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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Forty-fourth session**  
6–17 November 2023

## **Summary of stakeholders' submissions on Djibouti\***

### **Report of the Office of the United Nations High Commissioner for Human Rights**

#### **I. Background**

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review and the outcome of the previous review.<sup>1</sup> It is a summary of 13 stakeholders' submissions<sup>2</sup> for the universal periodic review, presented in a summarized manner owing to word-limit constraints.

#### **II. Information provided by stakeholders**

##### **A. Scope of international obligations<sup>3</sup> and cooperation with human rights mechanisms**

2. The Center for Global Nonkilling recommended the swift ratification of the Convention on the Prevention and the Punishment of the Crime of Genocide.<sup>4</sup>

3. La Commission Nationale des Droits de l'Homme de Djibouti (CNDH), MENA Rights, the Center for Global Nonkilling and the Human Rights Foundation (HRF) recommended to ratify the ICPPED. HRF recommended the ratification of the OP-CAT.<sup>5</sup> CNDH recommended the ratification of ICRMW.<sup>6</sup>

4. MENA Rights recommended that the various treaty bodies be empowered to receive individual complaints and carry out investigative procedures.<sup>7</sup>

5. MENA Rights and JS1 recommended that the Government extends a standing invitation to all UN Special Procedure mandate holders.<sup>8</sup> JS1 recommended to prioritise official visits by the: (1) Special Rapporteur on the situation of human rights defenders (HRDs); (2) Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression; (3) Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association; (4) Special Rapporteur on the independence of judges and lawyers; (5) Special Rapporteur on extrajudicial, summary or arbitrary executions; (6) Special Rapporteur on the right to privacy; and (7) Working Group on Arbitrary Detention.<sup>9</sup>

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\* The present document is being issued without formal editing.



6. JS 2 recommended that Djibouti step up its cooperation with the United Nations human rights mechanisms, in particular by authorizing visits by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Working Group on Arbitrary Detention and the Special Rapporteur on the situation of human rights defenders, and the visit by the Special Rapporteur on violence against women and girls, its causes and consequences.<sup>10</sup>

7. The International Campaign to Abolish nuclear weapons (ICAN) noted that the Treaty on the Prohibition of nuclear weapons (TPNW) has clear references to and implications for human rights law and practice. The most relevant rights concern from a nuclear weapons attack is the right to life, other relevant rights concerns include the prohibition of inhuman and degrading treatment, the right to a home and to property, as well as rights violations resulting from nuclear weapons testing. Djibouti signed the Treaty on the Prohibition of nuclear weapons on 9 January 2023. ICAN urged Djibouti to ratify the TPNW, as a matter of international urgency.<sup>11</sup>

## **B. National human rights framework**

8. JS 2 recommended the effective application of the Convention on the Elimination of Discrimination against Women, ratified by Djibouti on 2 December 1998, and compliance with the provisions of the Declaration on Human Rights Defenders, adopted by the United Nations General Assembly on 9 December 1998.<sup>12</sup>

### **1. Constitutional and legislative framework**

9. JS 1 recommended to adopt best practices on freedom of peaceful assembly, as put forward by the 2012 report of the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, which calls for simple processes for the notification of assemblies being held rather than permission being required, and by General Comment No. 37 on the right to peaceful assembly adopted by the UN Human Rights Committee in 2020. JS 1 also recommended to amend Public Order No.77-033/PR in order to guarantee fully the right to freedom of peaceful assembly.<sup>13</sup>

10. JS 1 recommended to (i) Ensure freedom of expression and media freedom by all bringing national legislation into line with international standards; (ii) Review the Law on Freedom of communication in order to bring it into line with best practices and international standards in the area of freedom of expression; (iii) Amend article 425 of the Penal Code and decriminalise defamation; (iv) Cease any practices of confiscating and censoring print media; (v) Reform defamation legislation in conformity with ICCPR article 19; (vi) Adopt a law on access to information in order to promote the full exercise of the rights to freedoms of expression and opinion; and (vii) Refrain from adopting any laws providing for censorship or undue control over social and conventional media content.<sup>14</sup>

