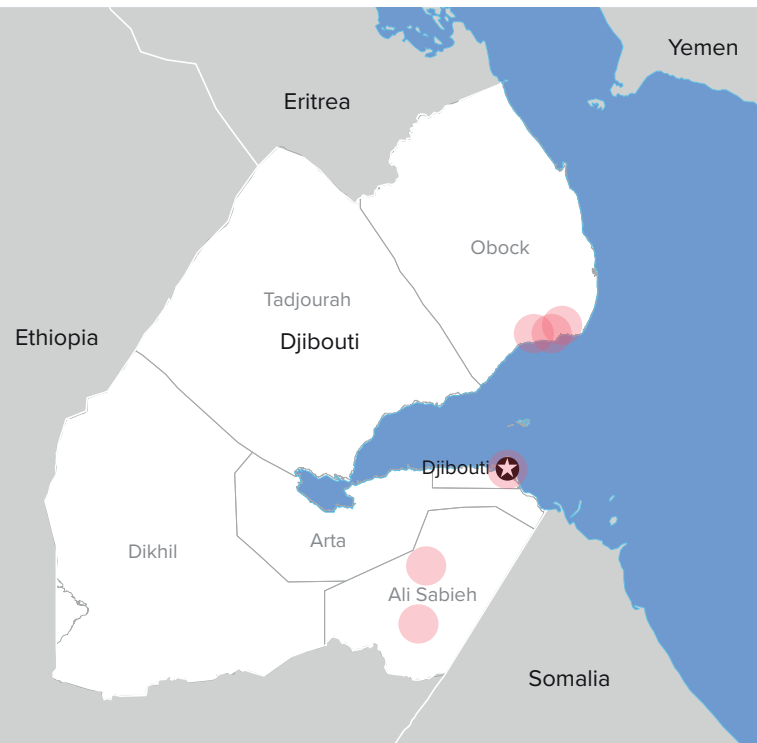


DJIBOUTI

Djibouti is one of the smallest countries in Africa, providing protection to 31,059 refugees and asylum-seekers from ten countries as at 30 June 2020, which is more than 3 per cent of the total population. Despite having a lower-middle-income status, Djibouti has traditionally maintained a generous open-door policy for refugee inflows.

Somali nationals (43 per cent) constitute the largest refugee group in Djibouti, followed by Ethiopians (36 per cent) and Yemenis (17 per cent). In the last 10 years, the total number of refugees has almost doubled. While the number of Somalis has decreased, the number of Ethiopian and Yemeni refugees has increased due to conflicts and violence in their countries of origin.



Around 81 per cent of refugees are registered in one of three planned settlements (refugee villages) in Ali Addeh (52 per cent), Holl Holl (21 per cent), and Markazi (8 per cent), in the Ali Sabieh and Obock regions, bordering Ethiopia and the Red Sea, respectively. Most of them live side by side with Djiboutian host communities. In Ali Addeh and Holl Holl, the refugee villages are larger by population size than the nearby host community villages. Around 5,750 refugees and asylum-seekers live in Djibouti City, where most of Djiboutian nationals also reside.

