

Djibouti

The Government of Djibouti initiated efforts to combat child trafficking. Despite these efforts, Djibouti lacks laws defining hazardous labor and has not allocated resources to address the worst forms of child labor. Children in Djibouti remain in the worst forms of child labor, including domestic service.

Statistics on Working Children and School Attendance

| Children | Percent |
|---------------------------|-------------|
| Working | Unavailable |
| Attending School | Unavailable |
| Combining Work and School | Unavailable |



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Djibouti are exploited in the worst forms of child labor,¹⁴²⁷ including a large number in domestic service.¹⁴²⁸ Child domestic labor may involve long hours of work, while often exposing children to physical and sexual exploitation by their employer. The majority of the Djiboutian population (87 percent) is found in urban areas and in cities where there are children living and working in the streets, including migrant children from Ethiopia, Somalia, and other countries.¹⁴²⁹ Some children engage in begging, counterfeiting, prostitution, and dealing drugs (including glue, pills, marijuana, and the legal drug *qat*).¹⁴³⁰ On the streets, these children are vulnerable to sexually transmitted diseases and HIV/AIDS, and they are exposed to dangers, injuries, and accidents; physical abuse; and economic and sexual exploitation.¹⁴³¹

Rural children in Djibouti care for and herd livestock.¹⁴³²

A small number of girls from poor Djiboutian families, refugees, and voluntary Ethiopian and Somali migrants passing through Djibouti en route to the Middle East are trafficked into prostitution in Djibouti City and along trucking routes on the Ethiopia-Djibouti corridor, often by older children or by women who promise jobs as housekeepers.¹⁴³³ Girls may also be trafficked for domestic service.¹⁴³⁴

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code (Loi n°133/AN/05/5ème L, Republic of Djibouti 2006) sets the minimum age for employment and apprenticeships in Djibouti at 16, and the minimum age for night work at 18.¹⁴³⁵ While the law prohibits children under age 18 from working in certain sectors, including domestic service, it does not define hazardous work or establish a minimum age for hazardous work. Additionally, the government has not developed a list of hazardous occupations.¹⁴³⁶

The law limits the number of consecutive hours children can work. However, the National Council of Work, Labor, and Vocational Training has the authority to exempt a young person from the 12 consecutive hours of rest between shifts required by law, and from restrictions on night work.¹⁴³⁷

The Labor Code prohibits forced and bonded labor and prohibits the use of children in the transportation and sale of drugs; work in bars and hotels; and employment in domestic service until age 18.¹⁴³⁸

| | | |
|---|--|------|
|  | C138, Minimum Age | ✓ |
| | C182, Worst Forms of Child Labor | ✓ |
|  | CRC | ✓ |
| | CRC Optional Protocol on Armed Conflict | No |
| | CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography | No |
|  | Palermo Protocol on Trafficking in Persons | ✓ |
|  | Minimum Age for Work | 16 |
| | Minimum Age for Hazardous Work | None |
|  | Compulsory Education Age | 16 |
| | Free Public Education | Yes |

Both Loi n°68/AN/79 Regulating the Fight Against Prostitution and Soliciting and the Penal Code prohibit and punish the procurement of a minor for prostitution and the use of a minor in pornography.¹⁴³⁹ Law n°210/AN/07/5ème L Regarding the Fight Against Human Trafficking prohibits internal and cross-border trafficking of persons under age 18.¹⁴⁴⁰

Institutional Mechanisms for Coordination and Enforcement

There is no evidence that the Government of Djibouti has established mechanisms for coordinating efforts to combat child labor.¹⁴⁴¹

The Labor Inspectorate, under the Ministry of Labor, has the authority to enforce child labor laws and regulations.¹⁴⁴² Labor inspectors can sanction businesses that employ children illegally.¹⁴⁴³ Additionally, the Ministry of Health and the Ministry of Labor can require medical exams, as appropriate, to determine if work is beyond a young person's capabilities and can prohibit young people from being employed in additional types of work deemed beyond their capabilities.¹⁴⁴⁴

The Labor Inspectorate had only one labor inspector and six controllers at the time of reporting, an inadequate number given the prevalence of child labor in the country.¹⁴⁴⁵ Additionally, the Labor Inspectorate lacks resources, including vehicles, to carry out inspections.¹⁴⁴⁶ During the reporting period, no child labor complaints were filed, no investigations regarding child labor and hazardous child labor were conducted, and no pending cases were resolved.¹⁴⁴⁷