11. HRF recommended to (i) Bring all laws restricting fundamental rights and protections enshrined in the constitution in line with international norms; (ii) Reform legal provisions which give the Minister of Interior, a member of the executive cabinet, disproportionate power and authority over the legal registration of political parties, the approval of public demonstrations, and the organization of elections; and (iii) Reform legal provisions which give the Ministry of Communication complete authority over the accreditation of journalists and permissible information for publication.<sup>15</sup>

12. MENA Rights noted that Djibouti had made a commitment to revise decree No. 2015-3016 PR/PM to end the exceptional security measures that restricted the right to freedom of association in the country. The legislation imposing the state of emergency was introduced in 2015 and remained in force. It had been unanimously approved by Parliament after the opposition parliamentarians had been excluded by gendarmes. Under the legislation, the State was authorized to disband radical groups and place under house arrest people whose behaviour could be perceived as a threat to security and public order. In the name of the fight against terrorism, the decree banned public gatherings and meetings, and was used to restrict individual freedoms and clamp down on opposition activists, human rights defenders, trade

unionists and journalists. MENA Rights recommended reforming the state of emergency legislation to bring it fully into line with international law.<sup>16</sup>

13. The UPR Project at BCU recommended to (i) repeal Article 14 of the 2002 Family Code which permits marriage below the age of 18 subject to the consent of a guardian; (ii) Adopt a policy that clearly defines marriage as a union between two consenting adults and prohibits Child, Early and Forced Marriage (CEFM) without exception, in line with Article 16 CEDAW.<sup>17</sup>

## 2. Institutional infrastructure and policy measures

14. CNDH pointed out that the recommendations made during the third cycle of the universal periodic review concerning the strengthening of CNDH are currently being implemented. A new law, currently in the process of being adopted, would bring CNDH into compliance with the Paris Principles. CNDH had regional offices, known as information and meeting centres, in each of the country's five regions. Conflict resolution mechanisms to address cases of human rights violations had also been set up in each of the centres and the central office. CNDH planned to install a toll-free number in the near future to make it easier to report human rights violations. Citizens wishing to lodge a complaint would be able to do so more easily. Agreement had been obtained from the executive authorities for a new headquarters for CNDH, as the current premises were inadequate for it to be able to work properly. CNDH was financially autonomous, as provided for in the legislation. However, as things stood, the allocated budget was far from sufficient. The Commission had great difficulties in carrying out its activities and was severely hampered by its limited financial resources.<sup>18</sup>

15. CNDH noted that the Commission had enjoyed greater visibility since the new CNDH team had been officially installed. It had unrestricted access to State media for its press releases and coverage of its activities throughout the country. However, much remained to be done to promote and protect human rights in Djibouti, particularly in terms of training and raising public awareness. CNDH has worked with the Ministries of Education and Higher Education to develop training modules for teachers, with the aim of having a positive impact on society from the primary school level onwards, by disseminating knowledge of human rights. At university level, CNDH has recommended that a specific human rights programme be introduced in the Faculty of Law.<sup>19</sup>

16. MENA Rights noted that the enabling legislation for CNDH still contains serious shortcomings, notably concerning executive control over the process for the appointment of members, who are still appointed by the executive authorities. Furthermore, some of the positions that CNDH had adopted had raised doubts as to its independence. On 16 March 2023, CNDH had issued a press release criticizing the actions of the International Federation for Human Rights (FIDH) after two members of an evaluation mission looking at the situation of human rights defenders, led by the FIDH-World Organisation Against Torture Observatory in Djibouti, had been expelled and thrown out of the country.<sup>20</sup>

17. MENA Rights recommended taking all necessary measures, including legislative ones, to ensure that CNDH was in compliance with the Paris Principles, and the steps needed to ensure that both it and the Office of the Ombudsman produce their annual reports in accordance with the Paris Principles.<sup>21</sup>

18. The UPR Project at BCU noted that, unlike other countries in the region, Djibouti, lacks a National Action Plan (NAP) to deal with CEFM. The adoption of a NAP can provide an integrated vision and clear direction to all sectors, at various levels, involved in addressing CEFM in Djibouti. The NAP should identify clear national goals, objectives, strategies and key interventions across different sectors in order to help Djibouti adopt an incremental approach to the elimination of the practice. Furthermore, a NAP will ensure effective coordination of the various initiatives to end child marriage. There is an increased need for collaboration, learning, and sharing of best practices amongst the different actors involved in preventing and responding to CEFM. This includes government, parliament, media, civil society, development partners and the private sector. It recommended to establish a National Action Plan to End Child Marriage in Djibouti. This includes regular monitoring and tracking of progress against targets set under the Plan.<sup>22</sup>

