

International Disability Alliance (IDA)

Member Organisations:

Disabled Peoples' International, Down Syndrome International, Inclusion International,
International Federation of Hard of Hearing People,
World Blind Union, World Federation of the Deaf,
World Federation of the DeafBlind,
World Network of Users and Survivors of Psychiatry,
Arab Organization of Disabled People, European Disability Forum,
Red Latinoamericana de Organizaciones no Gubernamentales de Personas con
Discapacidad y sus familias (RIADIS), Pacific Disability Forum

Suggestions for disability-relevant recommendations to be included in the Concluding Observations CEDAW Committee 49th Session (11-29 July 2011)

The International Disability Alliance (IDA) has prepared the following suggestions for the Concluding Observations, based on references to persons with disabilities to be found in the State Report, List of Issues, and Replies.

DJIBOUTI

Djibouti has not ratified the Convention on the Rights of Persons with Disabilities.

References to persons with disabilities in the state report, list of issues and replies:

State Report

83. The Republic of Djibouti is a party to numerous international and regional human rights instruments that also guarantee the rights of women.

At the international level, the Republic of Djibouti has ratified:

...**The Convention on the Rights of Persons with Disabilities** (2009);

118. The Djiboutian people and vulnerable groups in particular, such as women, children, refugees, the elderly and **persons living with disability**, will benefit indirectly from this support programme.

140. Djibouti's national legislation in fact contains a definition corresponding to that in article 1 of the Convention. Article 390 of the Criminal Code provides: "Any distinction among individuals based on their origin, sex, family status, state of health, **disability**, customs, political opinions, trade-union activities or affiliation or non-affiliation, whether actual or assumed, with a specific ethnic group, nation, race or religion shall constitute discrimination. Any distinction among legal persons based on origin, sex, family status ... shall also constitute discrimination."

158. The National Pension Fund Act of 28 October 1992, for example, provides in article 52 that: "The surviving husband of a civil servant may claim her pension, if it is proven that, at the time of his wife's death, the interested party had a **disability** or an incurable illness that rendered him permanently incapacitated for work."

159. The surviving husband of a civil servant is consequently required to fulfil certain conditions in order to claim her pension, whereas a wife automatically benefits without having to prove an illness or **disability** in order to receive her deceased husband's retirement pension.

232. Pursuant to article 1 of this Act, a human being is defined as any person susceptible to trafficking owing to vulnerability relating to age (a child under 18 years), sex (female) or a **physical and/or mental condition (disabled)**.

395. The Framework Health Policy Act No. 48/AN/99/4th L of 3 July 1999 recognizes the right to health for all and adopts the principle of solidarity and equality with respect to access to and cost of health care. On the basis of this principle, a contribution treating all citizens fairly is required. It is nonetheless incumbent on the State to give priority assistance to children, mothers, **disabled persons**, highly vulnerable groups and victims of natural disaster.

511. In the field of sports, the policy is aimed, inter alia, at developing the sports infrastructures for sport for all, school and university sport, women's sport, traditional sport and **disability sport**.

List of Issues

4. Le rapport indique qu'un nouveau recensement général de la population est actuellement en cours et que les premiers résultats sont attendus courant 2010 (ibid., par. 17). Veuillez fournir des données ventilées par sexe illustrant la situation des femmes, y compris celle des femmes âgées, des femmes vivant en milieu rural, **des handicapés**, des réfugiées et des migrantes, dans tous les domaines sur lesquels porte la Convention.

14. Sachant que les femmes et les enfants, notamment s'ils sont migrants ou **handicapés**, risquent plus que les autres d'être victimes de la traite à des fins d'exploitation sexuelle ou de travail forcé, veuillez fournir des renseignements sur les mesures prises pour prévenir la traite des femmes et des enfants, soustraire les victimes de cette traite à la prostitution et au travail forcé et leur assurer une assistance juridique, médicale, psychologique et sociale afin de faciliter leur réhabilitation et leur réinsertion au sein de leur communauté, notamment en leur offrant d'autres moyens de subsistance.

