



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights Fifty-first session

### Summary record of the 41st meeting

Held at the Palais Wilson, Geneva, on Tuesday, 12 November 2013, at 10 a.m.

*Chairperson:* Mr. Ribeiro Leão

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*Combined initial and second periodic reports of Djibouti (continued)*

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*The meeting was called to order at 10.10 a.m.*

### **Consideration of reports**

#### **(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (continued)**

*Combined initial and second periodic reports of Djibouti (continued) (E/C.12/DJI/1-2; E/C.12/WG/DJI/Q/1-2 and Add.1; HRI/CORE/DJI/2010)*

1. *At the invitation of the Chairperson, the delegation of Djibouti took places at the Committee table.*

#### *Articles 1 to 5 of the Covenant (continued)*

2. **Ms. Shin**, referring to the fact that there were two legal systems in Djibouti, said that the State party should abolish its system of religious law so as to allow women to fully enjoy their rights. She asked whether Djibouti planned to repeal the provisions of the Family Code that discriminated against women with regard to inheritance rights. As to wage gaps between men and women, it was not enough to ensure equal pay for equal work; women must also have access to well-paid jobs on an equal footing with men.

3. **Ms. Kayad** (Djibouti) said that, while most decision-making positions were still held by men, that trend was gradually being reversed. Indeed, the increasing enrolment of girls in school provided them with greater access to well-paid jobs. While it was true that the informal sector employed a large number of women, it also provided an important source of income for some women, especially those involved in retail trade. The Government was currently considering measures to formalize the informal sector, so that the income earned by women in that sector could be counted in the country's gross domestic product (GDP). The Ministry for the Promotion of Women, aware that traditions were undermining women's employment rights, had established a network of trainers responsible for providing gender equality training to public officials from various ministries. The Government supported women's access to education and decision-making positions and planned to step up its efforts in that area.

4. **Mr. Hersi** (Djibouti) said that interpersonal relationships were not governed by rules of customary law in Djibouti. The State had been attempting to standardize its laws for the past 20 years. Thus, in 2002 it had promulgated the Family Code, which was based on civil law, sharia and customary law and was applicable throughout the country. Djibouti had established safeguards to mitigate the effects of the provisions in the Code that appeared to contradict those of the Covenant, including by prohibiting repudiation and by giving women the right to file for divorce on an equal footing with men. In addition, family conflicts were no longer resolved by cadis, but rather by family judges. The provisions of the Family Code pertaining to inheritance rights were based on sharia. It should be noted that the husband, as head of the household, held more responsibilities than the wife, including the responsibility to provide for his family and to educate his children. It was true, however, that it was increasingly common for women to take on those responsibilities, but the law was flexible and likely to evolve over time.

5. The number of cases of domestic violence in Djibouti was not large enough to justify adopting a specific law on the subject. The provisions of the Criminal Code, which prohibited all forms of violence, were sufficient. Nevertheless, in order to inform women of their rights, the Ministry for the Promotion of Women, in collaboration with the National Human Rights Commission and NGOs working in the field of women's rights, had created an information guide for women on domestic violence. The Union of Djiboutian Women had also set up a counselling service for victims of domestic violence.

6. **Mr. Abdoukader** (Djibouti) said that the national committee responsible for legal reform took continuous account of the Covenant in the work it was doing to bring the State's legislation into line with international standards. The counselling service for victims of domestic violence was a victim of its own success, because its workload had far outstripped its capacity. And yet, only about fifty cases of domestic violence were brought before the courts each year. There was no reason to adopt a specific law on domestic violence because article 334 of the Criminal Code already criminalized acts of violence. The country's legislation did not require women to obtain their husband's permission to work, nor did it authorize forced marriage. In accordance with the Family Code, marriage could be contracted only with the consent of both spouses and the wife's guardian. Minors could not enter into marriage without their guardians' consent. If the guardians refused to accept the marriage, a judge would decide on the case. There were indeed street children in Djibouti but they were fewer in number. Most were children who came from neighbouring countries or children whose parents had died of HIV/AIDS. They were taken care of by associations or State services.

7. **Mr. Sadi** said that in modern families it was sometimes the wife who provided for her children and husband. In practice, wives must still ask their husbands for permission to work, even if they were not required to do so by law. Neither a judge nor the child's parents could authorize a child's marriage. The State party should repeal the provisions of the Family Code that allowed judges to rule on such cases.

