



Convention on the Rights of Persons with Disabilities

Distr.: General
30 December 2019
English
Original: French
English, French, Russian and
Spanish only

Committee on the Rights of Persons with Disabilities

Twenty-third session

9–27 March 2020

Item 5 of the provisional agenda

Consideration of reports submitted by parties to
the Convention under article 35

Replies of Djibouti to the list of issues in relation to its initial report*

[Date received: 16 December 2019]

* The present document is being issued without formal editing.



Purpose and general obligations (arts. 1–4)

1. Within the framework of the implementation of the Convention on the Rights of Persons with Disabilities, which was ratified in 2010, the Republic of Djibouti has adopted and promulgated Act No. 207/AN/17/7ème L on the advancement and protection of the rights of persons with special needs.
2. The Act represents an important step forward for the protection of the rights of persons with disabilities. Article 1 of the Act states that its purpose is to guarantee and strengthen the fundamental rights and freedoms of persons with special needs and to provide a legal definition of this category of persons.
3. The Act defines a person with a disability or with special needs as “any person who is unable to perform, in whole or in part, one or more everyday activities because he or she either was born with or has acquired a permanent or temporary impairment of his or her sensory, mental or motor functions”.
4. The Act guarantees persons with disabilities all the fundamental rights and freedoms enshrined in the Convention, namely:
 - The right to equality and non-discrimination
 - The right to the prevention of disability
 - The right to education and vocational training
 - The right to employment
 - The right to socioeconomic and political inclusion
 - The right to social protection and assistance
 - The right to communication, information and freedom of expression and opinion
5. The institutional framework for the rights of persons with disabilities was strengthened by the establishment of the National Agency for Persons with Disabilities by law in 2018.
6. The Agency is attached to the Office of the President and has a legal personality with administrative and financial autonomy.
7. Its overall objective is to promote participation, inclusion and equal opportunities for persons with disabilities in all areas of social life.
8. In accordance with Act No. 15/AN/18/8ème L establishing the National Agency for Persons with Disabilities, the Agency’s responsibilities are as follows:
 - To assist and provide information to persons with disabilities and refer them to the public bodies responsible for disability issues
 - To coordinate and consolidate national initiatives in various forms and international initiatives
 - To promote respect for the fundamental rights of persons with disabilities and champion equal opportunities
 - To ensure the civic participation of persons with disabilities and their families and provide them with support
 - To identify and assess the needs of persons with disabilities
 - To safeguard basic social rights (health, education, employment and vocational training) in coordination with the various ministries responsible for disability issues
 - To provide suitable training programmes for State officials who come into contact with persons with disabilities, including traffic police officers, police investigations officers, midwives, social workers and teachers
 - To equip persons with disabilities with the skills needed to enter the labour market

- To help to create employment opportunities specifically for persons with special needs
 - To carry out studies and research on disability and its causes
 - To offer and provide an opinion on all draft legal texts concerning persons with disabilities
9. In order to fulfil its responsibilities effectively, the Agency is adequately staffed and has an adequate budget.

Equality and non-discrimination (art. 5)

10. Aside from article 10 of the Constitution, which states that “all human beings are equal before the law”, the principle of non-discrimination is a fundamental principle of national law. It permeates national legislation, including the Criminal Code, which establishes severe penalties for non-compliance, and the Labour Code, which provides for tax advantages for companies that recruit persons with disabilities.

11. This principle has been incorporated into the aforementioned Act on the advancement and protection of the rights of persons with special needs. Article 4 thereof states: “In accordance with the Constitution, the State of Djibouti prohibits all discrimination on the basis of disability and guarantees persons with special needs equal and effective legal protection against all forms of discrimination.”

12. Article 5 adds that: “Any provision or law that results in exclusion or that could lead to a reduction of opportunities for or be detrimental to persons with special needs shall be considered discriminatory. Specific measures taken to ensure effective equality of opportunity and treatment between persons with special needs and others shall be considered non-discriminatory.”

Women with disabilities (art. 6)

13. The State party has carried out a household survey to assess the prevalence of violence against women, including women with disabilities.

