

Women's rights protection instruments ratified by Djibouti:

- **CEDAW**: ratified in 1998
- **CEDAW Protocol**: not signed
- **Maputo Protocol**: ratified in 2005

Ratify! Although Djibouti has ratified the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and the Protocol to the African Charter on Human Rights and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), it has still not ratified the Optional Protocol to CEDAW.

Respect! The Coalition of the Campaign is particularly concerned by the following continued violations of women's rights in Djibouti: persistence of discriminatory laws; violence against women; and limited access to education, decision-making positions and health care.

/ Some positive developments...

The Coalition of the Campaign acknowledges the recent adoption of several policies aimed at improving respect for women's rights, including:

- The creation of a Ministry for the promotion of women, family and social affairs in 2008.
- The establishment of a centre, operational since 2007, to provide information and support to women victims of violence.
- The establishment since 2004 of an Action Plan to promote girls' access to education, as well as literacy programmes for adults particularly targeting women.

/ But discrimination and violence persist

IN LAW

Although the Constitution establishes the principle of equality between men and women, discriminatory laws persist, in particular within the **Family Code**, adopted in 2002. For example:

Conditions for marriage: According to article 7 "marriage is only valid with the consent of the two spouses and the woman's guardian". The fixing of the dowry (*Mahr*) is a further condition for the validity of a marriage.

Forced and early marriages: Although article 13 fixes the minimum legal age of marriage at 18 years, article 14 provides that: "Marriage of minors who have not reached the legal age of majority is subject to the consent of their guardians".

Marital power: According to article 31: "The wife must respect the prerogatives of the husband, as head of the family, and owes him obedience in the interest of the family. The husband and wife must fulfil their marital duties, in conformity with practice and custom."

Polygamy is authorised under article 22. Although this clause makes it possible for a wife to challenge her husband's new marriage, many marriages remain polygamous (estimated at 11.2% in 2004).

Remarriage: According to articles 42 and 43, a woman cannot remarry after a divorce or the death of her husband for a period of three months in the case of divorce (or following birth if she is pregnant) and four months and ten days in the case of death.

Customary law, based on Sharia law, continues to be applied in many cases. It is deeply discriminatory in particular in the areas of succession, divorce and freedom of movement. For example, under customary law, women do not have the right to travel outside the country without the authorisation of an adult male relative.

IN PRACTICE

The effective implementation of laws protecting women in Djibouti comes up against major obstacles, in particular: women's lack of knowledge of the law; extreme poverty and lack of resources; as well as the weight of tradition and stereotypes concerning the role of women in society.

• Violence

Although the Djibouti Criminal Code penalises rape, torture and 'barbaric acts' (art. 324 and subsequent articles), domestic violence and marital rape are not expressly criminalised. Domestic violence is widespread in Djibouti and rarely exposed. Such violence is often dealt within a family or traditional context.

Despite efforts made by the government since 2005, including the implementation of awareness-raising campaigns involving religious and community leaders, female genital mutilation (FGM) persists in Djibouti. In 2008, it was estimated that 93% of women had undergone a form of FMG, operated traditionally on girls between 7 and 10 years old. The most severe form of FMG, infibulations, continues to be widely practised, especially in rural areas. Although the 1995 revision of the Criminal Code criminalised FGM and provided for a sentence of 5 years imprisonment and a fine of one million Djibouti francs (art. 333), nobody has ever been prosecuted under this provision.

• Obstacles to access to education

Although schooling is free and, since 2002, compulsory up to the age of sixteen, and despite incentive measures (free school meals, distribution of school equipment, clothes for newly enrolled girls, provisions for families who send their daughters to school, etc), the rate of school attendance for girls remains very low: 34% in primary and 17% in secondary schools during the period 2000-2007. In urban and rural areas alike, sending children to school often involves too great an expense for a family on a low income and priority is often given to the schooling of boys, considered to be the future heads of families.

• Under-representation in political life

Women in Djibouti remain under-represented in posts of responsibility and are generally excluded from decision-making posts in the public sector; they make up only 9% of state officials at the highest levels. In the last legislative elections in February 2008, only 9 women were elected out of 65 members of parliament (13.8%). A law

establishing a quota system was adopted in 2002, but it fixes the quota for the minimum number of women in elective and administrative functions at only 10%.

• **Obstacles to access to property**

In spite of the provisions of the Family Code establishing equal rights to property for men and women (art. 101 and subsequent articles), in practice women often find themselves deprived of inheritance in favour of the men in their families.

The Coalition of Campaign calls on the authorities of Djibouti to:

- **Reform all discriminatory legislation** in conformity with CEDAW and the Maputo Protocol, including discriminatory provisions within the Family Code.
- **Harmonise civil, religious and customary law**, in conformity with CEDAW and the Maputo Protocol, and ensure that when conflict arises, statutory law prevails including in matters of inheritance, divorce and freedom of movement.
- **Strengthen laws and policies to protect women from violence and support victims**, including: by adopting a specific law to prohibit all forms of violence against women, including domestic violence and marital rape; implementing training programs for legal personnel responsible for implementing laws protecting women from violence; organising public awareness-raising campaigns; allocating additional financial resources to the fight against domestic violence; and strengthening the operational mandate of the centre to support women and girls victims of violence.
- **Eliminate obstacles to the education of girls and women**, in particular by: ensuring equal access to all levels of education; adopting measures to retain girls within the education system, including pregnant pupils; launching awareness-raising programmes to overcome stereotypes and traditional attitudes; and increasing the budget for education to improve educational infrastructure and teacher training.
- **Increase women’s participation in public and political life**, including through the reform of the law on quotas to increase the minimum percentage.
- **Ensure women’s access to quality health-care**, including obstetrics and family planning, in particular by: ensuring access to contraception, particularly in rural areas; and allocating additional funds to health, in order to expand the healthcare infrastructure and increase the number of qualified personnel, particularly in rural areas.
- **Adopt all necessary measures to reform and eliminate discriminatory cultural practices and stereotypes**, by disseminating simplified versions of legal texts to the general public and adopting awareness-raising programmes aimed at men and women, including government officials and religious, traditional and community leaders.
- **Ratify the Optional Protocol to CEDAW.**

• Obstacles to access to health

Women in Djibouti suffer from a lack of adequate access to health care services, due to the lack of health infrastructure and human and financial resources. High fertility rates, poor provision of emergency obstetric care and the persistence of harmful traditional practices (excision including infibulations) seriously affect women's health and explain the high maternal mortality rates (estimated at 650 per 100,000 births in 2005).

PRINCIPAL SOURCES

- Focal Point: LDDH
- UNICEF, www.unicef.org
- Inter-parliamentary Union, www.ipu.org
- OIF, www.genre.francophonie.org
- UNDP Djibouti

For more information on women's rights and the actions of the campaign in Djibouti, see: www.africa4womensrights.org

THE CAMPAIGN FOCAL POINT IN DJIBOUTI

The Ligue Djiboutienne des des Droits de l'Homme (LDDH)



Created in 1999, LDDH conducts many activities for the promotion and defence of human rights in Djibouti: monitoring human rights violations, prevention of social conflict, fighting impunity, training and information.
www.iddh-djibouti.org