The Ministry of Justice and the Police Vice Squad (*Brigade des Moeurs*) are responsible for investigating forced labor, commercial sexual exploitation, and prostitution.¹⁴⁴⁸ The police visit bars and clubs to warn against admitting minors on the premises.¹⁴⁴⁹ They also work with the Ministry of Health to refer victims of child prostitution to service providers.¹⁴⁵⁰ The Government of Djibouti does not have any mechanisms to enforce trafficking legislation or to support trafficking victims.¹⁴⁵¹

Government Policies on the Worst Forms of Child Labor

There is no evidence that the Government of Djibouti has established a policy framework for the elimination of the worst forms of child labor. However, it has adopted other development policies that are intended to reach the populations most vulnerable to child labor.

The Government of Djibouti is one of 11 members of the East African Police Chiefs Cooperation Organization, which committed to adapting a UNODOC/UN.GIFT model law against trafficking in persons, which includes child trafficking, and to drafting a Regional Action Plan to Prevent and Combat Human Trafficking in Eastern Africa.¹⁴⁵² The Government also ratified the African Charter on the Rights and Welfare of the Child, which includes provisions on the worst forms of child labor, and requires signatories to create laws specifying the minimum age for work, appropriate working hours, penalties for violations, and creates public awareness on the risks of using child labor.¹⁴⁵³ While the Government of Djibouti has adopted these principles, it has not translated them into concrete laws or action plans.

Djibouti's Poverty Reduction Strategy addresses vulnerable populations, including street children, although it does not specifically include child labor.¹⁴⁵⁴ It includes strategies for assisting vulnerable children, such as developing short skills courses for young persons with no previous schooling, increasing access to formal education, and linking children to social services.¹⁴⁵⁵

The Government enacted the National Plan of Action to Combat Abuse and Sexual Exploitation of Children and the Accelerated Strategy for Child Survival and Development in 2005.¹⁴⁵⁶

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Djibouti participates in the Urban Poverty Reduction Project, funded through the African Development Bank, which targets the urban populations in which child labor is pervasive, though it does not specifically target child laborers.¹⁴⁵⁷ The UN Development Assistance Framework (2008-2012) includes provisions to reduce extreme poverty and has a special focus on youth, including providing social services to orphans and abandoned children, providing education, training, and healthcare to marginalized youth, and addressing the problem of youth employment. The strategy also aims to improve the quality of and access to education.¹⁴⁵⁸

The Government of Djibouti continues to participate in the 2-year, \$460,000 regional anti-trafficking technical assistance project funded by Norway and Sweden. The project aims to bolster coordination among the 11 East African Police Chiefs Cooperation Organization (EAPCCO) countries through the Regional Action Plan to Prevent and Combat Human Trafficking in Eastern Africa, and harmonize national legislation with the Palermo Protocol.¹⁴⁵⁹ The Government also invited IOM to open offices in Djibouti in 2009 and provides office space to IOM

within the Ministry of Labor. Through USDOS funding, the Government is currently working with the organization to develop a national referral system for trafficking victims and undertake awareness-raising among migrants on the risks of trafficking.¹⁴⁶⁰

Although the Government of Djibouti has implemented programs to address trafficking in children, research found no evidence that it has carried out programs to assist children in domestic service, prostitution, and begging.

Based on the reporting above, the following actions would advance the reduction of worst forms of child labor in Djibouti:

IN THE AREA OF LAWS AND REGULATIONS:

- Establish a minimum age for hazardous work and develop and publish a list of hazardous occupations.
- Pass legislation to ban children in armed conflict, child pornography, and prostitution consistent with the African Charter on the Rights and Welfare of the Child that Djibouti adopted in 2009.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish mechanisms for coordinating efforts to combat the worst forms of child labor.
- Increase the number of labor inspectors and resources to carry out child labor inspections.
- Establish measures to enforce anti-trafficking legislation and provide assistance to victims.

IN THE AREA OF POLICIES:

- Establish policies to combat the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Develop and expand social programs to assist children in the worst forms of child labor, in particular in domestic service, prostitution, and begging.

¹⁴²⁷ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

¹⁴²⁸ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Second periodic reports of States parties due in 1998*, CRC/C/DJI/2, December 11, 2007, para. 294; available from <http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.DJI.2.pdf>. See also UN Committee on the Rights of the Child, *Summary Record of the 137th Meeting: Consideration of Reports of States Parties (continued)*, CRC/C/SR.1347, December 18, 2009, para 65; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/440/34/PDF/G0844034.pdf?OpenElement>.