KEY POPULATION DATA

19,866

Refugees

11,193

Asylum-seekers

3.19%

of the country's population (973,560) are refugees and asylum-seekers

IDA 18 RSW / IDA 19 WHR ELIGIBILITY:
SEPTEMBER 2017

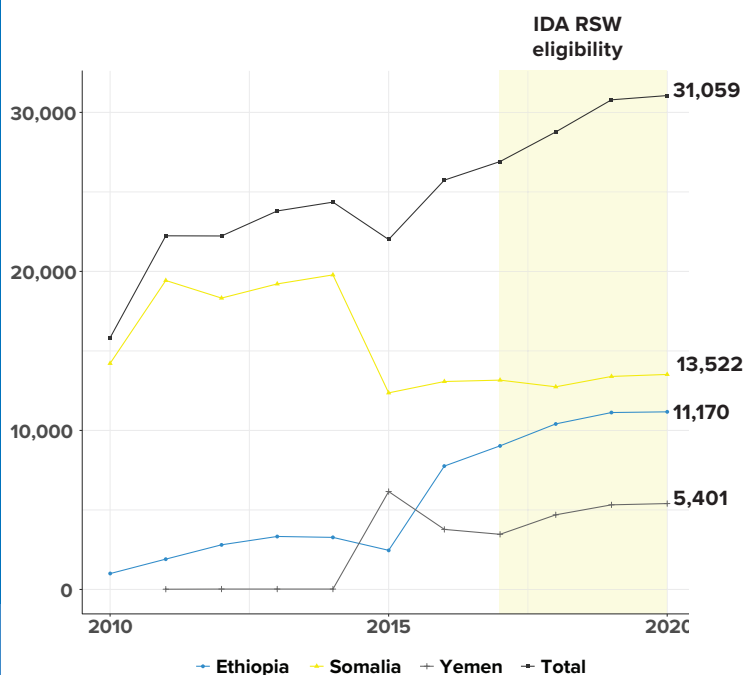


Figure 1: Number of refugees and asylum-seekers of the largest refugee population groups

OVERVIEW OF REFUGEE POLICY ENVIRONMENT (JULY 2017–JUNE 2020)

Djibouti has traditionally pursued refugee policies through which it provided asylum-seekers and refugees with access to its territory, asylum and safety, and humanitarian assistance. From July 2017 to June 2020, the Government of Djibouti has significantly developed its approach to managing refugee situations. The most significant policy developments at the national level are as follows:

- In January 2017, promulgation of a new [Refugee Law No 159/AN/16/7ème](#) (the 2017 Refugee Law), that provide a large access to rights, including socioeconomic rights for refugees and asylum-seekers. The Law reconfirms the Ministry of Interior (Mol) as the Ministry responsible for refugee affairs, with its National Office for Assistance to Refugees and Disaster Victims (*Office National d'Assistance aux Réfugiés et Sinistrés – ONARS*) responsible for day-to-day management.
- In December 2017, adoption by the Ministry of Interior of the [2017–2022 Action Plan](#) of the Comprehensive Refugee Response Framework (CRRF) and two decrees: i) [Implementing Decree No 2017-409 on the Asylum Procedure, National Eligibility Commission and Appeal Board \(2017 Decree on the Asylum Procedure\)](#) and ii) [Implementing Decree No 2017-410 on Fundamental Rights of Refugees and Asylum-Seekers](#) (2017 Decree on Refugee Fundamental Rights).
- Drafting of two new decrees that are expected to be adopted in the second half of 2020: [Decree No 2020-137/PR/MASS amending Decree No 2017-311/PR/SEAS of 28 September 2017 for the establishment, organisation and functioning of the Social Registry](#) and [Decree No 2020-234/PR/MENFOP creating and defining the access conditions and issuance of the end of secondary education titled “Certificate of High-School Graduation”](#)

In September 2017, Djibouti became eligible for the IDA 18 Refugee Sub-Window (RSW), which it had requested to seek financing and technical assistance for the implementation of sustainable policies for the socioeconomic integration of refugees, in line with the CRRF Action Plan and the legislative reform pertaining to refugees

Djibouti was also active regarding refugee issues in the international sphere from 2017 to 2020. At the Leaders’ Summit on Refugees in September 2016, Djibouti signed up to CRRF, as proposed by the 2016 New York Declaration, and committed to three policy pledges: i) adopt a new refugee law, ii) give refugee children access to accredited education, and iii) give refugees access to the national health system.. In December 2019 at the Global Refugee Forum (GRF), the Government of Djibouti furthered its socioeconomic integration pledges through five policy commitments: i) include refugees in the National Development Plan; ii) integrate refugee teachers into the national system and budget through a training/certification programme; iii) provide refugees with technical and vocational training for better socioeconomic inclusion; iv) increase investments in the health system, in particular technical platforms in order to strengthen the national structures in areas hosting refugees; gradually include 12,500 refugees in the universal health insurance programme by 2021.