## C. Promotion and protection of human rights

### 1. Implementation of international human rights obligations, taking into account applicable international humanitarian law

#### *Right to life, liberty and security of person, and freedom from torture*

19. MENA Rights and the Ligue Djiboutienne des Droits Humains (Djiboutian League for Human Rights) (LDDH) noted reports of several violations of the right to life since the previous review, mostly involving people who died in custody. LDDH also highlighted a case of the extrajudicial execution of a shepherd following interventions by law enforcement agencies, specifically during a sweep operation by the army in the hinterland of Obock district.<sup>23</sup>

20. JS 2 highlighted a case of the execution by uniformed police officers in Balbala on 1 August 2021 of a woman and her husband because of their ethnicity. The victims were allegedly shot at close range by uniformed police officers. Another case of violation of the right to life concerns the murder of a mother of four children by the Djiboutian army on 29 March 2022 in Ali Sabieh, during the distribution of food by a humanitarian non-governmental organization. Several Afar women, who wish to remain anonymous, have allegedly been raped in the suburb of Balbala.<sup>24</sup>

21. The African Commission on Human and Peoples' Rights (ACHPR) has stressed that it has closely followed the events that took place on Sunday 1 August 2021 in certain parts of the Djiboutian capital, namely the clashes between the Afar people and the other main ethnic group in Djibouti, the Issa, which, according to the judicial authorities, led to at least three deaths. While welcoming the prompt intervention by the Djiboutian police, who restored calm in the immediate aftermath of the tragedy, the Commission strongly condemned these acts of violence, which not only endangered the lives of a section of the Djiboutian population, but also undermined certain achievements in the protection of human rights in the country, namely the principles of non-discrimination on the basis of ethnicity, non-use of violence, respect for the physical integrity of persons, respect for human life and respect for property rights.<sup>25</sup>

22. ACHPR urged all parties involved to show restraint and to favour dialogue, with a view to the peaceful resolution of any kind of conflict between them, in order to prevent innocent populations from falling victim to violence and other acts in flagrant violation of the rights guaranteed in the African Charter on Human and Peoples' Rights, to which Djibouti has been a party since 11 November 1991. ACHPR noted with interest the Government's announcement that it would take the necessary measures to restore calm to the country's capital, and to bring the alleged perpetrators of the disturbance to justice.<sup>26</sup>

23. CNDH stressed that it carried out visits to places of detention and had observed that the separation of men, women and minors was scrupulously respected. CNDH had also observed that there was no climate of tension or violence between inmates and prison guards. There had been no reports of inhuman, cruel or degrading treatment of prisoners.<sup>27</sup>

24. CNDH noted, however, that there was a need to separate remand prisoners from convicted prisoners. The Ministry of Justice was to continue its efforts to reduce the duration of pretrial detention. CNDH recommended that, in order to reduce overcrowding at Gabode Central Prison, a new prison should be built and measures to promote prisoner rehabilitation should be stepped up.<sup>28</sup>

#### *International humanitarian law*

25. JS 2 noted that, for more than 30 years, the Djiboutian army had subjected villagers in the North and South-West of the country to all kinds of violence, with total impunity and to general indifference. The armed opposition is active in those areas, and the army makes regular incursions, conducts patrols and carries out sweep operations, the main victims of which are civilians, particularly women suspected of sympathizing with or having family links to the Front pour la Restauration de l'Unité et la Démocratie (FRUD). These serious

human rights violations are committed in a military context of the reprisals that follow every clash between FRUD and the Djiboutian army.<sup>29</sup>

26. JS 2 pointed out that damning testimonies gathered by the Comité des Femmes Djiboutiennes contre les Viols et l'Impunité (Committee of Djiboutian Women against Rape and Impunity) (COFEDVI) and Femmes Solidaires attested to the rape of Afar women by the army. The recognition of rape as a war crime and its prosecution remained the key demands of victims and organizations such as COFEDVI and Femmes Solidaires. COFEDVI recommended an end to the impunity for soldiers who commit rape, which encourages repeat offences in the North and South-West of the country.<sup>30</sup>