8. **Ms. Bras Gomes** supported Mr. Sadi's view that it was due to traditional practices that wives were obliged to obtain their husband's permission to work. Perhaps the problem stemmed from the interpretation of article 31 of the Family Code. She asked whether Djibouti was making sufficient efforts to change attitudes.

9. **Ms. Kayad** (Djibouti) said that a reform of the Family Code was under way with the aim of incorporating provisions that treated women more fairly. Under no circumstances could a man claim ownership of his wife's inheritance. Wives were free to do as they wished with their property and could acquire real estate without their husband's consent. Furthermore, as a result of the economic crisis, men were increasingly encouraging their wives to work. In order to combat the practices harmful to women that were still common in rural areas, the Ministry for the Promotion of Women was conducting awareness-raising campaigns to inform the inhabitants of rural areas about women's rights and the Family Code. Taboos about violence against women had been broken down, thanks to the counselling service that had been set up. Women no longer hesitated to exercise their rights. Thus, article 31 of the Family Code was not the only standpoint from which women's rights were viewed. Forced marriage persisted only in certain rural communities of minority groups.

#### *Articles 6 to 12 of the Covenant*

10. **Mr. Abdillahi** (Djibouti) said that the country's growth rate, which currently stood at about 5 per cent, was not sufficient to reduce poverty or to improve the employment situation. The Government believed that a growth rate of 7 per cent or higher would allow the country to make progress in those areas. In order to achieve that goal, it intended to strengthen the comparative advantages of the country's economy and diversify its growth model. It accordingly planned to continue investing in the logistics and transport sector. It had also taken measures to develop the banking and telecommunications sectors. In order to mitigate the effects of imported inflation, the Government had decided to abolish taxes on essential goods as from 2008. That measure had paid off given that, according to projections, the inflation rate, which had stood at about 5 per cent in 2012, should drop to 2 or 3 per cent in the 2013/14 fiscal year.

11. **Mr. Ibrahim** (Djibouti) read out articles 22 to 24 of Act No. 107/AN/10/6 L of 21 February 2011 on the organization of the Ministry of Employment, Integration and Vocational Training, which governed the role and organization of labour inspection services and labour laws. Statutes guaranteeing the independence of labour inspectors had not yet been adopted, and those inspectors could not order the closure of a company that violated labour laws. Rather, they identified offences that had been committed and prepared a report, which they sent to the public prosecutor for follow-up.

12. On 26 December 2011, when the collective agreement between the Minister of Labour responsible for administration reform and the Secretary-General of the General Union of Djiboutian Workers had been renewed, the Government had raised the minimum wage for persons working under contract for the State, which now stood at 36,000 Djibouti francs (US\$ 200). About three quarters of those persons had benefited from that increase. Although Djibouti had been one of the first States to sign the International Labour Organization (ILO) Minimum Wage-Fixing Machinery Convention, 1928 (No. 26), whose implementation had resulted in the establishment of a guaranteed minimum wage, that measure had been abolished by article 31 of Act No. 140/AN/97/3 L of 1997 amending the Labour Code of 1952, following the implementation of the structural adjustment programme imposed by the International Monetary Fund.

13. **Ms. Kayad** (Djibouti) said that a national microfinance strategy for the period 2013–2017 and an accompanying action plan were currently being implemented. Savings and credit cooperatives had been established in the capital and in the five regions of the country, and 65 per cent of their members were women working mainly in the primary sector or in retail trade. Through these cooperatives, US\$ 6.8 million had already been distributed and more than US\$ 700,000 had been deposited as savings. An Islamic microfinance project was currently being tested.

14. The formal social security system covered employees in the private sector, persons working for the State (either as civil servants or on a contractual basis) and self-employed persons. The National Assembly was currently considering a universal health insurance bill, which the Government had already approved. Under the bill, extremely poor or vulnerable persons would be covered through a specific programme. In that regard, the authorities concerned were working to establish quintiles, which would be used to define the categories of persons covered under the programme. Persons with disabilities and orphans would be automatically covered.

15. Widowed men and women were now equally eligible for survivor's pensions. The military pension system, which was separate, would soon be brought into line with the general pension system. Only elderly persons who had contributed to the general system were eligible to receive benefits from that system. Lastly, there were no unemployment benefits in Djibouti.