¹⁴²⁹ U.S. Embassy- Djibouti, *reporting*, February 1, 2010, para 3, 5. See also World Bank, *International Development Association on a Country Assistance Strategy of the World Bank for the Republic of Djibouti*, March 30, 2009, 1, para 3; available from http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2009/04/10/000334955_20090410051613/Rendered/PDF/472730CASOGJ0P101Official0Use0Only1.pdf. See also African Development Bank, *Urban Poverty Reduction Project*, [2010 [cited

August 26, 2010]; available from <http://www.afdb.org/en/projects-operations/project-portfolio/project/p-dj-ie0-002/>.

¹⁴³⁰ Ministère de la Promotion de la Femme du Bien-Être Familial et des Affaires Sociales UNICEF, *La Pauvreté et des Disparités chez les Enfants à Djibouti*, online, 2009, 51, 81, 102; available from http://www.unicef.org/infobycountry/files/Rapport_National_Djibouti_Pauvrete_des_Enfants.pdf. See also U.S. Department of State, «Djibouti (Tier 2),» in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/142982.pdf>. See also Ministry of Employment and National Solidarity official, Interview with USDOL consultant, July 11, 2006, para 4. See also U.S. Embassy- Djibouti, *reporting, February 1, 2010*, para 3. U.S. Department of State, “Djibouti,” in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/af/118998.htm>. See also Association Porte Ouverte- Open Door Association official, Interview with USDOL consultant, August 9, 2006, para 6.

¹⁴³¹ U.S. Department of State, “Djibouti (Tier 2 Watch List),” in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/documents/organization/123357.pdf>. See also Caritas Djibouti official, Interview with USDOL consultant, July 16, 2006. See also UNESCO PEER official, Interview with USDOL consultant, July 11, 2006.

¹⁴³² U.S. Embassy- Djibouti, *reporting, February 1, 2010*, section 3.