14. The overall objective of the study was to shed light on the development of harmful practices, in particular female genital mutilation, in Djibouti.

15. A study on harmful practices, in particular female genital mutilation, is justified by the need to gather and have access to reliable, up-to-date and representative information and data that take into account the situation of women and girls, including persons with disabilities, across the country.

16. The study showed that persons with disabilities are not subjected to discrimination of any kind and are an integral part of all government initiatives.

17. During National Women’s Week, the State party distributed work tools to women with disabilities so that they could develop income-generating activities for themselves. The aim was to help such women to escape poverty, which affects them especially.

18. Every year, the State party distributes wheelchairs to persons with disabilities.

Children with disabilities (art. 7)

19. In 2016, a study on children with special needs was carried out. This involved the formulation of recommendations on how to improve the situation of children with disabilities.

20. An interministerial committee headed by the Prime Minister was established to implement these recommendations.

21. Several departments have drawn up and adopted action plans for children with disabilities.
22. The most significant action taken remains the provision of health care for 185 children with special needs, who had specialized consultations over a period of six months.
23. These children received specialized equipment and devices, such as spectacles, wheelchairs, crutches and hearing aids.
24. The State has taken several steps, including:
 - Assisting families of children with special needs and accompanying them during medical check-ups
 - Logistical resources
 - Covering the costs of consultations and medicines throughout the process
 - Helping families by buying clothes during the holidays
 - Helping to create income-generating activities for 108 families of children with special needs

Awareness-raising (art. 8)

25. Since the 2000s, Djibouti has organized several awareness days in order to consolidate the promotion and protection of the rights of persons with disabilities.
26. The State party has celebrated the International Day of Persons with Disabilities every year since 2005. It also observes World Sight Day and White Cane Day every year.
27. These awareness days, which are organized in full coordination with civil society, provide an important opportunity to improve social attitudes towards disability and promote the socioeconomic inclusion of persons with disabilities. For the State party, they also serve to enable such persons to enjoy all the rights associated with their status as full citizens of Djibouti.
28. In addition, Djibouti organized a national disability conference from 21 to 23 May 2017. It was chaired by the Prime Minister with the participation of all members of the Government and of civil society organizations working to promote and protect the rights of persons with disabilities. It involved citizens' meetings with a focus on awareness-raising and exploring the social inclusion, employment, autonomy, education and mobility of persons with disabilities.
29. The conference was followed by a tour of the interior regions in order to involve the entire population and publicize the recommendations that emerged.
30. The associations working to promote and protect the rights of persons with disabilities spearhead information and awareness-raising campaigns on disability issues. All the awareness days and meetings organized in this context take place with the full cooperation and involvement of civil society in order to ensure that their messages and outcomes reach a wide audience.
31. These events receive significant media coverage on television, radio and social networks and in the print media.

Accessibility (art. 9)

32. As noted in paragraph 49 of the State party's initial report, the establishment of the State Secretariat for Housing, which was made into a ministry in the May 2019 cabinet reshuffle, has enabled progress to be made in addressing the challenges of improving the accessibility of housing for persons with disabilities.

33. Housing adaptations are a priority of disability policy. Adaptations are made for all persons with disabilities, taking into account the needs and specificities associated with each disability.

34. All social housing is built with due regard to the situation of persons with disabilities. This includes the installation of access ramps.

Situations of risk and humanitarian emergencies (art. 11)

35. With regard to disaster management, the country is currently establishing a normative and institutional framework in line with the Sendai Framework for Disaster Risk Reduction.

36. A text establishing an operational risk management plan, known as the disaster response organization plan, is pending adoption. One of its priority areas concerns persons with disabilities in the event of emergencies or natural disasters.

37. The country is currently experiencing extreme weather conditions, which have caused extensive damage. Relief and response operations have been focused on the vulnerable, in particular persons with disabilities.

Equal recognition before the law (art. 12)

38. Article 166 of the Family Code does not deprive persons with disabilities of recognition before the law. Its purpose is to protect them and their property from ill-intentioned people who might wish to harm them.

39. Article 8 of the Civil Code, adopted on 12 April 2018, states clearly that “all persons enjoy recognition before the law”.

