



**Convention on the Rights
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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-ninth session

SUMMARY RECORD OF THE 1348th MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 17 September 2008, at 3 p.m.

Chairperson: Ms. LEE

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATE PARTIES (continued)

Second periodic report of Djibouti (CRC/C/DJI/2; CRC/C/DJI/Q/2 and Add.1) (continued)

1. At the invitation of the Chairperson, the delegation of Djibouti took places at the Committee table.
2. The CHAIRPERSON asked, with reference to the 1995 Penal Code, what the authorities of the State party meant by "moral abandonment" of a child by its parents. She wanted to know who attended to the family's needs when the father was in prison and whether the fine of 200,000 Djibouti francs merely aggravated the family's financial difficulties.
3. She also asked what measures were planned to reduce the infant and maternal mortality rates, which were still very high, and why the rate of vaccination coverage against poliomyelitis was so low. Did Djibouti receive assistance from the United Nations Children's Fund (UNICEF) or other international aid? She asked for additional information about the surprisingly low rate of exclusive breastfeeding.
4. She noted that the Outline Act on the Education System and the health legislation guaranteeing all children equal access to education and health services did not specifically address children with disabilities and asked whether the State envisaged establishing a legal framework guaranteeing such children access to good-quality education on an equal footing with other children. The delegation might indicate whether a detailed study had been made on the number of disabled children and on the causes of their disability and describe the methods used to identify persons with disabilities. She noted with concern that only 25 per cent of such persons received medical and social assistance.
5. Ms. HERCZOG asked whether violent fathers who were imprisoned underwent measures of rehabilitation.
6. Ms. NIMO BOULHAN HOUSSEIN (Djibouti) said that the fight against poverty was a priority for Djibouti. The recently created Secretariat of State for National Solidarity was preparing to implement the National Initiative for Social Development, in the formulation of which all the ministries had taken part. The Initiative had obtained the necessary funding and would be presented shortly to Djibouti's development partners at a round table in Paris.
7. Mr. MAHDI HAMUD ISSE (Djibouti) said that in 2000, the year in which the reform of the education system had been carried out, there had been enormous educational disparities between boys and girls, rich and poor people and rural and urban areas. Many schools had been built since then and many teachers had been trained in order to close the gap between town and country. The boys/girls parity index for the first year of primary education, which had been 0.68 in 2000, had risen to 0.94 by 2008.
8. The number of children enrolled in school had also increased considerably, from 42,000 in 2000 to 60,000 in 2007. The legislation stipulated nine years of compulsory education. In fact, Djibouti did not yet have the means of discharging that obligation fully, and some 325 classrooms still had to be built before all the children could be accommodated. In 2007, 47.3 per cent of children in the 11-15 age group had been in secondary education, as against 22 per cent in 2000. The total of 5,000 children, 18 per cent of them girls, enrolled in secondary schools (grades 10

to 13) in 2000 had risen to 11,200 (38 per cent girls) by 2007. In 2000 Djibouti had had only one high school (*lycée*), in Djibouti City. In 2007 the country had nine high schools; three in Djibouti City (including two in the poor quarter) and six in the regions. The school-enrolment rate was 100 per cent in the wealthy areas, but the poor areas still needed increased attention. The goal of universal primary education ought to be attained in 2015, in keeping with the Millennium Development Goals. To that end, the share of education in the State budget had risen from 16 per cent in 2000 to almost 28 per cent in 2008.

9. The Ministry of Education was trying to accommodate in normal classes as many children with special needs as possible, including children with locomotor or mental problems and street children. The schools were designed to be able to cater for children with reduced mobility. An extensive programme had been established to train teachers to cope with children with mild mental problems, such as word or number dyslexia, and behavioural disorders, as well as with orphans, including children orphaned by AIDS. A programme for the enrolment of children with defective sight or hearing had been carried out in 2008.

10. Schools with boarding sections had been established for children from nomadic communities. The boarding facilities were run by the children's parents, who received aid from the Government to organize themselves into organizations, and were funded from the State budget. Mobile schools were to open very shortly to enable all nomad children to obtain education.

11. Mr. FILALI asked whether it was easy to find teachers in rural areas and what the quality of education was like in general and in rural areas in particular.