- ¹⁴³³ Association Porte Ouverte- Open Door Association official, Interview, August 9, 2006. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Djibouti (Tier 2).”
- ¹⁴³⁴ U.S. Embassy- Djibouti, *reporting, February 1, 2010*. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Djibouti (Tier 2).”
- ¹⁴³⁵ Government of Djibouti, Loi n°133/AN/05/5ème L portant Code du Travail, (January 28, 2006); available from <http://www.presidence.dj/jo/2006/loi133an05.php>.
- ¹⁴³⁶ U.S. Embassy- Djibouti, *reporting, February 1, 2010*.
- ¹⁴³⁷ Government of Djibouti, *Loi n°133/AN/05/5ème L*, articles 94, 96, 289.
- ¹⁴³⁸ U.S. Embassy- Djibouti, *reporting, February 1, 2010*. See also Government of Djibouti, *Loi n°133/AN/05/5ème L*, articles 94, 96, 108-113, 289.
- ¹⁴³⁹ Government of Djibouti, *Code Pénal*, article 463; available from <http://www.justice.gouv.dj/code%20penal.htm>. See also Government of Djibouti, *Loi n°68/AN/79 réglementant la lutte contre la prostitution et le racolage* (January 23, 1973); available from <http://www.presidence.dj/jo/1979/loi68an79.htm>.
- ¹⁴⁴⁰ U.S. Department of State, “Trafficking in Persons Report- 2009: Djibouti (Tier 2 Watch List).” See also Government of Djibouti, *Loi n°210/AN/07/5ème L relative à la Lutte Contre le Trafic des Etres Humains*, (October 2, 2007), article 1; available from <http://www.presidence.dj/jo/2007/loi210an07.php>.
- ¹⁴⁴¹ U.S. Embassy- Djibouti, *reporting, February 1, 2010*.
- ¹⁴⁴² *Ibid.*, para 5. See also Government of Djibouti, *Loi n°33/AN/09/6ème L portant adhésion à la Charte Africaine des Droits de l’enfant et de deux protocoles additionnels à la CDE.*, (February 21, 2009); available from <http://www.presidence.dj/jo/2009/loi33an09.php>. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Djibouti (Tier 2).”
- ¹⁴⁴³ Government of Djibouti, *Loi n°133/AN/05/5ème L*, 5, 70, 71, 110, 111, 112.
- ¹⁴⁴⁴ *Ibid.*, articles 5, 70, 71, 111, 112, 288(a), 288(b).
- ¹⁴⁴⁵ U.S. Embassy- Djibouti, *reporting, February 1, 2010*, section 5.
- ¹⁴⁴⁶ *Ibid.* See also U.S. Department of State, “Trafficking in Persons Report- 2010: Djibouti (Tier 2).”
- ¹⁴⁴⁷ U.S. Embassy- Djibouti, *reporting, February 1, 2010*.
- ¹⁴⁴⁸ U.S. Department of State, “Trafficking in Persons Report- 2010: Djibouti (Tier 2).”
- ¹⁴⁴⁹ U.S. Embassy- Djibouti, *reporting, February 1, 2010*, section 6.
- ¹⁴⁵⁰ U.S. Department of State, “Trafficking in Persons Report- 2010: Djibouti (Tier 2).”
- ¹⁴⁵¹ IOM, *IOM Info Sheet: Counter Human Trafficking through Protection Efforts in Djibouti*, hardcopy, July 2010.
- ¹⁴⁵² UNODC, “Ongoing Projects in Eastern Africa”, [online], December 16, 2008 [cited February 9, 2009]; available from <http://www.unodc.org/eastern-africa/en/about-unodc-eastern-africa/ongoing-projects.html>. See also UNODC and EAPCCO, *Regional Action Plan to Prevent and Combat Human Trafficking in Eastern Africa*, Addis Ababa, August 2008. See also Nasra Bishumba, “Regional Police Meet to Draft Law On Human Trafficking”, [online], September 5, 2009 [cited February 24, 2010]; available from <http://allafrica.com/stories/200909070246.html>. See also UN.GIFT UNODC, *Model Law against Trafficking in Persons*, 2009; available from http://www.ungift.org/docs/ungift/pdf/initiatives/Model_Law_against_TIP.pdf.
- ¹⁴⁵³ UN Committee on the Rights of the Child, *Summary Record of the 1348th Meeting: Consideration of Reports of States Parties (continued)*, CRC/C/SR.1348, December 18, 2009; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/441/00/PDF/G0844100.pdf?OpenElement>. See also African Union, *Charte Africaine des Droits et du bien Etre de l’Enfant*, article 15; available from http://www.africa-union.org/Official_documents/Treaties_Conventions_fr/CHARTe%20AFRICAINe-DROITS%20ENFANT%20new.pdf. See also Government of Djibouti, *Loi n°33/AN/09/6ème*
- ¹⁴⁵⁴ World Bank, *International Development Association on a Country Assistance Strategy of the World Bank for the Republic of Djibouti, (March 30, 2009)*. See also IMF, *Djibouti: Poverty Reduction Strategy Paper*, July 2009; available from <http://www.imf.org/external/pubs/ft/sr/2009/cr09203.pdf>.
- ¹⁴⁵⁵ IMF, *Djibouti: Poverty Reduction Strategy Paper*, 20-22, 37. See also World Bank, *International Development Association on a Country Assistance Strategy for the Republic of Djibouti*, March 24 2009; available from http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2009/04/10/000334955_20090410051613/Rendered/PDF/472730CAS0GJ0P101Official0Use0Only1.pdf.
- ¹⁴⁵⁶ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding observations Djibouti*, CRC/C/DJI/CO/2, October 7, 2008; available from <http://daccess-dds-ny-un.org/doc/UNDOC/GEN/G08/443/50/PDF/G0844350.pdf?OpenElement>.
- ¹⁴⁵⁷ African Development Bank, *Urban Poverty Reduction Project*.
- ¹⁴⁵⁸ Système des Nations Unies en République de Djibouti, «Plan Cadre des Nations Unies pour l’Aide au Développement (UNDAF)», [online], 2007 [cited November 23, 2010]; available from <http://www.undg.org/docs/8201/UNDAF2007.pdf>.

¹⁴⁵⁹ UNODC, “UNODC, Ongoing Projects in Eastern Africa”. See also UNODC and EAPCCO, *Regional Action Plan to Prevent and Combat Human Trafficking in Eastern Africa*.

¹⁴⁶⁰ IOM, *IOM Office Opens in Djibouti to Help Address Migration Challenges Along Strategic Route*, [online] December 5, 2009 [cited February 24, 2010]; available from <http://www.iom.int/jahia/Jahia/media/press-briefing-notes/pbnAF/cache/offonce/lang/fr?entryId=24823>. See also IOM Djibouti official, E-mail communication to USDOL official, August 6, 2010. See also IOM, *IOM Info Sheet: Counter Human Trafficking through Protection Efforts in Djibouti*. See also IOM Djibouti official, E-mail communication, August 6, 2010.