



International Covenant on Civil and Political Rights

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Human Rights Committee

Concluding observations on the initial report of Djibouti

Addendum

Information received from Djibouti on follow-up to the concluding observations*

[Date received: 8 November 2015]

Paragraph 10

1. Domestic violence does not fall under a specific legal regime; it is considered in the same manner as all other forms of violence, which are severely punished under criminal law. However, the State party is paying special attention to the issue owing to the invisible, even taboo, nature of such violence. It has taken and is continuing to take numerous measures aimed at reducing and ultimately eliminating this serious violation of women's rights. The State party has prioritized preventive measures, conducting several awareness-raising campaigns through various media and communication channels (such as radio and television broadcasts, discussion sessions, advertisements and posters).

2. The message conveyed by the different campaigns is simple and straightforward: "Silence is guilt". The main aim is to break down the taboos surrounding this issue. It is only once domestic violence has been reported and made generally known that prosecutions can be brought.

3. In an effort to support victims of domestic violence, the Government and civil society in 2007 established an information, guidance and counselling centre for women and girl victims of violence within the country's oldest and largest NGO, the National Union of Djiboutian Women. This centre is run by a group of professionals who, within their own individual specialist areas, provide psychological, medical and, most importantly, legal assistance.

4. More and more women, who are better aware of their rights following the various awareness-raising campaigns, are approaching the centre. For example, during 2013 the centre dealt with 256 cases involving domestic violence, rape, sexual abuse, non-payment of child maintenance, psychological abuse and verbal abuse. The vast majority of these cases were brought before the courts.

* The present document is being issued without formal editing.



5. We would also like to inform the Human Rights Committee that the State party has developed a guide on responding to gender-based violence. This document serves as a legal, information and guidance tool for both women and men who have been victims of violence. It is also an extremely important educational tool, which helps women to lodge a complaint and gain access to justice.

6. With the same aim of protecting women and girls who are victims of gender-based violence, the State party drafted and published a guide on sexual violence in 2011. This guide is a tool that raises awareness of, and safeguards and protects, the rights of vulnerable persons and victims of sexual violence. It provides answers to commonly asked questions. It describes the actions to be taken and the various stages of judicial proceedings.

7. These numerous activities are starting to yield results, and women are increasingly prepared to defend their rights before the courts.

8. In an effort to consolidate the progress made in combating gender-based violence, the Government intends to:

- Submit a bill establishing criminal sanctions for domestic violence in all its forms at the next parliamentary session in October 2015;
- Strengthen the Government's existing policy on violence by placing greater emphasis on awareness-raising activities;
- Provide training to the various authorities (such as police, gendarmes and judges) responsible for applying the existing legislative framework;
- Put in place programmes to provide legal, social and psychological support to victims of violence.

Paragraph 11

9. The State party once more firmly refutes the allegations of torture and ill-treatment unfairly made against it, as evidenced by the fact that places of detention are open to all stakeholders working with us on a number of programmes to promote and protect human rights.

10. The State party regularly invites multilateral partners (the African Commission on Human and Peoples' Rights, the International Committee of the Red Cross, United Nations agencies) and bilateral partners such as the United States of America to carry out visits to places of detention in complete independence and transparency.

11. The last visit was conducted by the African Commission on Human and Peoples' Rights from 25 May to 1 June 2015. Its observations contradict the allegations of torture and violence in places of detention (report to be attached).

12. Ruling on cases of torture, the African Commission on Human and Peoples' Rights found in favour of the State party and rejected the false accusations levelled against it by the complainant, Mr. Assad.

13. At national level, the National Human Rights Commission is carrying out annual visits to the main prison in Gabode and to police stations and gendarmeries so that it can produce reports containing recommendations to the Government.

14. The Act concerning the establishment, organization and functioning of the National Human Rights Commission of 20 July 2014 has strengthened the status of the Commission.

Article 11 of the Act: The Commission may receive complaints and investigate violations of human rights; conduct regular announced or unannounced visits to all places of detention and draw up recommendations for the competent authorities with a view to improving the treatment and situation of persons deprived of liberty; prevent torture and other cruel, inhuman or degrading treatment and punishment in accordance with existing international, regional and national standards; take measures against rape and gender-based violence; report cases of human rights violations to the public prosecution service; and provide or facilitate legal assistance to victims of human rights violations, in particular women, children and other vulnerable persons.

15. The State party intends to ratify the Istanbul Protocol at the forthcoming session of the National Assembly in October 2015 and incorporate it into training courses and awareness-raising programmes for the police on the conduct of investigations and all other legal proceedings.

Paragraph 12

16. After two years of challenges from the opposition following the legislative elections of February 2013, the Government and the opposition signed a framework agreement in December 2014, with the aim of settling their immediate differences and working together to create an environment conducive to pluralist and peaceful democracy.

17. The two parties have started to implement the commitments they each made. The opposition has taken up its seats in the National Assembly, which it had refused to do. The Government, for its part, has granted amnesty to three members of the opposition who were deprived of their civic and political rights following a court conviction. The Government has also reinstated the dissenting State officials, who were found responsible for carrying out acts likely to obstruct the smooth functioning of the public administration.

18. As part of the implementation of the framework agreement, the two parties have established a joint parliamentary commission responsible for carrying out reforms aimed at consolidating civil and political rights in the country.

19. The following reforms have been defined as priorities:

- Reform of the existing Independent National Electoral Commission into a joint independent national electoral commission;
- Adoption of a statute on the political opposition;
- Reform of the Communication Act adopted in 1992;
- Increased decentralization;
- Consolidation and strengthening of national mechanisms to regulate and uphold human rights and civil liberties.

20. All these reforms will be brought into effect through a series of legislative texts that are to be discussed and, as appropriate, voted on by members of parliament at the next session which, as mentioned above, is due to convene in October 2015.

21. Amendment of the Communication Act is at the heart of the reforms envisaged by the Government and the opposition. Any provisions that are in conflict with our international commitments or which could hinder the exercise of freedom of expression will therefore be repealed following implementation of the reforms.

22. As to the imprisonment of journalists, we wish to firmly state once more that the Republic of Djibouti has never detained journalists, who are free to exercise their right to freedom of expression as set out in the Constitution.

23. Accordingly, our country has no political prisoners or prisoners of conscience at present.

24. The activists mentioned in the recommendations, including members of civil society, human rights defenders, journalists and trade unionists, are receiving additional protection. Like other citizens, they have the right to defend themselves before the courts in the event that they are harassed or threatened in the exercise of their profession.

25. It is important to note that the State party has already introduced a bill aimed at establishing a national communications commission, which is in the process of being adopted by parliament. This independent commission will be tasked with enforcing the law with regard to freedom of the press and the right to information.

26. The commission will ensure the independence and freedom of information and communication and will be responsible for ethical standards within the profession.