12. Mr. MAHDI HAMUD ISSE (Djibouti) said that the Government had introduced financial incentives to encourage teachers to go to difficult areas. Teachers working in rural areas, who were all graduates of the Education Personnel Training Centre, were provided with accommodation and received an additional allowance. The inspectorate had been increased. It now included nine inspectors and 65 educational advisers, as against two and 18 respectively in 2000. All the inspection teams working in rural areas had at least two 4x4 vehicles and were allocated a fuel allowance.

13. All children in grades 5 to 9 took a national test. The June 2007 test had shown that there was no significant difference between the performance of children in rural and urban areas.

14. The CHAIRPERSON asked why 50 per cent of children dropped out of school after the fourth grade of primary, why the repetition rate was so high, and what the position was with regard to vocational training; she also requested details of the curricula.

15. Mr. MAHDI HAMUD ISSE (Djibouti) said that in 1989 less than 30 per cent of children in the 6-11 age group had been enrolled in school, compared with the current figure of 72 per cent. In 1970, less than 50 per cent of schoolchildren had completed primary education, as against 69 per cent in 2006. The rate of advancement from primary to secondary had been 13 per cent in 1990 and 78 per cent in 2007. The rate of advancement from secondary school to high school had been three per cent in 1990, compared with 38.3 per cent in 2006. In 2000, before the introduction of the new education policy, school attendance was optional, and a head teacher could refuse to admit children, a practice no longer possible today. The two current challenges were to establish universal basic education and to provide good-quality education to enable young people to find jobs or go on to higher education.

16. A programme of certified training, known as the National Adaptation Service, had been established for children who had dropped out of school. Unfortunately, it could not cater for all the young people.

17. Mr. ZERMATTEN asked how the State party managed education in the two languages, French and Arabic.

18. Mr. MAHDI HAMUD ISSE (Djibouti) said that Arabic was a taught language and could become a language of instruction from the third grade. The study of English began in the sixth grade. Somali and Afar, the national languages, were not studied as such in primary but elements of the culture were taught in one or other of those two languages. Since 2008 they had been taught as formal subjects from the sixth grade, i.e. in secondary school. Pupils had to choose one of them as a compulsory option. However, in the secondary schools in the north of the country, which was mostly Afar-speaking, Afar was studied as a compulsory subject by all pupils, irrespective of their ethnic origin; Somali was studied in the south.

19. Mr. KRAPPMANN asked whether public education was entirely free, how much private education cost, and whether the two systems differed in quality. He also asked for information about vocational training to help teenagers to find jobs.

20. Ms. SMITH asked what percentage of young dropouts had access to the National Adaptation Service. She noted that the report said that illiteracy was declining; more information on the subject would be welcome.

21. Mr. MAHDI HAMUD ISSE (Djibouti) said that textbooks and school perquisites were entirely free in primary. Very recently, largely as a result of support from the World Bank, textbooks had begun to be published in Djibouti through the National Education Centre for Research and Pedagogical Information, an arrangement five times cheaper than buying the books from French publishers. Children in the poorest areas received free clothing. A study had shown that some parents did not send their daughters to school because they did not think they were sufficiently presentable. In addition, the school canteens enabled poor children to have at least one balanced meal a day. School perquisites were free in secondary only for girls and, from 2009, for some boys (orphans, for example).

22. Mr. FILALI asked whether those support measures were funded by the Ministry of Education or by the new Secretariat of State for National Solidarity.

23. Mr. MAHDI HAMUD ISSE (Djibouti) said that all school facilities, including the canteens, were funded and managed by the Education Ministry.

24. There were two categories of private school. The first category included schools with relatively high fees; the State controlled only the standard of the education dispensed. The second category consisted of non-profit schools; the State set their fees and appointed their teachers. Textbooks and school perquisites were free. Such institutions were found in regions where there were as yet no public schools. Some private institutions had also been established to provide teaching in Arabic.

25. The literacy programmes were focused chiefly on basic education. However, there were informal schools teaching a few subjects (reading and writing) and skills to young people who had never attended school or had dropped out. Informal schools catered for a little under

5,000 children, 90 per cent of them girls, representing about 30 per cent of children who had left school without any qualifications.