POLICY DIMENSIONS (AS AT 30 JUNE 2020)

1 Host Communities

1.1 Support for communities in refugee-hosting areas

No information was available on the existence of national policies providing for additional financial transfers from the national level to the areas that are economically affected by the presence of refugees.

The [2018–2022 National Social Protection Policy](#) provides for social safety nets for all Djiboutian nationals, including host communities. The Ministry of Social Affairs and Solidarity (MASS) is responsible for social protection and manages the social registry in which vulnerable households are enrolled, based on the national poverty line defined by the National Institute of Statistics (NIS) and assessed through a proxy-mean test. Data is not available on the number of enrolled national households that are living in areas economically affected by a refugee presence.

The social registry, governed by [Decree No 2017-311/PR/SEAS for the establishment, organisation and functioning of the social registry](#), provides access to a poverty-targeted social assistance programme: the [National Family Solidarity Program](#), (PSNF) while providing subsidised access to health care and nutrition support. Other key social assistance programmes include the Social and Solidarity Economy (SSE) programmes (economic inclusion and social cohesion activities), education support for children with disabilities (including income generating assistance support for mothers), subsidised access to the national health insurance scheme for the poorest people (Social Health Assistance Programme and the social assistance programme for poor older persons (basic needs for the elderly)). The PSNF is governed by [Decree No 2017-096/PR/SEAS PR/SEAS amending Decree No 2015-279/PR/SESN on the creation, organization and operation of the National Family Solidarity Program \(PNSF\)](#).

National policies can be applied to identify, prevent, and mitigate potential social tension and risks of violence in refugee-hosting areas. [Djibouti's National Vision 2035](#), for instance, makes national solidarity and social cohesion central to its pillar on Peace and National Unity and proposes measures to prevent and address conflict and promote dialogue. Although the National Vision and associated policies do not directly refer to refugees and host communities, in conjunction with Djibouti's [2017 Refugee Law](#) and the [2018 Global Compact on Refugees](#), these documents do also apply to refugees and host communities and can be implemented in refugee-hosting areas to the benefit of both population groups.

In practice, there is a high degree of interaction between refugees and host communities in all refugee-hosting locations. Many refugees share sociocultural and linguistic ties with the host community and relationships are largely amicable.

As part of Djibouti's local governance systems, informal and formal local mechanisms exist that promote peaceful coexistence, dialogue, joint activities, and citizen engagement. While these do not formally include representatives of the refugee community, refugees are generally received when they seek participation or services. Refugees have been participating, for instance, in local mechanisms for mediation and compensation led by host community leaders. In Djibouti City, refugee participation and inclusion in local mechanisms happens regularly while in the refugee villages it occurs on a more ad hoc basis.

ONARS has established refugee community-based governance structures in all refugee villages and in Djibouti City (see also section 2.3). Similarly, these do not tend to include host community members from the outset, but they facilitate connections with similar structures in the host community. ONARS, local authorities and local NGOs with international support also implement a range of interventions that promote social cohesion (e.g. joint sports tournaments, regional business fairs, fishery association, etc.). Such interventions generally include quotas for host community members and refugees to ensure that both participate and benefit equally.

National policies do formally protect refugees from discrimination. The [1992 Constitution of Djibouti as amended in 2010](#), provides for legal equality without distinction based on language, origin, race, sex, or religion. Furthermore, the [2017 Refugee Law](#) provides for fundamental rights as set out in the [1951 Convention Relating to the Status of Refugees](#) and includes an explicit reference to the right to non-discrimination. There is no verifiable data available on discrimination in practice. No complaints on grounds of discrimination have been brought forward to justice by a refugee.

Education : Over 4,000 refugee children attended the national education system in the 2019/2020 school year. The National Education Action Plan (PAE 2017–2020) has been revised to include refugees in national education systems and facilitate access to quality education for refugees and host communities.

Health: refugees and asylum-seekers have access to the national health system at all levels: primary, secondary and tertiary. A socioeconomic profiling exercise of refugees started in 2019 with the aim of integrating them into the national health insurance system. The results will allow the inclusion of 12,500 vulnerable refugees in the social health assistance programme.