27. JS 2 noted that the security forces systematically used torture against civilians under arrest (Afar civilians, family members of FRUD fighters (wives, sisters, mothers), demonstrators, political activists, trade unionists, bloggers and human rights defenders). The torture of civilians was practised with impunity in the military barracks in Tadjourah district during frequent sweep operations by the Djiboutian army. The victims were either suspected of sympathizing with FRUD, were related to members of FRUD, or were members of the Afar community. They could be held for several months without any recourse.<sup>31</sup>

#### *Human rights and counter-terrorism*

28. JS 2 deplored the consequences of the Anti-Terrorism Act of 13 October 2022 on women in the North and South-West of the country. The Act, under which FRUD was declared a terrorist organization, had terrible consequences for villagers, and particularly Afar women in the North and South-West of the country. It enabled the Djiboutian army to target women suspected of being related to FRUD fighters and to terrorize the civilian population. In particular, the Act allowed the authorities to crack down on women, "legally" and brutally, and, since the promulgation of the Act, around thirty women had been arbitrarily detained in barracks, beaten and brutalized.<sup>32</sup>

29. JS 2 pointed out that, in October and November 2022, following the clashes between FRUD and the Djiboutian army on 6 and 7 October 2021, a campaign of reprisals had been unleashed against Afar civilians in Garabtisan, Syarou and Hilou. Seven persons, including some traditional chiefs, had been tortured and imprisoned since 11 October 2022.<sup>33</sup>

#### *Administration of justice, including impunity, and the rule of law*

30. JS 1 recommended to immediately and impartially investigate all instances of extrajudicial killing and excessive force committed by security forces in the context of protests and to provide recourse to judicial review and effective remedy, including compensation, in cases of unlawful denial of the right to freedom of peaceful assembly by state authorities.<sup>34</sup>

31. JS 2 recommended that the international investigation called for in the European Parliament resolution of 12 May 2016 into violence against women and the rape of Afar women by government soldiers should be accepted.<sup>35</sup>

32. JS 2 recommended ensuring that all allegations of torture and ill-treatment made by NGOs are investigated impartially and thoroughly, and that the perpetrators are convicted. JS 2 also recommended that Djibouti step up its efforts to provide victims of torture and ill-treatment with redress, in the form of fair and adequate compensation, on the basis of a clear definition of torture in line with article 1 of the Convention.<sup>36</sup> JS 2 also recommended that investigations be conducted into the human rights violations in the North and South-West regions.<sup>37</sup>

33. HRF recommended to create a mechanism of judicial control over the detention powers of the *Service de Documentation et Sécurité* (SDS) and investigate the agency's abusive detention practices.<sup>38</sup>

34. CNDH noted with interest that the National School of Judicial Studies had been established to train members of the legal service and court officers, specifically lawyers, notaries, bailiffs and senior law enforcement officials. It welcomed the establishment in 2020 of courts of first instance and a personal status court in Dikhil and Obock regions. CNDH also welcomed the establishment of the court of first instance, the personal status court and

the court of appeal in Balbala. CNDH recommended, however, that the Government should translate these welcome initiatives into action.<sup>39</sup>

*Fundamental freedoms and the right to participate in public and political life*

35. The European Centre for Law and Justice (ECLJ) noted that Article 1 of the Constitution of Djibouti establishes Islam as the “Religion of the State.” Additionally, under Article 11, every person has the right to the freedom of thought, of conscience, of religion, of worship and of opinion in line with the order established by the law and the regulations. While Djibouti maintains civil courts for non-Muslims, the laws and policies are influenced by Sharia law. Therefore, proselytization by non-Muslim groups is illegal and those who publicly share their religion with others can be arrested. In fact, simply giving someone a Bible or even telling a Muslim about the Christian faith can be interpreted as proselytizing. Clearly, the law restricts the ability of Christians to publicly manifest their religion. ECLJ recommended that Djibouti ensure that its laws are in line with its Constitution and the ICCPR. To do this, Djibouti must remove the ban on public proselytization. It is imperative that the government protect the rights of its citizens to practice their religion openly and freely according to the dictates of their faith.<sup>40</sup>