26. Ms. NIMO BOULHAN HOUSSEIN (Djibouti) gave some details of the history of the establishment, in March 2008, of the Ministry for the Advancement of Women, Family Welfare and Social Affairs. The new Ministry was currently assessing its needs and formulating action plans for the advancement of women. The Ministry for Youth was also preparing an action plan. The budgets of the two ministries received scant resources from the State but would be boosted by support from development partners.

27. Mr. PARFITT asked for information about the programmes for children and the exact role of the coordination bodies created by the Ministry of Justice.

28. Mr. ABDI ISMAEL HERSI (Djibouti) said that the coordination arrangements set up in the Ministry of Justice had been designed solely for the preparation of the periodic report to the Committee. All matters connected with the coordination of policies for children were handled by the Ministry for the Advancement of Women, Family Welfare and Social Affairs.

29. Ms. HALO ABOUBAKER HOUMED (Djibouti) said that the practice of female genital mutilation was in retreat, even though it remained widespread. According to a survey conducted in the schools, 45 per cent of seven-year-old girls had been mutilated. The authorities had introduced a strategy for eliminating all forms of excision. However, the efforts were being obstructed by the religious and by women themselves.

30. A call-centre had been established for women and girls who suffered violence. The authorities were planning to formulate a national strategy to combat violence against women, which would also address the problem of female genital mutilation.

31. Ms. AIDOO asked whether, as part of the effort to combat female genital mutilation, specific measures were also being taken to deal with women who practised mutilation for a living.

32. Mr. ZERMATTEN welcomed the steps taken to combat violence against women and female genital mutilation and asked whether awareness-raising activities had also been carried out at the grass roots and with religious people to combat the practice of early marriage.

33. Mr. CITARELLA asked what was the legal age of marriage for boys and for girls.

34. Ms. HALO ABOUBAKER HOUMED (Djibouti) said that as education was now compulsory up to age 16 the practice of early marriage was in decline. The legal age of marriage was 18 years for both men and women. The efforts to raise the awareness of women and girls with regard to female genital mutilation were continuing. The article of the Penal Code criminalizing the practice had had little effect so far. The authorities preferred to use awareness-raising and information measures. Numerous measures had also been targeted on the women who practised mutilation. A programme of income-generating activities had even been introduced to encourage them to abandon the practice, but it had been found that as soon as one team of practitioners had been dealt with under the programme a new team appeared to take its place. The emphasis was now being switched to raising the awareness of parents.

35. Mr. FILALI asked whether the sanctions which could be imposed on practitioners of mutilation in Djibouti also applied to persons who practised mutilation abroad and then returned to Djibouti.

36. Mr. ABDI ISMAEL HERSI (Djibouti) said that if the practitioner or the victim was a national of Djibouti and the complaint was lodged with a court in Djibouti, the domestic courts had jurisdiction. The practice had been a crime since 1995: Djibouti had been one of the first Arab Islamic countries to have enacted a law of that kind. Unfortunately, despite the awareness-raising campaigns and the widespread publicity given to the relevant articles of the Penal Code, including on radio and television, no complaints had so far been lodged.

37. Turning to the question of early marriage, he said that the Family Code fixed the legal age of marriage, which was confused with the age of majority. Marriage was solemnized by a national institution, the ma'adoun, who acted as the State registrar and was responsible for ensuring that the persons wishing to marry were of different sexes and were over the legal age of marriage.

38. The concept of moral abandonment meant the abandonment of the entire family, regardless of who was doing the abandoning. It had been enacted mainly to address the situation of fathers who neglected their parental obligations.

39. Mr. PARFITT asked what action was taken, in cases of failure to fulfil maintenance obligations, to punish the defaulters and help the families concerned.

40. Mr. KOTRANE noted that article 62 of the Family Code established sanctions in respect of failure to pay maintenance and asked whether there were any plans to establish a public fund to guarantee payment of maintenance to the wife, while the State then sought reimbursement from the defaulter.

41. Ms. AIDOO asked whether maintenance could be withheld from the defaulter's pay and stressed that the support for families provided by non-governmental organizations (NGOs) could not replace support by the State.