17. Veuillez détailler la teneur et les effets des mesures, y compris des mesures temporaires spéciales, adoptées pour atteindre les objectifs suivants :

e) Assurer aux **jeunes handicapés** un meilleur accès à l'éducation;

Femmes et filles handicapées

26. Le paragraphe 197 du rapport fait référence à des mesures spéciales prises par l'État partie pour accroître l'accès des couches défavorisées et vulnérables (femmes et jeunes filles) à des services répondant à leurs besoins prioritaires en matière de santé, d'éducation et de protection sociale, ainsi qu'au microcrédit. Veuillez décrire ces mesures et préciser si elles s'appliquent aux **femmes et aux filles handicapées** et si elles englobent une éducation à la santé et aux droits en matière de sexualité ainsi que la fourniture aux **femmes et filles handicapées** d'une information accessible et adaptée à l'âge de ses destinataires.

Replies

Question 4: The report states that a new general population census is currently in progress and that the first results are expected in 2010 (ibid., para. 17). Please provide sex-disaggregated data reflecting the situation of women, including older women, rural women, **women with disabilities** and refugee and migrant women, in all relevant areas covered by the Convention.

The data requested is detailed data on which the Department of Statistics and Demographic Studies (DISED) is currently working. It will be available in February 2011.

Question 14: Bearing in mind that women and children, including migrants and **women and children with disabilities**, are specifically vulnerable to becoming victims of trafficking for purposes of sexual exploitation and forced labour, please provide information on the measures taken to prevent trafficking in women and children, remove them from prostitution and forced labour and provide them with legal, medical, psychological and social assistance to rehabilitate and reintegrate them into their communities, including by providing them with alternative income opportunities.

..That plan of action will be based primarily on the suggestions and recommendations made at the various workshops mentioned above. Those recommendations will focus on the following:

- Legislation: to supplement and clarify existing legislation, outreach and awareness, and to harmonize the bodies of domestic law of the countries in the subregion
 - Strengthening of human and material resources: creation of a unit within the Ministry of Justice tasked with identifying the victims of trafficking, creation of a system for victim identification, information centralization, prevention and identification
- Establishment of a victim assistance centre: creation of an intake centre, support for self-sufficiency, and repatriation to victims' countries of origin

Question 17: Please elaborate on the nature and the impact of measures, including temporary special measures, taken to:

*(e) Enhance educational opportunities for **girls with disabilities**;*

As regards **girls with disabilities** in particular, educational structures have been established for children with special needs, which structures are to be expanded to all regions of the country once the resource challenges, both financial and human, have been resolved.

Recommendations from IDA

- Collect adequate data on women and girls with disabilities and use disaggregated data and results of studies to develop policies and programmes to promote equal opportunities for them in society.
- Adopt measures to ensure that women with disabilities are consulted and participate in leadership roles in policy development.
- Raise awareness and provide more information about women and girls with disabilities, who are often subjected to multiple forms of discrimination, especially with regard to access to education, employment, access to health care, social protection and elimination of violence.
- Address the heightened risk for girls and women with disabilities of becoming victims of human trafficking, and domestic violence and abuse, and adopt urgent measures to ensure that both services and information for victims are made accessible to women and girls with disabilities living in institutions and the community.
- Introduce measures to ensure that all children with disabilities, can live and be raised in family environments in the community by increasing support to families of children with disabilities.
- Adopt measures to ensure that all health care and services, provided to persons with disabilities, including all mental health care and services, is based on the free and informed consent of the person concerned, and that involuntary treatment and confinement are not permitted by law in accordance with the latest international standards.
- Adopt measures to ensure that all information, healthcare and services relating to sexual and reproductive health are made accessible to women and girls with disabilities, and that they

are respectful of the dignity and integrity of persons with disabilities based on the free and informed consent of the individual concerned, and that consensual treatment such as the administration of contraception, or fertility treatments are not denied, while all non-consensual treatment, including that for which consent is given by a third party, is not permitted by law (including *inter alia* forced abortions, forced contraception, and forced sterilisation).

- Adopt measures in the law to ensure the implementation of inclusive education of children with disabilities, such as the obligatory training of all teachers (beyond special education teachers), to require individual education plans for all students, ensure the availability of assistive devices and support in classrooms, educational materials and curricula, ensure the accessibility of physical school environments, encourage the teaching of sign language and disability culture, allocate budget for all of the above.
- Accede to the Convention on the Rights of Persons with Disabilities and its Optional Protocol.