1.2 Social cohesion

There is a generally positive relationship in Djibouti between refugees and host communities and within the refugee communities themselves, despite being a diverse population in terms of nationality, culture, socio-economic background, and language. Although the national legal framework in Djibouti does not specifically entail provisions on social cohesion or the identification, prevention and mitigation of potential social tensions and risks of violence in refugee-hosting areas, [Law 162/AN/16/7eme L](#) and the [Refugee Law](#) address poverty and social exclusion targeting all poor and vulnerable persons living in Djibouti including refugees. They are favorable to refugees' socio-economic inclusion and legal integration, granting them access to the same rights as nationals except the right to vote.

ONARS and UNHCR have social cohesion programmes in refugee hosting areas. In practice, local authorities, Government institutions and NGOs organize activities aimed at reinforcing peaceful coexistence. These include specific quotas for nationals and refugees in subsidized / funded vocational training opportunities, regional business fairs or joint sports tournaments.

In terms of representation, each refugee nationality group has its own subcommittee. Refugees have leadership committees in each site, separate from those of the host community, with refugee leaders elected every three years. The leadership committees are gender sensitive and consist of a president, a vice-president, a representative of each nationality group, and a representative per sectoral activity. Interactions between refugees' leadership committees and host community leaders are neither formalized nor regular. However, refugees are free to directly seek mediation services or request for compensation from host community leaders.

National policies do formally protect refugees from discrimination. Article 1 of the [Constitution](#) provides for equality before the law without distinction based on language, origin, race, sex or religion. Moreover, Article 14(1) of the [Refugee Law](#) explicitly provides for non-discrimination against refugees.

1.3 Environmental management

The government is investing with donor resources, principally through World Bank operation, in activities that are looking to address environmental impacts of the presence of refugees in host communities. These activities comprises environmental management, including technical advisory services for implementation of environmental management activities through a labour-intensive public works mode, but also finding alternative energy sources to reduce unsustainable exploitation of natural resources, including risk mitigation and other challenges faced by crisis-affected host communities.

1.4 Preparedness for refugee inflows

The [2017 Refugee Law](#), the [2017 Decree on the Asylum Procedure](#), the [2017 Decree on Refugee Fundamental Rights](#) and the [2017–2022 CRRF Action Plan](#) provide elements for a national preparedness framework, including an institutional coordination mechanism that could be used to respond to increased or new refugee inflows in ways that minimize short- and medium-term socioeconomic impacts.

In practice, preparedness measures are taken on an ad hoc basis when new refugee inflows are expected based on the situation in surrounding countries. An inter-agency contingency plan is developed, according to the Refugee Coordination Model (RCM), co-led by UNHCR and ONARS. These plans have a six-month time frame and are updated after that period as necessary; they are fully financed by humanitarian aid and implemented by humanitarian organisations and line ministries.

2 Regulatory Environment and Governance

2.1 Normative framework

Djibouti has been a State Party to the [1951 Convention Relating to the Status of Refugees](#) and the [1967 Protocol relating to the Status of Refugees](#) since 1977. No reservations were made. Djibouti is also a State party to the [1969 OAU Convention Governing Specific Aspects of Refugee Problems in Africa](#) and other relevant [international and regional instruments](#). However, Djibouti has not yet acceded to the [1954 Convention Relating to the Status of Stateless persons](#) and the [1961 Convention on the Reduction of Statelessness](#). Djibouti endorsed the Global Compact on Refugees (GCR). Refugee-related commitments in these instruments are implemented through the [2017 Refugee Law](#), the [2017 Decree on the Asylum Procedure](#), the [2017 Decree on Refugee Fundamental Rights](#) and the [2017–2022 CRRF Action Plan](#), in conjunction with the national policy framework.