42. Mr. ABDI ISMAEL HERSI (Djibouti) said that there were no plans to establish a State fund to make up for the failure of defaulters to pay maintenance. In that kind of situation, in fact, strong support was provided by the extended family, and even by the local district.

43. Recourse to criminal prosecution was rare: a victim would enter a complaint only if there was no other solution. However, it was possible, subject to a court order, to deduct the amount owed from the defaulter's pay or assets; regular use was made of that procedure.

The meeting was suspended at 4.30 p.m. and resumed at 4.50 p.m.

44. Ms. HALO ABOUBAKER HOUMED (Djibouti) said that, according to UNICEF, there were 33,000 orphans in Djibouti, including 5,000 AIDS-orphans. There were two shelters for orphan children: one for girls, set up in 1978, which accommodated 315 girls aged up to 23 years, attending to their education, health and leisure needs; and one for boys, recently established by a Kuwaiti NGO, which accommodated 700 boys. The Diwan Al Zakat foundation also looked after orphans and disadvantaged children (a total of 528: 277 boys and 251 girls), distributing a monthly maintenance allowance to their families. The programme for orphans and vulnerable children operated by the Ministry for the Advancement of Women, Family Welfare and Social Affairs as a pilot project in collaboration with four NGOs reached 700 children country-wide; it provided various benefits, such as the provision of clothing and footwear, payment of school travel costs, and food and school perquisites allowances, as well as organizing training for children who had left school in order to help them to integrate themselves in society.

45. Mr. KOTRANE said that according to article 78 of the Family Code filiation in marriage was established by the cohabitation of the spouses or by the father's acknowledgement of the child. He would like to know whether, in the case of children born out of wedlock, testimony or a DNA test could also be used to establish filiation. Furthermore, according to article 81 of the Penal Code acknowledgement of illegitimate filiation did not create kinship or rights of inheritance in the absence of other heirs. It would be useful to know what action the Government intended to take to put an end to the discrimination suffered by children born out of wedlock.
46. Ms. ORTIZ asked whether, since the programmes and institutions just mentioned cared for about 2,000 children out of a total of 33,000, other kinds of support were available for orphan children.
47. Mr. AHMED OSMAN HACHI (Djibouti) said that he acknowledged that the question of children born out of wedlock was one of the weak points of the Family Code. The Ministry of Justice had begun to address the issue, and its deliberations were continuing. It could happen that in the course of a paternity action the judge might order DNA tests to establish filiation officially and give the child a name. Testimony under oath was also admissible.
48. Mr. ABDI ISMAEL HERSI (Djibouti) said that if filiation was established by a court the child in question was accorded all the rights of a child born within the marriage. In more general terms, it should not be forgotten that Djibouti had initiated a process of legislative reform and that the new Family Code now in force would be amended. Under the reform process the Ministry of Justice had also initiated a debate on the question of children born out of wedlock.
49. The CHAIRPERSON asked whether it was true that in situations of that kind the father could be prosecuted under the provisions of the Penal Code on moral abandonment if he did not fulfil his obligations.
50. Mr. AHMED OSMAN HACHI (Djibouti) said that those provisions applied once filiation had been proved.
51. Ms. ORTIZ noted that French agencies offered Djiboutian children for adoption and asked whether Djibouti allowed inter-country adoptions. She would also like to know what procedures were followed, in particular with regard to obtaining the mother's consent.
52. Mr. ABDI ISMAEL HERSI (Djibouti) said that the law authorized guardianship but not full adoption. The country was in a difficult political and economic situation aggravated by flows of refugees and illegal migrants and the presence of military forces. In that context, some mothers gave birth to children which they could not or would not raise. Such children could be cared for under a guardianship arrangement by a Christian institution long established in Djibouti, which was required to obtain the mother's consent before an officer of the criminal investigation police. The institution then took charge of the child and transferred him or her to France or tried to find an adoptive family. The situation was admittedly ambiguous, for it prohibited adoption while at the same time allowing children to be adopted through that institution. That was one of the issues which the State was trying to resolve and in respect of which it was considering seeking assistance.
53. Mr. ZERMATTEN said that the fact the State prohibited adoption but allowed children to be placed in guardianship and delegated to another country the operation of the adoption procedures was a source of concern to the Committee, for the State was not able to ensure compliance with the guarantees which ought to be enjoyed by children and their mothers in the adoption process.