36. MENA Rights pointed out that the Criminal Code contained several provisions that could impact on the exercise of the right to freedom of expression, including provisions relating to public insult, public defamation, slanderous denunciation and invasion of privacy. MENA Rights also noted that persons suspected of being affiliated with foreign-based opposition media are also subject to pressure from the authorities. MENA Rights recommended putting an end to the intimidation, harassment, arrest and prosecution of anyone peacefully exercising their right to freedom of expression, and introducing a new law on associations to reflect recent developments in the establishment of groups and associations, and adopting a declaratory regime for their registration.<sup>41</sup>

37. JS 1 noted that there are no specific laws for the protection of HRDs in Djibouti. HRDs, civil society activists and journalists operate within severely confined boundaries and are subjected to numerous threats and obstacles. In several instances HRDs, activists and journalists faced harassment, attacks, and reprisals for undertaking their legitimate work. For instance, on 15 April 2018, agents from the Information and Security Service (SDS) briefly detained Kadar Abdi Ibrahim and confiscated his passport without giving any justification for their actions. This incident followed Kadar’s return from Geneva, where he participated in advocacy activities and events ahead of Djibouti’s UPR session. Since then, Kadar has been unable to leave the country.<sup>42</sup>

38. MENA Rights recommended putting an end to reprisals against human rights defenders working in cooperation with United Nations mechanisms.<sup>43</sup>

39. JS 1 informed that, on 13 March 2023, the Vice-President of the International Federation for Human Rights (FIDH), was detained at his hotel after being followed and trailed by the Djibouti Security and Documentation Service. He was then deported to Ethiopia. On 11 March 2023, a FIDH programme officer was also denied entry by Djibouti security and immigration personnel without any explanation, despite having a valid visa. JS 1 recommended to provide civil society members, HRDs and journalists with a safe and secure environment in which to carry out their work, conduct impartial, thorough, and effective investigations into all cases of attacks, harassment, and intimidation against them and bring the perpetrators of such offences to justice. JS 1 also recommended to ensure that HRDs can carry out their legitimate activities without fear or undue hindrance, obstruction, or legal and administrative harassment.<sup>44</sup>

40. JS 2 noted with concern that the Djiboutian authorities were harassing, intimidating and repressing human rights activists in order to prevent any disclosure of information relating to human rights violations. In the districts of Tadjourah, Obock, Dikhil and Ali Sabieh, anyone suspected of having passed on information about military abuses or the rape of women was arrested and tortured. Hence there was only sparse information from those regions. Many cases of arrests and kidnappings of civilians had not been made public.<sup>45</sup>

41. HRF recommended to unconditionally release all prisoners of conscience and end systematic violations of due process, including arrests without a warrant, arbitrary detention,

and deprivation of legal counsel. It also recommended to guarantee humane treatment for detainees and provide prisoners with adequate living conditions.<sup>46</sup>

42. MENA Rights pointed out that, during the previous universal periodic review, Djibouti had made a commitment to allow civil society, the media and opposition parties to participate more freely in the political process, and to abolish the strict criteria imposed on members of political parties under article 4 of the Political Parties Act. Although, technically, Djibouti has a multiparty political system, parties had to register with the Government to be able to operate legally. The authorities had refused to recognize several opposition parties; their members were periodically harassed, arrested and prosecuted, and their offices were raided by the police. The activities of opposition political parties had been severely hampered by the authorities, and numerous arbitrary arrests had been reported. MENA Rights recommended: (i) Allowing civil society, the media and opposition parties to participate more freely in the political process; and (ii) Stopping the intimidation, harassment, arrest and prosecution of anyone peacefully exercising their right to freedom of expression.<sup>47</sup>

*Prohibition of all forms of slavery, including trafficking in persons*

43. The European Centre for Law and Justice (ECLJ) noted that Djibouti's location in the Horn of Africa makes it a crucial transit country for human trafficking in the region. In particular, "Djibouti is a country of origin, a waypoint and a destination market for children, men and women trafficked for sexual and labour exploitation." Djibouti is not doing enough to combat human trafficking and provide aid and resources for the victims. It stressed that Djibouti must allocate resources and training so that authorities can adequately identify victims of human trafficking, provide them with aid, and prosecute the traffickers. Furthermore, because corruption also plays a role in human trafficking, the government must be committed to aggressively prosecuting authorities who are complicit and allowing this crime to continue unabated.<sup>48</sup>