40. The Civil Code of 2018 did not abolish the guardianship regime but regulated it in order to prevent abuse. Guardianship is a protective measure ordered by a judge on the basis of medical advice.

41. Article 557 of the Civil Code states that this protective measure has been established and is ensured in order to protect individual freedoms and fundamental and human rights.

42. National law is consistent with the supported decision-making regime set out in the Committee’s general comment No. 1 (2014).

Access to justice (art. 13)

43. Access to justice is a priority for Djibouti and has been realized through many key steps.

44. The first step was the establishment, in 2012, of a service and offices under the Ministry of Justice and the courts to assist litigants by providing them with information and guidance. As their name suggests, these entities assist persons, including persons with disabilities, who wish to obtain information and be referred to the various justice services.

45. The second measure is the decentralization of justice through the establishment of mobile courts in the regions and villages. This involves judges travelling to conduct hearings in areas where there are no courts.

46. The third and most important step is the creation of an aid system to ensure that the most vulnerable have access to justice.

47. Since 2011, hundreds of participants in court proceedings in the country have benefited from legal aid.

48. Persons with disabilities have benefited from legal aid on the same basis as others.

49. Regarding human rights training for justice system personnel, Djibouti organizes regular workshops and seminars for judicial actors on the main human rights treaties and bodies, with the support of the human rights bodies themselves.

Liberty and security of the person (art. 14)

50. Like the measures addressed in the replies to paragraph 9 of the list of issues, the measure in question is a protective rather than a discriminatory one. A person who commits an offence when not in possession of his or her full faculties may not be tried as a person in possession of his or her full faculties.

51. A person not in possession of his or her full faculties may not be sentenced to a term of imprisonment.

52. However, such persons are civilly liable, and their parents or families must pay for any damage that they cause to others.

53. When a person with a disability is hospitalized, it is often on a voluntary basis in accordance with a decision by his or her family.

54. Persons who are especially violent may be committed to hospital involuntarily.

Freedom from torture and cruel, inhuman or degrading treatment or punishment (art. 15)

55. As already noted in previous reports to the treaty bodies, all persons living in Djibouti are protected against torture. Article 16 of the Constitution provides that: “No one shall be subjected to torture or inhuman, cruel, degrading or humiliating treatment or punishment.”

56. Torture and acts of barbarity are punished very severely. Article 324 of the Criminal Code provides that: “The subjection of a person to torture or to acts of barbarity shall be punishable by 15 years’ imprisonment.”

57. Under article 325 of the Criminal Code, the penalty is increased to 20 years’ imprisonment if the torture or acts of barbarity are committed against a person with a physical or mental impairment.

58. In addition to the standard institutions for the protection of persons, such as the judiciary, the police and the gendarmerie, Djibouti has recently established mechanisms to protect vulnerable persons, women, children, persons with disabilities and older persons.

59. These mechanisms are the National Human Rights Commission and the National Agency for Persons with Disabilities.

60. The National Human Rights Commission has a subcommission responsible for ensuring compliance with the Convention and its implementation.

61. Every year, the Commission visits places of detention in order to monitor the conditions of detention for prisoners in general and vulnerable detainees in particular.

62. The National Agency for Persons with Disabilities mentioned above is a second mechanism set up to protect the rights of persons with disabilities.

Freedom from exploitation, violence and abuse (art. 16)

63. Over the past 10 years, the State has stepped up its efforts and actions to prevent and combat exploitation and abuse.

64. At the legislative level, the 2016 reform of legislation on trafficking in persons and migrant smuggling resulted in the introduction of extremely severe penalties (10 to 20 years’ imprisonment) for offences against persons who face a heightened vulnerability because of a physical or mental impairment.

65. In order to mount a more effective response to this heinous crime, the State party organizes relevant training courses for judicial actors (judges, police officers and gendarmes) and civil society actors.

66. There have been regular activities to raise public awareness of this scourge.

Protecting the integrity of the person (art. 17)

67. Like all other persons, persons with disabilities are recognized as sacred under article 10 of the Constitution. The State has an obligation to guarantee their rights to life, liberty, security and physical integrity.