54. Mr. CITARELLA pointed out that the courts were not involved in the process at any time.

55. Mr. KOTRANE noted that children were placed in orphanages, a practice which the Committee regarded as a solution of last resort, or adopted in France through the institution just mentioned. He asked whether the State envisaged introducing other alternative placement arrangements, such as kafalah, to enable children to grow up in an alternative family in Djibouti.

56. Mr. ABDI ISMAEL HERSI (Djibouti) said that it must be made clear that the parents of most of the children in question were foreigners in irregular situations. Family solidarity was very strong in Djibouti, and a child who had family links in Djibouti could not be given up for adoption. The Government was trying to find a suitable solution for those children who did not have such family links, in order to protect them and ensure that their situation was monitored.

57. Ms. MAKO MAHAMOUD ALI (Djibouti) said that, with a view to improving the health infrastructure, especially in rural areas, the Ministry of Health had been renovating health posts in remote locations, equipping them with solar panels to maintain the cold chain and thereby ensure that vaccines which in the past had deteriorated rapidly were kept at the correct temperature. The vaccination coverage had thus been improved: a survey conducted in May 2008 had found that 88 per cent of children had completed a full schedule of vaccinations. Community teams had been given the task of touring the towns to find children who had not been vaccinated and refer them to the health facilities, while mobile teams performed the same task in rural areas.

58. In order to tackle the shortage of qualified personnel, the Ministry of Health had arranged for the of training of paramedics to be expanded to accommodate twice as many students as in the past. It was also bringing in foreign medical specialists to provide sophisticated treatment.

59. A programme to reduce the incidence of mother-to-child transmission of HIV/AIDS had been introduced in April 2003 and extended to 19 health posts in 2005, thus covering the whole of Djibouti City and its hinterland district

60. Persons living with HIV/AIDS received psychological support and grants as well as free medicines.

61. The acute malnutrition rate had fallen from 20.4 per cent in 2006 to 16.6 per cent in 2007 as a result of the programme of diagnosis, information and awareness-raising established by the Ministry of Health. A nutritional recovery programme carried out in all of the country's health posts had made it possible to provide hospital treatment for the children most seriously affected by severe acute malnutrition, the target for 2012 being to reduce by half the incidence of a scourge which currently affected 5.4 per cent of under-fives.

62. The very low rate of exclusive maternal breastfeeding (1.3 per cent) was one of the causes of malnutrition. According to a 2006 study, it would seem that many grandmothers encouraged young mothers to bottle-feed their babies with water from birth. That was why a committee had been set up to teach both mothers and grandmothers about the benefits of exclusive maternal breastfeeding under an education programme carried out in five pilot locations, which was to be extended to the whole of the country. Steps had also been taken to enforce the 1997 decree on the marketing of mother's milk substitutes, which had so far remained a dead letter, inter alia by banning the advertising of the products in question and carrying out the "baby-friendly hospitals" project.

63. In order to inform teenagers about the ways in which HIV/AIDS was transmitted and about reproductive health, call centres and "community development centres" had been established alongside the traditional health facilities; young people in the 15-24 age group interviewed as part of a 2006 survey had stated that they had not obtained satisfaction from the traditional facilities. The new health centres should be operational by 2009.

64. The infant mortality rate remained very high despite the Government's efforts to bring it down, which included measures for the coordination of all the maternal and child health activities and programmes and the creation in 2006, in the Directorate for Maternal and Child Health, of a service with specific responsibility for matters connected with children, which had been set the target of reducing infant and child mortality by 2012.

65. Ms. AIDOO asked whether all children in both rural and urban areas had equal access to the solidarity fund established to assist AIDS-orphans, whether children affected by AIDS and children placed in institutions were stigmatized and lost their right to inherit, and what the State party was doing to guarantee family food security, which was the only means of combating malnutrition.

66. Ms. MAKO MAHAMOUD ALI (Djibouti) said that since there were no AIDS-diagnosis laboratories in the rural health posts Djibouti was unable to determine accurately the scale of the epidemic in rural areas; that was why rural children did not receive the same attention as urban children. However, all the country's children had equal access to the programme to combat acute malnutrition.

