Code, which no longer allows divorce based on repudiation. Arrangements for the custody of children are made taking into consideration the best interests of the child. International norms have a higher status than national law.

65. On the role of justice in the promotion of human rights, the delegation recalled what was said in the national report and during the introductory statement. A comprehensive review had been organized to discuss the justice system in order to support the Government in the establishment of the rule of law and judges' role in protecting and promoting human rights. During this review, it was noted that there were shortcomings in the justice system and the Government made considerable efforts to increase the justice system budget by 30 per cent between 2000 and 2007, the number of magistrates was tripled during the same period. Measures have been taken to ensure the independence of the judiciary and the prison service has been reorganized. Regarding trade-union freedoms, the delegation referred to an ILO mission which took place in January 2008 and whose report gives an overview of the situation. Two articles of the Labour Code are in contradiction with ILO Convention No. 87, amendments have been proposed and are with the relevant bodies for their adoption. The delegation called upon the International Confederation of Trade Unions to help organize trade-union elections, as one national confederation prevented them from happening.

66. In its concluding statement, the delegation thanked all participants in the meeting. This UPR was a record of the human rights situation and an analysis of the future through different institutions whose common purpose is to protect and promote human rights in Djibouti. The delegation welcomed the exchange and the recommendations. The delegation committed all institutions involved to continue to work for the protection and promotion of human rights.

## 二、结论和/或建议

67. 互动对话期间制定的建议受到了吉布提的审查，以下建议得到了吉布提的支持：

1. 继续努力增进和保护人权，特别是在建立更强有力的国家人权结构和克服资源和技术知识匮乏造成的能力限制方面(埃及)；
2. 继续与人权理事会各机制积极配合和密切合作，以便进一步改进在增进和保护其人民的人权方面目前正在采取的各项措施(马来西亚)；

3. 坚持其目前的方针，即争取改进所有人权，并有效地增进和保护人权(印度尼西亚)；
4. 逐步实现人权理事会第 9/12 号决议确定的各项人权目标(巴西)；继续努力增强作为增进和保护人权之必要因素的法律和体制框架(摩洛哥)；继续加入主要国际人权文书的做法(白俄罗斯)；
5. 考虑批准(巴西)/批准《消除一切形式种族歧视国际公约》(巴西、法国、加拿大)；
6. 签署并批准《保护所有人免遭强迫失踪国际公约》(法国)；
7. 投入必要的资金，以便能够展开国家人权委员会的所有活动(联合王国)；
8. 努力毫不拖延地编写报告，并提交条约机构(贝宁)；并加紧努力尽快向禁止酷刑委员会、人权事务委员会和消除对妇女歧视委员会提交其定期报告(墨西哥)；
9. 尽一切努力遵守儿童权利委员会提出的建议(墨西哥)；并建立一个独立的机构来监督儿童权利公约的执行情况，并通过一项儿童问题国家行动计划(斯洛文尼亚)；
10. 考虑在司法部内建立一个专门负责人权事务的部门(联合王国)并继续努力加强人权领域的司法机构，并改进诉诸司法的机会(巴林、伊朗、摩洛哥)作为其国家政策的重点事项(摩洛哥)并加强的努力改进吉布提司法系统的运作(意大利)；
11. 考虑实行一些措施，以加强其在司法方面的体制和运作能力，包括建立一个少年司法系统，培训负责审理少年案件的司法官员和执法官员，并制定和加强立法措施，以确保迅速调查和起诉对儿童的性犯罪(南非)；
12. 继续加强司法机构并进一步改进诉诸司法的机会(伊朗)；
13. 调拨更多的人力和财力，以便加强其司法系统的独立性(安哥拉)；
14. 继续努力在女孩中间(也门)并在妇女中间(埃及、科威特、叙利亚)展开扫盲(土耳其)；
15. 继续努力充分保障不歧视的原则，并通过新设立的提高妇女地位部的工作进一步加强这方面的努力(墨西哥)；
16. 加紧努力，建立区域大会，使各种服务更加贴近农村社区(南非)；

17. 继续努力争取在 2015 年之前达到《千年发展目标》(古巴、卡塔尔、沙特阿拉伯、约旦、伊朗); 特别是, 它强调必须加强教育部门, 增加中小学的数量、使所有各级学校教育实现相等并加强高等教育(古巴); 并增加中小学的数量(卡塔尔、约旦、伊朗)同时扩大高等教育(沙特阿拉伯)并确保所有各级教育相等、加强高等教育, 控制妇女中间很高的文盲率并降低吉布提一般人口中儿童的死亡率和发病率(伊朗);
18. 采取其他积极主动的措施, 制止切割女性生殖器的做法(荷兰);
19. 继续加强努力, 向所有儿童提供基本教育(委内瑞拉); 通过增加中小学数量和加强高等教育系统来改善儿童取得教育的机会(马来西亚); 继续关注取得所有各级教育的问题, 并提高教育质量(白俄罗斯); 继续努力增加街区中学和小学的数量, 并加强高等教育(叙利亚); 吉布提已经作出了非常重大的努力, 但仍然应该继续努力向所有学龄儿童提供学校教育, 这意味着文盲率会逐步降低(布隆迪);
20. 加紧努力, 减少社会上的贫困现象并扼制失业(阿塞拜疆)并加倍努力解决赤贫问题, 并制定更加可持续的减贫战略, 其中包括取得干净用水、适当的卫生、食物和住房(马来西亚);
21. 坚持努力改进该国医疗保健系统的覆盖范围(古巴)并继续努力更新和发展卫生部门的人力资源, 并改进该国的保健覆盖面(叙利亚);
22. 按照需要开发卫生部门的人力资源(阿联酋)并继续努力, 按照卫生系统的需要更新和开发人力资源(伊朗);
23. 并继续执行实际方案, 以确保取得食物和健康的权利(白俄罗斯);
24. 加强吉布提目前在童工、性剥削和儿童乞讨以及农村地区出生登记率低方面展开的努力(土耳其);
25. 继续努力, 通过逐步根除切割女性生殖器习俗, 缓慢而稳步地抵制传统习俗的影响(布隆迪);
26. 巩固并增强其在增进公民权利和政治权利方面, 特别是在言论自由、媒体自由和传播人权文化方面已经取得的进展(摩洛哥);
27. 进一步完善其对国际援助的要求(巴基斯坦);
28. 请人权高专办对吉布提进行评估访问, 以便评价现有的能力以及需要得到支持的国家努力(科威特);