16. **Mr. Atangana** asked about the role played by the labour inspectorate services in resolving labour disputes and how they were represented before the courts.

17. **Ms. Bras Gomes** asked whether the State party planned to adopt a comprehensive action plan on employment and to request ILO assistance in establishing the bases for social security coverage. She asked the delegation to clarify how the criteria used to define levels of poverty would be established.

18. **Mr. Martynov** asked the delegation to clarify the status of persons working under contract for the State.

19. **Ms. Shin** asked if the retirement age was the same for men and women working in the public sector. She wished to know how many women held decision-making positions,

how many had been elected to parliament and how many held high-level positions in the judiciary.

20. **Ms. Kayad** (Djibouti) said that various measures had been taken to improve the employment rate among young people and women, and to improve their access to microcredit in particular. In addition, the Ministry of Higher Education and Research had begun to modify courses so that the training provided would be better suited to the needs of the local labour market. The register of extremely poor persons would be established on the basis of a questionnaire that would provide socioeconomic and demographic information about vulnerable persons. The register should make it possible to target more effectively measures to combat poverty and the resources allocated for that purpose.

21. **Mr. Ibrahim** (Djibouti) said that labour inspectors visited businesses to verify their compliance with the Labour Code, particularly with regard to working hours and union representation, and to monitor occupational health and safety. The retirement age was 60 for both men and women, although women could ask to retire as from the age of 55.

22. **Ms. Kayad** (Djibouti) said that initially persons working under contract for the State had been employed on a temporary basis. Their contracts had been extended and they currently made up half of the approximately 8,000 persons employed by the State. Although they had initially performed the most menial jobs, that was no longer the case. Their pay scale was slightly higher than that of ordinary civil servants, and they were eligible for contractual health insurance. The Government was currently considering ways to integrate them into the civil service without posing too much of a financial burden on the State.

23. **Mr. Abdillahi** (Djibouti) said that since 2008 nearly 120,000 persons living in and around the capital had been affected by an unprecedented drought that was bringing down the country's economic growth rate by 1 percentage point annually. Low rainfall (150 mm/year) and rising temperatures had prompted the authorities to take measures to alleviate the problem in both urban and rural areas. With regard to urban areas, the drinking water supply network in the capital was being repaired, and an agreement had been signed with the European Union at the end of 2012 to build a seawater desalination plant, which should be operational some time in 2016, initially at a capacity of 22,500 m<sup>3</sup> per day and later at 45,000 m<sup>3</sup> per day. An agreement had been signed with Ethiopia to carry out a project to supply drinking water from Ethiopia to Djibouti within four years. The project would resolve the water problem in the capital and in the main towns in the regions through which the planned aqueduct between the two countries would run. In addition, the sanitation master plan called for a sewage plant to be opened in early 2014; 25,000 households would be connected to the new sewage network, including in the main neighbourhoods of Balbala.

24. In rural areas, a surface water mobilization programme had been established to promote the construction of underground storage tanks, so as to increase water storage capacity and water retention capacity and thereby help the affected inhabitants to preserve their livestock. There were plans to build several dams with help from the African Development Bank, in order to enable agricultural development and economic activity in rural areas. The arable land acquired under concessions in the Sudan (10,000 ha) and Ethiopia (7,000 ha) was part of an innovative approach launched in 2005, following a two-year period of reflection, that would provide at least half of the country's food supply.

25. **Ms. Kayad** (Djibouti) said that the Djibouti National Water and Sanitation Agency was a public enterprise that managed the drinking water supply for the whole country. Neighbourhoods in Djibouti City and other communities that were not connected to the network were supplied by standpipes and, on the outskirts, by tanker trucks, as were rural communities that did not have their own water resources. Rural populations and communities participated in all well-drilling projects through local water management

committees. They were also responsible for protecting and maintaining the local network. Anyone who considered they had been deprived of access to water could complain to the Office of the Ombudsman, which could in turn submit the case to the administrative court.

26. The National Social Development Initiative, which was currently a central part of public policies to combat poverty, was based on the principle that development and growth would help to alleviate poverty but, pending tangible results, the State had established social safety nets for vulnerable groups, particularly through the establishment of the State Secretariat on Poverty and the State Secretariat of National Solidarity. In order to try to reduce extreme poverty, which remained widespread, a national solidarity fund had been created to fund programmes for young people, health and national education – all of which were national priorities. Migrants had access to health and education services on an equal footing with Djiboutians, and as a result those services were overburdened. The Government was seeking to identify problems more closely so as to avoid bottlenecks and develop and implement more sustainable public policies. An extensive slum clearance programme had been launched, and vulnerable persons living in slums in precarious conditions would be relocated to alternative housing. The State party planned to build 1,000 social housing units each year and to prepare and service sites where such housing would be built.