67. Mr. AHMED OSMAN HACHI (Djibouti) said that the problem of juvenile crime was not sufficiently widespread to justify the creation of a fully fledged juvenile justice system in Djibouti. Only three minors (in the 16-17 age group) out of a total prison population of about 800 persons had actually been imprisoned. The Penal Code stipulated that children aged under 13 years were deemed not to possess criminal liability, while children in 13-18 age group possessed reduced liability. The law stipulated in fact that sentences equivalent to one half of the sentences available for adults who had committed the same offence could be imposed on minors.

68. In practice, minors were imprisoned only as a last resort; the imposition of measures of reparation was generally the preferred option. Furthermore, police officers always tried to find an amicable solution when an offence had been committed by a minor. However, the Code of Penal Procedure stipulated a special procedure for serious offences committed by minors, under they could be made subject as a last resort to a committal order. In order to protect minors in conflict with the law, hearings were held behind closed doors and the media were prohibited from reporting on cases involving minors.

69. Minors suspected of having committed offences were subject to measures of protection, assistance, education and supervision under article 32 of the Penal Code. If they were placed in detention, they were kept apart from adults (in the supervised education centres which had recently been renovated), enjoyed visiting rights and, if they wished, attended education courses within the prison itself.

70. A Prisons Inspectorate had recently been set up; its members were trained in human rights, in the provisions of the Code of Penal Procedure and in penitentiary law. The Inspectorate was responsible to the Ministry of Justice and was shortly to take over from the police officers who had performed that function up to now.

71. Mr. FILALI asked whether the courts had divisions specializing in juvenile cases. He wished to know whether, in the course of the amicable settlement of disputes, the forces of law and order had recourse to mediators and, in particular, whether elders played that role in the community. Additional detailed information on the various stages of the judicial proceedings leading to the placement of a minor in an institution under a committal order would be welcome.

72. Mr. ZERMATTEN asked whether a minor who had committed an offence could be represented free of charge by a lawyer and whether human rights were included in the training of judges, prosecutors and counsel dealing with juvenile cases.

73. Mr. ABDI ISMAEL HERSI (Djibouti) said that there were no special courts or jurisdiction for juvenile justice, but that when a judge took charge of a criminal case involving a minor he knew that he was required under the Code of Penal Procedure to comply with a number of rules designed to protect the minor in question.

74. Minors had the right to be assisted by counsel at all stages of criminal proceedings, including pre-trial detention. Counsel was appointed automatically in serious cases, but in ordinary cases the legal costs had to be paid by the minors' parents or legal representatives if they were not entitled to legal aid.

75. Mr. PURAS (Country Rapporteur for Djibouti) welcomed the constructive dialogue established with the delegation and Djibouti's political will to improve the lot of its children by gradually giving effect to the principles embodied in the Convention. Since 43 per cent of the population was aged under 15 and almost 50 per cent under 18, the country's future would depend to a large extent on the children's policies which were carried out and on the resources allocated to them. In the concluding observations to be formulated at the end of the session the Committee would recommend that the State party should continue the dialogue with civil society and improve the national and regional coordination of the efforts made to help children, adopt a national action plan for children, strengthen the national Human Rights Commission, and create an independent body in accordance with the Paris Principles. The Committee would also invite the State party to rationalize its investments in the health and education services, as it had begun to do in recent years.

76. Ms. NIMO BOULHAN HOUSSEIN (Djibouti) thanked the Committee for the interest which it had taken in improving the lot of Djibouti's children; its recommendations would help the Government to build a country fit for children. Djibouti took note of the Committee's intention to furnish it with technical assistance; it would study the possibility of withdrawing the general reservation made at the time of ratifying the Convention and consider ratifying the two optional protocols to the Convention and the African Charter on the Rights and Welfare of the Child; it undertook to draft a national policy on children backed by an action plan; and it called on the Committee and the international multilateral and bilateral communities which shared Djibouti's concerns to provide technical and financial support for the Government's efforts, with a view to improving the application of the Convention.

77. The delegation of Djibouti withdrew.

The meeting rose at 6 p.m.