68. Human experimentation is prohibited under both the civil and the criminal law. Article 19 of the Civil Code provides that the physical integrity of the human body may be violated only when medically necessary. The prior consent of the person concerned must have been obtained.

Liberty of movement and nationality (art. 18)

69. Refugees are not discriminated against on the basis of disability.

70. In order to give effect to the commitments assumed at the Summit for Refugees and Migrants held in New York in September 2016, the State party adopted the Act on the status of refugees in Djibouti, in January 2017.

71. The law guarantees refugees all fundamental rights and freedoms. These rights are listed in article 14 of the Act of 2017. They include the rights to non-discrimination, freedom of movement, civil status documents, identity and travel papers, education, work, participation in court proceedings, property, freedom of religion, freedom of association, public social welfare provision and naturalization.

Living independently and being included in the community (art. 19)

72. With regard to housing for soldiers who were injured in the internal conflict of 1992, after consulting those who stood to benefit, the State party decided to house them on estates alongside others so that they could face the challenges of rehabilitation with the support of the entire community.

73. The State party has allocated 36 housing units to persons who were injured or acquired disabilities during the conflict of 1992 on a priority and exclusive basis. Other persons with disabilities are now able to benefit from housing provided by the State party, including through the initiatives of the Right to Housing Foundation, which provides housing for the vulnerable free of charge.

74. Thanks to the work of the Foundation, hundreds of low-income families have been provided with housing free of charge.

75. A few months after the establishment of the Foundation, 450 houses, each measuring 96 m² and equipped with all amenities, were built and allocated.

76. As pointed out in paragraph 92 of the initial report, the financial support that the State party provides for persons with disabilities remains inadequate. They currently rely entirely on their families for support.

77. However, the State party has introduced a quarterly cash transfer of 30,000 Djibouti francs (DF) (US\$ 170), which is distributed under the National Family Solidarity Programme to vulnerable families in which one member has a disability.

78. The Programme was launched in the Dikhil and Ali Sabieh regions and will soon be rolled out to other regions and to Djibouti City.

Personal mobility (art. 20)

79. See paragraph 26 of these replies.

Freedom of expression and opinion, and access to information (art. 21)

80. As already mentioned, freedom of expression is a constitutional right.

81. In addition to the information provided in the report, on 21 March 2016, the State party adopted a law establishing the National Commission on Communication in order to ensure respect for this fundamental freedom.

82. The Commission's purpose is "to advise and submit opinions and recommendations to the Government and public bodies in the interests of:

- Ensuring respect for the law in relation to freedom of the press and the right to information
- Ensuring respect for pluralism of information and fair access for political parties to the media, trade unions and recognized organizations
- Protecting human dignity and privacy
- Safeguarding civil peace
- Protecting children and adolescents
- Ensuring adherence to professional standards and ethics
- Enhancing the country's cultural heritage, in all its richness and diversity, and its environment"

83. In accordance with article 4 of the Act of 21 March 2016, the Commission must also ensure that special programmes are designed for persons with disabilities.

Respect for privacy (art. 22)

84. Respect for privacy is recognized and guaranteed under national law.

Respect for home and the family (art. 23)

85. There have been no developments in this regard since the periodic report was drafted.

86. However, the State party wishes to inform the honourable members of the Committee that a reform of the Family Code is currently under way, as part of which consideration will be given to the articles mentioned in the list of issues, namely articles 7, 23 and 39 (2).

Education (art. 24)

87. The State party has made the education of children with special needs a priority. All children with special needs have the right to an appropriate education in an environment suited to their needs and the wishes of their families.

88. In order to make schools inclusive, the State party promotes school inclusion for children with special educational needs. To this end, an independent unit responsible for the schooling of children with special needs has been established under the central education service.

89. Children with mild disabilities go to school with other children and attend regular classes. For children with severe disabilities, accessibility has been improved in existing schools and is included in design plans for new schools.

90. With regard to children with sensory and visual disabilities, 27 teachers have received training in Braille and sign language, which has made it possible to open a special school that has everything needed for optimal functioning, including transport, staff, furniture, equipment and autonomy.