The 2017 Refugee Law and related decrees address non-refoulement, the definition of ‘refugee’, refugee status determination procedure and fundamental rights accorded to refugees. They are in line with international and regional norms and standards, except for Article 1D of the 1951 Convention, which has not been incorporated in the law. Implementation of the legal framework has shortcomings (see respective Policy Dimensions). No refugee or asylum-seeker has so far attempted to seek judicial remedies for lack of access to the rights enshrined in the national Refugee Law or decrees.

The Refugee Law and related decrees have not yet been disseminated in relevant local languages or other languages spoken by refugees. UNHCR observes that border authorities are aware of asylum procedures, non-refoulement principles and how to refer a person to the appropriate services. Ministries or other public agencies that have a direct and formal partnership with UNHCR are generally aware of refugees’ rights (i.e. Ministry of Interior, Ministry of Education, Ministry of Health, Ministry of Social Affairs and Solidarity, Ministry of Women and Family, Ministry of Environment, Ministry of Agriculture and the National Development Agency). UNHCR observes gaps in awareness of applicable refugee policies among other institutions, private sector entities, foreign embassies, and refugees themselves.

The 2017 Refugee Law and the [2017 Decree on the Asylum Procedure](#) include the framework for refugee status determination (RSD). The RSD framework gives the National Eligibility Commission (NEC) the responsibility to grant refugee status, working off the basis of RSD files including individual assessment prepared by ONARS Eligibility Officers. The procedures, as outlined in the law, including those of the appeal process, are in line with international and regional standards.

Asylum-seekers from South Central Somalia and Yemen are granted refugee status through a prima facie approach by practice (not embedded in a legal instrument or political declaration). All other asylum-seekers from other countries of origin go through individual RSD procedures. NEC adjudication sessions tend to be irregular and there is a backlog of 11,197 asylum-seekers pending RSD. There are shortcomings in the efficiency and the quality of the RSD decision process. This is mainly caused by technical gaps and some financial challenges affecting the NEC and the eligibility team of ONARS. Gaps in the RSD process

include limited application of asylum procedural standards, poor interviews, credibility assessments, and legal analysis conducted, as well as lack of data management approach. The average individual RSD case processing including final adjudication by the NEC can be very slow which can take up to eight to ten years for the refugee status to be either granted or rejected at first instance for certain asylum-seekers. This poses serious concerns regarding the efficiency and fairness of the national RSD procedure.

Asylum-seekers have limited enjoyment of their rights. Asylum-seekers are issued with a household level attestation only which is routinely not accepted for particular services, such as opening a bank account, purchasing a SIM card, among others. Information on the RSD procedures is not widely available and there are gaps in awareness among asylum-seekers. While the law provides for the possibility of a legal counsel (at the expense of the applicant), no asylum-seekers have availed themselves of this right to date. The appeal procedure has not yet been implemented because of capacity and resource constraints. While this leaves first instance rejected asylum-seekers without effective legal remedy, they are, in practice, not expelled or deported from the country. Most RSD-related work, including the positions of most eligibility officers, is fully funded by UNHCR, and not regularized in the Government's planning, budgeting, and human resource systems. This poses risks to sustainability.

2.2 Security of legal status

The [2017 Decree on Refugee Fundamental Rights](#) provides asylum-seekers with the right to stay in the country with an asylum-seeker attestation, which is valid for six months (renewable) and has the status of a temporary residence permit (pending adjudication of the case). Once refugee status is granted, whether through prima facie or individual RSD approaches, the decree stipulates that refugees have the right to stay in the country with a valid refugee ID card. In practice, the refugee ID card is provided to refugees of 15 years and older while all refugees receive refugee attestations recording household composition which also give them the right to stay. Refugee household attestations are valid for one year; individual refugee ID cards are valid for five years (renewable) and have the status of a residence permit. The refugee ID cards and household attestations are issued by ONARS with support from UNHCR. The process for renewing asylum-seeker and refugee attestations and refugee ID cards is facilitated by UNHCR and ONARS and is without delays or other challenges. Furthermore, in cases where law enforcement authorities come across asylum-seekers or refugees with expired attestations or IDs, they are referred to ONARS for renewal and not expelled or deported.