*Right to work and to just and favourable conditions of work*

44. JS 2 and LDDH stated that, since 2018, attacks on trade union freedoms have only increased. None of the grassroots unions affiliated to the UDT/UGTD trade union federation had the basic right to hold a general meeting or congress of their respective union. They were hindered in all their statutory activities and were under threat of unfair dismissal if they dared to protest. All the grassroots trade unions and their federations (UDT/UGTD) had been cloned, despite the recommendations made by the International Labour Organization in that regard. As part of the antisocial repression of recent years, the leaders of the DLS Staff Union in the Port had been dismissed and imprisoned.<sup>49</sup> JS 1 recommended to guarantee the effective and independent functioning of autonomous trade unions by removing proscriptions on the formulation of independent labour unions and undue limitations on the right to strike.<sup>50</sup>

*Right to health*

45. The UPR Project at BCU noted that the deleterious impact of COVID-19 amplified and compounded gender norms that hinder girls' school attendance, risk of child marriage, early pregnancy, gender-based violence, sexual exploitation, and child labour. It recommended to adopt a COVID-19 response strategy that extends beyond health and prioritises the prevention and elimination of CEFM, paying particular attention to the impact of COVID-19 on vulnerable adolescents, girls, and women.<sup>51</sup>

*Right to education*

46. Broken Chalk noted that poverty was the leading cause of low or non-enrolment of students in schools, it has also been the reason for social problems, legal-status issues, disability, and sociocultural issues, including child labour. Less than 50% of the population can read and write. Non-compulsory preschool education, lack of services for disabled children, and lack of birth certificates have majorly affected most students' procession for higher education. In Djibouti, there is a high rate of low-quality teachers. Most training schools produce low numbers of teachers resulting in low recruitment of trained personnel. Most teachers' training institutions need more skilled facilities/equipment. In this context, females are under-represented in almost all levels of education. This is mainly caused by the

cultural beliefs among communities in Djibouti where the girl's priorities are undermined, unlike the boys. Early marriages and teen pregnancies are among other leading factors undermining the right to education in Djibouti.<sup>52</sup>

47. Broken Chalk also noted that Djibouti has yet to develop a sector-specific ICT for education policy in high schools. In connection with the lack of functional materials in most schools, this has been a challenge primarily experienced in the Djibouti educational system. However, ICT has also been recognised as a critical tool in modernising the academic state in Djibouti tertiary education. It stressed that educational institutions in Djibouti need higher levels of funding. Annual records have identified this as an urgent matter, as most educational institutions need modern equipment that corresponds to the latest achievements of science.<sup>53</sup>

## 2. Rights of specific persons or groups

### *Women*

48. JS 2 noted that, according to the law in Djibouti, a man received two shares of an inheritance but a woman only one share. This rule, which was based on sharia law, was anachronistic in the light of modern law and its standards. This generalized inequality and injustice was accentuated by the fact that, in the absence of a male heir, a large share of the inheritance would go to the deceased's brothers or cousins, to the detriment of any daughters. Thus, a woman, even if she was her father's only child, could not inherit his entire estate on her own. JS 2 recommended the effective application of the Convention on the Elimination of Discrimination against Women, ratified by Djibouti on 2 December 1998.<sup>54</sup>

49. ECLJ noted that, despite being illegal, the practice of FGM remains prevalent because it is a tradition of the majority of the ethnic groups in the country. In Djibouti, 71% of girls and women between the ages of fifteen and forty-nine have undergone FGM. Furthermore, legislation is hard to enforce particularly in more rural areas as this practice is deeply rooted in mentalities for generations. However, evidence shows that, even though it is challenging to implement the laws, Djibouti's efforts to stop the practice of FGM are working. ECLJ was encouraged by the efforts Djibouti has undertaken to put an end to FGM. Even though the rates remain high, it had begun to see a decline in these rates as the government was working within communities to educate them on the dangers of this harmful tradition. ECLJ encouraged Djibouti to continue these efforts.<sup>55</sup>