91. In order to promote the education of persons with disabilities, the State party has introduced an incentive in the form of a monthly grant of DF 15,000 for some 50 high school students with physical or mental disabilities who attend the Industrial and Commercial High School or the Djibouti State High School.

Health (art. 25)

92. The health services provide persons with disabilities with quality medical and social care tailored to their situation. For example, they have put in place specific information processes adapted to the ways in which persons with disabilities communicate and have for several years been promoting training for health workers on caring for persons with disabilities.

93. In addition, the central health-care service organizes regular medical consultations for some 100 children with special needs in referral hospitals in Djibouti City. This project was launched in May 2017.

94. The universal health insurance scheme ensures basic medical coverage for the entire population of Djibouti.

95. However, the State party recognizes the necessity and urgency of extending health insurance coverage for persons with disabilities and their families so that they can benefit from free consultations and care.

96. The health-care facilities of the health regions operate mobile medical clinics, which enable those who live in remote areas to benefit from quality health-care services at low prices and without having to travel.

97. Other achievements include the following:

- Services to screen for and diagnose hearing impairments and provide hearing aids with the support of the Djibouti Social Development Agency
- Medical visits to primary schools to detect disabilities
- The provision of devices to screen for deafness among newborns at Dar-el-Hanan and Balbala maternity hospitals

Habilitation and rehabilitation (art. 26)

98. An orthopaedic device and rehabilitation centre has been established. It currently serves 6,250 adults with reduced mobility. The centre is located at Balbala Hospital.

Work and employment (art. 27)

99. The 2018 Act on the advancement and protection of the rights of persons with disabilities guarantees such persons access to public- and private-sector employment on an equal basis with others.

100. The Act also guarantees continuance of employment or, where necessary, transfer to a suitable position for persons who acquire disabilities as a result of accidents.

101. As already noted, discrimination against persons with disabilities is prohibited.

102. Violation of these provisions renders a person liable to criminal penalties and payment of damages to the victim.

103. A decree is currently being adopted to supplement the Act and set a quota for persons with disabilities.

Adequate standard of living and social protection (art. 28)

104. With regard to social protection and poverty reduction, the country has passed a law on the National Social Protection Strategy for the period 2018–2022.

105. The overall objective of the Strategy is to establish a social protection floor.

106. The Strategy provides for social benefits, such as cash transfers, for persons with disabilities.

107. It also provides for the creation and development of employment-generating activities for the families of children with disabilities.

108. The State party is also committed to providing financial and technical support to cooperatives of persons with disabilities with a view to promoting handicrafts and helping to sell the items produced.

Participation in political and public life (art. 29)

109. Following the 1992 adoption of the Constitution, which laid the foundations for the rule of law and a pluralist democracy, the State party put in place an institutional and normative framework recognizing the right of every citizen, without distinction of any kind, to take part in the management of public affairs. This framework includes:

- Act No. 1/AN/92/2ème L on political parties in Djibouti
- Act No. 2/AN/92/2ème L on elections

110. In order to enable persons with disabilities to participate fully in voting procedures, article 48 of the aforementioned Act on elections stipulates that any voter with a definite disability that prevents him or her from putting a ballot paper in an envelope and placing the envelope in a ballot box may be assisted by a voter of his or her choice.

Participation in cultural life, recreation, leisure and sport (art. 30)

111. In addition to the achievements mentioned in the periodic report, the strategic action plan of the National Agency for Persons with Disabilities provides for a number of measures to ensure that children with disabilities are able to participate in cultural life, recreation, leisure and sport and enjoy improved access to the urban environment.

Statistics and data collection (art. 31)

112. On 3 December 2019, the State party launched a nationwide survey on disability. It is being administered by the National Institute of Statistics in collaboration with the National Agency for Persons with Disabilities.

113. The overall aim of the survey is to create a statistical database that gives a full picture of the disability situation in the country.

114. The survey will promote improved practices for the collection of data on disability through the development of standardized tools and methods to ensure that data are internationally comparable.