The 2017 Refugee Law provides for the right to seek asylum and the principle of non-refoulement in line with international standards. From June 2019 - 30 June 2020 there have been no known cases of unlawful termination of refugee status by way of cancellation, revocation or cessation; no cases of recognized refugees being expelled on national security or public order grounds; and no reported cases of refoulement. However, following a terrorist attack in May 2014, the Somali-Djiboutian border point (Loyada) has been officially closed, hence asylum-seekers are obliged to enter the country through unofficial border points. Since 2008, the Eritrean-Djiboutian border has also been closed and Eritrean asylum-seekers are obliged to enter the country via military checkpoints. From March to June 2020, all land, sea and air borders were closed for persons as part of Government measures to curb the spread of COVID-19.

2.3 Institutional framework for refugee management and coordination

The institutional framework for refugee management is provided for by the 2017 Refugee Law, the [2017 Decree on Refugee Fundamental Rights](#), the [2017–2022 CRRF Action Plan](#) and its [coordination mechanism](#). The draft 2020–2023 ONARS Strategy would further complement the policy base. The [2017 Refugee Law](#) provides the Ministry of Interior (MoI) with the overall mandate for refugee affairs and tasks ONARS to execute and coordinate this on a daily basis. The [2017 Decree on Refugee Fundamental Rights](#), details access to the rights within the respective areas of responsibility of each Ministry.

There are no provisions in the [2017 Refugee Law](#) and related decrees on how these roles and responsibilities are to be coordinated and operationalized among Government entities and with various partners. However, the [2017–2022 CRRF Action Plan](#) sets out an intergovernmental, multi-partner coordination mechanism to

facilitate its implementation. It includes a Steering Committee co-chaired by UNHCR and MoI and including representatives from refugee and host communities, national NGOs, donors, the United Nations, the World Bank and international NGOs. The Steering Committee is complemented at the technical level with a working group and sector-specific groups on protection, health, education, social protection and water and sanitation. The Secretariat is provided by ONARS with support from UNHCR. The Steering Committee has not met since February 2020, but its working groups and some sector specific groups meet regularly. A sub-national level structure is not set out on paper but exists in practice in the form of information sharing meetings (operational decisions are not taken at this level).

The CRRF Steering Committee and working groups officially include refugee representatives who could provide input and feedback from refugees on actions and decisions that concern them. This has not happened in practice as the Steering Committee has not met since 2019 and refugee representatives have not been attending the working groups.

Inputs and feedback from refugees on actions and decisions from ONARS, other government entities, UNHCR and other national and international partners are received through the refugee community-based governance structures. In the refugee villages, these structures consist of a Refugee Central Committee (RCC), a women's committee, a dispute resolution committee, children and GBV committees. In Djibouti City, this consists of a RCC. These committees are functional and meet with ONARS, UNHCR and other national and international partners on a regular basis. Members of the RCCs include a president, a vice-president, a representative of each nationality group, and a sectoral representative, all elected by refugees themselves. The president of the leadership group in the Holl Holl refugee village as at 30 June 2020 was female. In most other groups the vice presidents are female. On yearly basis, UNHCR leads an inter-agency age, gender, diversity participatory assessment among refugees to gather views on gaps, needs and solutions. The assessments feed into UNHCR programming for the following year and are shared with the government and national and international partners to inform their programming.

Refugees have so far not been included in the national population census in Djibouti. First steps have been taken to include refugees in administrative data collection systems. Since the 2016/2017 academic year, refugee education data has been integrated into the national Education Management Information System (EMIS) (See also: Education Statistical Annual Abstracts (ESAA)). There is one example of an initial step towards the inclusion of refugees in national survey data (in this case, with the prospect of including refugees in the national social registry). In September 2019, the Ministry of Social Affairs, and the National Institute of Statistics, with support from UNHCR and WFP, launched a socioeconomic profiling exercise of all refugees and asylum-seekers to calculate the minimum expenditure basket. The same survey methodology was applied as that used by the Ministry of Social Affairs for Djiboutians, with the primary goal of assessing how many refugees would be eligible to enter the social security system, notably the PASS and the PNSF social safety nets. The survey was initially expected to be completed by August 2020. The Government is currently drafting a new National Development Plan and has made a policy commitment at the 2019 Global Refugee Forum (GRF) to include refugees. At sectoral level, the 2020–2024 National Health Plan, finalized in 2020, makes specific reference to refugees' access to health services and to specific health programmes (TB, HIV, RSH, nutrition and malaria, etc.) and the National Education Plan also includes refugees.