### *Children*

50. The Global Partnership to End Violence Against Children noted that, in Djibouti, corporal punishment of children is lawful, despite recommendations to prohibit it by the Committee on the Rights of the Child, other human rights treaty bodies, and during the 3<sup>rd</sup> cycle UPR of Djibouti in 2018. Prohibition is still to be achieved in the home, alternative care settings, day care, penal institutions and possibly schools. Article 475 of the Civil Code 2018 refers to parents' "right of education over the child". It recommended that this provision should be amended to provide clarity in law that no form of corporal punishment is acceptable in childrearing, and prohibition should be enacted on all corporal punishment by parents and others with children in their care.<sup>56</sup>

51. The UPR Project at Birmingham City University (BCU) noted that Article 13 of Djibouti's Family Code 2002 establishes the minimum legal age of marriage at 18 years old. However, under Article 14, marriage below the age of 18 is allowed subject to guardian consent or, failing that, the authorisation of a judge. 5% of girls in Djibouti are married before reaching the age of 18, and 1% before the age of 15. CEFM is more prevalent in rural parts of the country and districts outside the capital. The UPR Project at BCU recommended to repeal Article 14 of the 2002 Family Code which permits marriage below the age of 18 subject to the consent of a guardian and to adopt policy that clearly defines marriage as a union between two consenting adults and prohibits CEFM without exception, in line with Article 16 CEDAW. It also recommended to conduct, in consultation with relevant stakeholders, awareness raising and education programmes aimed at addressing the negative implications of CEFM and how to effectively address the issue. These should be targeted at community and religious leaders.<sup>57</sup>

## Notes

<sup>1</sup> A/HRC/39/10, A/HRC/39/10/Add.1, and A/HRC/39/2.

<sup>2</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org) (one asterisk denotes a national human rights institution with A status).

*Civil society**Individual submissions:*

Broken Chalk	The Stitching Broken Chalk, Amsterdam, Netherlands;
CGNK	Center for Global Nonkilling, Geneva, Switzerland;
ECLJ	The European Centre for Law and Justice, Strasbourg, France;
End Violence	Global Partnership to End Violence Against Children, New York, United States of America;
H.R.F	Human Rights Foundation, New York, United States of America;
ICAN	International Campaign to Abolish Nuclear Weapons, Geneva, Switzerland;
LDDH	Ligue Djiboutienne des Droits Humains, Djibouti, Djibouti;
MENA Rights	MENA Rights Group, Geneva, Switzerland;
UPR BCU	Birmingham City University's Centre for Human Rights, Birmingham, United Kingdom of Great Britain and Northern Ireland.

*Joint submissions:*

JS1	Joint submission 1 submitted by: CIVICUS: World Alliance for Citizen Participation and DefendDefenders (East and Horn of Africa Human Rights Defenders Project), Johannesburg, South Africa;
JS2	Joint submission 2 submitted by: Comité des Femmes Djiboutiennes contre les Viols et l'Impunité (COFEDVI) et Femmes solidaires, Paris, France.

*National human rights institution:*

CNDH	Commission Nationale des droits de l'homme, Djibouti, Djibouti.
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*Regional intergovernmental organization:*

AU-ACHPR	African Commission on Human and Peoples' Rights, Banjul, The Gambia
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<sup>3</sup> The following abbreviations are used in UPR documents:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance

- 4 The Center for Global Nonkilling, p. 3.
- 5 CNDH, p1, MENA Rights, p. 1, The Center for Global Nonkilling, p. 3, the Human Rights Foundation, p. 14–15.
- 6 CNDH, p. 1.
- 7 MENA Rights, p. 1.
- 8 JS1, para 6.5., MENA Rights, p. 2.
- 9 JS1, para. 6.5.
- 10 JS 2, p. 10.
- 11 The International Campaign to Abolish nuclear weapons, p. 1.
- 12 JS 2, p. 10.
- 13 JS 1, para. 6.4.
- 14 JS1, para. 6.3.
- 15 Human Rights Foundation, p. 14.
- 16 MENA Rights, p. 10.
- 17 The UPR Project at Birmingham City University, p. 7.
- 18 CNDH, p. 7.
- 19 Ibid.
- 20 MENA Rights, p. 3.
- 21 MENA Rights, p. 3.
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