115. The survey has the following specific objectives:

- To measure the prevalence of disability at the national and regional levels
- To identify the quantitative and qualitative dimensions of disability and their impact across the country
- To evaluate equal opportunities for persons with disabilities and their access to health-care facilities, education, employment, civic life and various social benefits
- To gauge public attitudes towards disability and persons with disabilities

- To determine the social needs of persons with disabilities
- To provide services, develop programmes and policies for service provision and evaluate these programmes and services

116. It is expected that the survey, the results of which will be made available at the end of 2019, will lead to a database of information on disability disaggregated by region, place of residence, type of disability and gender.

117. A narrative report will also be prepared to describe and analyse the disability situation on the basis of the data collected.

118. A question set on disability developed by the Washington Group on Disability Statistics was used for the fourth Djibouti household survey carried out by the Directorate of Statistics in 2017.

119. As part of this nationwide disability prevalence survey, which is aimed at providing a basic set of reliable statistics on disability, the data-collection tools recommended by the Washington Group are being used.

120. These tools are a series of questions for identifying persons with disabilities. They will make it possible to measure the prevalence of disability nationally and on a disaggregated level.

121. The National Agency for Persons with Disabilities participates in the disability prevalence survey.

International cooperation (art. 32)

122. The National Agency for Persons with Disabilities is the entity responsible for improving the representation of persons with disabilities, strengthening their effective participation in all areas of social life and including them in society on the basis of the principle of equal opportunity.

123. With regard to international cooperation, since its establishment in June 2018, the National Agency for Persons with Disabilities has signed a number of cooperation agreements with United Nations organizations, State-owned companies, NGOs and sectoral government ministries.

124. These cooperation agreements comply with the standards and principles of the Convention and set out how to design and implement development programmes and policies that are inclusive of persons with disabilities.

125. The National Agency for Persons with Disabilities is currently preparing a national strategy for persons with disabilities, which is aimed at developing specific disability projects and promoting the inclusion of persons with disabilities in development cooperation.

126. The process of designing the strategy was officially launched on Monday, 2 December 2019 at a national workshop chaired by the Prime Minister.

National implementation and monitoring (art. 33)

127. The National Agency for Persons with Disabilities was established under Act No. 15 of 25 June 2018 as a public administrative institution. It has a legal personality and administrative and financial autonomy. The National Agency for Persons with Disabilities is attached to the Office of the President.

128. The Agency's overall objective is to promote participation, inclusion and equal opportunities for persons with disabilities in all areas of social life.

129. To this end, its responsibilities are:

- To assist and provide information to persons with disabilities and refer them to the public bodies responsible for disability issues

- To coordinate and consolidate national initiatives in various forms and international initiatives
- To promote respect for the fundamental rights of persons with disabilities and champion equal opportunities
- To ensure the civic participation of persons with disabilities and their families and provide them with support
- To identify and assess the needs of persons with disabilities
- To safeguard basic social rights (health, education, employment and vocational training) in coordination with the various ministries responsible for disability issues
- To provide suitable training programmes for State officials who come into contact with persons with disabilities, including traffic police officers, police investigations officers, midwives, social workers and teachers
- To equip persons with disabilities with the skills needed to enter the labour market
- To help to create employment opportunities specifically for persons with special needs
- To carry out studies and research on disability and its causes
- To offer and provide an opinion on all draft legal texts

130. Concerning persons with disabilities.

131. The Agency is the designated focal point for the implementation of the Convention and thus cooperates with various sectoral ministries on disability issues.

132. Decree No. 2018-293/PRE on the Agency's organization and functioning prescribes the following organizational structure:

- A governing board
- A directorate general
- An administrative, financial and legal affairs directorate
- A research and planning directorate
- A prevention, communication and cooperation directorate

133. The Agency's resources consist of:

- A contribution from the State budget
- Contributions from the country's partners
- Internal resources (certification of relief experts, international organizations, expert assessments)
- Donations and bequests

134. In the year that followed the Agency's establishment, the budget law for 2019 provided for the following:

- Procurement of special equipment: DF 50,000,000
 - International cooperation support: DF 5,000,000
 - Computer work stations: DF 15,000,000
 - Information technology system: DF 25,000,000
 - Procurement of furniture: DF 15,000,000
 - Census research project: DF 35,000,000
 - Operating budget: DF 60,148,832
-