2.4 Access to civil registration and documentation

Based on the [2017 Decree on Refugee Fundamental Rights](#) and practice, registered asylum-seekers are provided with an asylum-seeker attestation, refugees of 15 years and older with a refugee ID card, and all refugees with a refugee household attestations (see also section 2.2). The [2017 Decree on the Asylum Procedure](#) provides that the ONARS eligibility desk is responsible for the registration of asylum-seekers and the issuance of official personal documentation to registered asylum-seekers and refugees. In practice, this is done jointly by ONARS and UNHCR. All registered asylum-seekers and refugees are in possession of personal attestation documents and 100 per cent of all recognized refugees over 15 years old are in possession of refugee ID cards. Law enforcement authorities generally recognize asylum-seeker attestations, refugee household attestations and refugee ID cards. Other relevant national and sub-

national authorities and the private sector entities increasingly recognize attestations and refugee ID cards, although challenges still persist (see section 3.4).

The [2017 Refugee Law](#) and the [2017 Decree on Refugee Fundamental Rights](#) provide refugees with the right to civil documentation as set out in the 1951 Convention. The 1951 Convention stipulates that this right shall be governed by the laws of the asylum country and that previously acquired rights shall be respected. The 2018 Civil Code stipulates that regular birth registration must be done within three days of the birth, while late birth registration goes through a judgement supplétif. In practice, civil status authorities have been flexible to extend the registration to beyond three days. The Direction Générale de la Population is responsible for all civil status matters. In 2013, birth registration started for refugees born in Djibouti but those born in Djibouti before 2013 do not have access to the judgement supplétif procedure in practice. This is mainly due to accessibility challenges, including financial obstacles, for this judiciary procedure sets for late birth registration of persons born in Djibouti. ONARS is responsible for the purchase of stamps on behalf of refugees and asylum-seekers registered in the villages to facilitate issuance of birth certificates by civil status departments at regional level.

2.5 Justice and Security

Participatory assessments conducted by UNHCR in 2020 found comparable levels of safety between refugees and host communities.

The [2017 Refugee Law](#) and the [2017 Decree on Refugee Fundamental Rights](#) accord refugees the same right as nationals as regards access to law enforcement and justice. This includes access to legal counselling and assistance, and access to the “Ma’adoun al Charia” which is accredited under the Ministry of Justice to render decisions pertaining to personal status (see also [Law No 136/AN/11/6ème concerning legal and judiciary aid](#), [2002 Family Code](#) and [Law No 169/AN/02/4ème](#) on organization and competence of Al-Ma’adoun Al chari).

In practice access to justice is limited for both refugees and host communities, mainly due to poor judicial infrastructure, affordability, limited legal representation and a lack of basic knowledge of procedures on the part of refugees (see e.g. [2020 Justice Support Programme](#)). UNHCR participatory assessments indicate that refugees tend to prefer traditional dispute resolution mechanisms that are easier to access. [Vision Djibouti 2035](#) sets out strategic directions to improve access to justice across the country but, apart from a few mobile court sessions, implementation of the strategic directions in refugee hosting areas is limited. UNHCR has partnerships with a national NGO to improve refugee access to the Maadoun al Charia, mobile courts hearing, and legal assistance for GBV cases in line with the national vision.

Various relevant laws to prevent and address gender-based violence (GBV) are in place, including: [the Criminal Code](#), [the Family Code](#) and the [Child Protection Code](#). These policies are applicable to refugee hosting areas and do not exclude refugees. The criminal code provides for protection from torture and abuse, as well as from sexual violence, but does not explicitly criminalize domestic violence.

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