29. 请人权高专办对该国政府要求派一个需求评估团评估国别报告第 118 段中所列方面的呼吁作出答复，并按照这次评估的结果，寻求必要的援助，确保吉布提达到其目标并履行其人权义务(阿尔及利亚)；
30. 寻求理事会的支持，并与理事会共同努力，使吉布提能够逐步实现其已确定的改进该国对人权的增进和保护的目标(印度尼西亚)；
31. 寻求国际社会的援助，并请人权高专办积极地满足吉布提已表明的在能力建设和提供所需的人力、财力和技术资源方面的需求，向各有关部委并向国家人权机构提供必要的培训，并在人权教育领域提供援助，以便在该国政府增进和保护人权的国家战略的框架范围内在吉布提传播人权文化(埃及)；
32. 继续努力，作为其重点方案的一部分，减少拖延向条约机构提交报告的现象，并请人权高专办特别是通过官员的培训提供必要的技术援助，确保该国政府今后在这一方面实现自主权(阿尔及利亚)；
33. 进一步加紧努力，并吁请国际社会，特别是人权高专办，协助吉布提，为执行条约机构提出的建议提供技术援助(南非)；
34. 呼吁国际社会充分支持吉布提努力应对物资和技术方面的挑战，因为这些挑战仍然是妨碍增进和保护人权方面的同意努力的主要障碍(布隆迪)；
35. 呼吁国际社会更全面地参与年轻的吉布提国家的事务，并配合它努力巩固法治，特别是通过将国际准则纳入其国家立法、展开国家人权报告编写方面的培训并将人权纳入学校课程和培训(摩洛哥)；
36. 争取国际社会在推动有利于增强人权的发展条件方面的援助，并努力增强民间社会以及媒体在其提高认识和人权宣传方面的街区行动的能力(摩洛哥)；
37. 吸收民间社会参与落实普遍定期审议(联合王国)。

68. 以下建议将由吉布提加以审查，而吉布提将在适当时间提出答复。吉布提对这些建议的答复将列入人权理事会第十一届会议通过的结果报告：

1. 向联合国特别程序任务负责人发出长期有效的访问该国的邀请(法国)；
2. 采取进一步的措施，保证把被拘留的少年犯与成年人分开关押(巴西)；
3. 强化禁止切割女性生殖器的法律(斯洛文尼亚)；采取进一步的措施，改进其关于切割女性生殖器的法律的执行并确保通过适当的司法渠道

提起起诉(联合王国); 并更有效地执行关于严厉禁止切割女性生殖器做法的《刑法》第 333 条(意大利)并就禁止切割女性生殖器的问题展开全国性的提高认识运动(意大利);

4. 一贯执行禁止歧视女孩和妇女的立法以及政策(斯洛文尼亚);
5. 通过和执行关于儿童、特别是关于出生登记、对儿童的暴力、少年司法、街头儿童等问题的立法和政策(斯洛文尼亚)并审议禁止所有形式对儿童的暴力, 包括体罚的立法以及推广惩戒的替代性方法的立法(巴西);
6. 采取一切必要的行动, 保护并改进儿童的状况(荷兰);
7. 消除惩罚新闻罪的监禁做法(加拿大);
8. 更积极地执行其关于禁止切割女性生殖器的法律(荷兰)。

69. 本报告以上第 25(a)、47(d)、54(b)、59(b)、(c)、(d)和(f)段中提出的建议没有得到吉布提的支持。

70. 本报告所列所有结论和/或建议反映了提交国和/或接受审议国家关于该报告的立场。这些结论和建议不应该视为已经得到工作组的完全赞同。

**Annex**

**COMPOSITION OF THE DELEGATION**

The delegation of Djibouti was headed by and composed of 11 members:

S.E. M. Mohamed BARKAT ABDILLAHI, Ministre de la Justice, des affaires pénitentiaires, chargé des Droits de l'Homme ;

S.E M. Mohamed-Siad Doualeh, Représentant Permanent de la Mission de Djibouti a Genève ;

M. Abdi ISMAEL HERSI, Secrétaire Général du Ministère de la Justice ;

M. Ali YACOUB, Secrétaire Général du Ministère de l'Emploi ;

M. Ahmed OSMAN, Directeur de la Législation au Ministère de la Justice ;

M. Mahdi MOHAMED, Inspecteur Général de l'Education Nationale ;

M. Ali MED AFKADA, Conseiller Technique du Ministère de la Justice ;

Dr. Mahyoub HATEM, Conseiller Technique du Ministère de la Santé ;

Mme Amina ABDI, Chef de Service des Affaires sociales du Ministère de la Promotion de la Femme ;

M. Ali MOHAMED ABDOU, Président de la Commission Nationale des Droits de l'Homme ;

Mme Degmo MOHAMED ISSACK, Vice-présidente de la CNDH.

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