27. The maternal mortality rate stood at 383 per 100,000 live births. Health centres distributed contraceptives free of charge, and pregnant women were entitled to three free prenatal consultations. Regional medical clusters had been established, consisting of a hospital and health centres located in the communities. In addition, the chief doctor of the regional hospital, together with a mobile team comprising a nurse and midwives, undertook consultations in the various health posts. During those consultations, they encouraged women to opt for birth in a health institution. A campaign to promote generic drugs had been carried out in hospitals and health centres. Community pharmacies and private dispensaries were also encouraged to sell generics, which were priced lower than brand-name drugs. The care provided to persons suffering from psychiatric disorders was inadequate, due to a lack of qualified personnel and suitable facilities. There was in fact only one specialized centre, which was in the hospital in the capital, and the Government would need to make serious efforts to remedy that shortage of specialized mental health services.

28. **Mr. Hersi** (Djibouti) said that labour inspectors were responsible for ensuring compliance with labour legislation and for acting as conciliators and mediators between companies and employees. In cases where they were unable to resolve a dispute, they sent a non-conciliation report to the public prosecution service, which in turn referred the case to a labour judge to settle the dispute in court. The Constitution of Djibouti established the right of all persons to have access to justice. Since its accession to independence in 1977, the Republic of Djibouti had had to train local judicial officials, judges and clerks, who until then had come under the direct responsibility of the French Ministry of Overseas France and Ministry of Justice. The average age of judges, who currently numbered 134, was 30. Women made up 45 per cent of the judiciary staff and in some cases held prominent positions, including the presidency of the Supreme Court and of the Court of Appeal. The Government had also established a judicial infrastructure and built courthouses throughout the country. In order to ensure access to justice for all, circuit courts were organized once the judicial offices in the main towns of the regions had received a sufficient number of complaints. Defendants who did not have the means to hire a lawyer were entitled to legal aid, which was granted by the judge dealing with non-contentious cases. A public information and referral service, accessible through a hotline, had been established to inform the public about the procedures to follow when bringing an action.

*Articles 13 to 15 of the Covenant*

29. **Mr. Mancisidor** asked to what extent the limitations placed on the freedom of the press and freedom of expression, in particular the denial of access to foreign websites and radio stations, jeopardized the exchange of artistic, cultural and scientific material at both the national and international levels.

30. **Ms. Ravenberg** asked whether children living in nomadic communities were included in the education master plan for the period 2010–2019, and to what extent the plan had been implemented in the three years since it had first been launched. She also wished to know whether the master plan included a strategy to deal with the difficulties in reaching school that children in some remote rural areas faced owing to the fact that the nearest school was sometimes a half day's or full day's walk away.

31. **Ms. Shin** asked about the school dropout rate and the main factors causing children to abandon their studies. She enquired whether sexual harassment in schools was prohibited by law and whether measures were being taken to prevent principals, teachers and older students from sexually abusing schoolgirls. Lastly, she wished to know how many women attended university and, of those who did, how many were women with disabilities.

32. **Mr. Marchán Romero** asked whether the State party intended to ratify the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169). He asked the delegation to respond to questions 27 and 28 of the list of issues, and to indicate in particular how the State party intended to settle the nomadic populations from the interior of the country without jeopardizing their traditional way of life or resorting to a policy of assimilation, and how many persons were affected by that project.

33. **Mr. Kerdoun** asked what measures the State party planned to take to improve teacher training and increase capacity in primary schools, and whether or not the Somali and Afar languages were taught in schools.

34. **Mr. Sadi** asked whether human rights were taught in schools, and whether private schools provided a higher-quality education than public schools. He wished to know whether the Government of Djibouti was aware that one of the reasons girls dropped out of school was the lack of hygiene and sanitation in schools.

35. **Mr. Kedzia** said he wished to know what measures the State party planned to take in order to promote universal Internet access and thereby allow disadvantaged groups to have access to education, employment opportunities and other services available through the Internet.

*The meeting rose at 12.45 p.m.*