



A Report on Women's Rights in Djibouti

Submitted to: The Committee on the Elimination of Discrimination against Women (CEDAW) – the 81st pre-sessional Working Group

Submitted by: Maat for Peace, Development and Human Rights

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An Introduction

Djiboutian women face huge social and economic challenges every day. Famine, poverty and regional conflicts have even exacerbated the situation of women and undermined all the efforts made by the government to improve the status of women in society and their living conditions.

Articles 1 & 10 of the 1992 Constitution contain provisions that provide equality of all citizens before the law without discrimination on grounds of origin, race, sex, or religion. Article 390 of the 2011 Penal Code also states that “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

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actual or assumed, with a specific ethnic group, nation, race or religion shall constitute discrimination.”

In the 2011 Penal Code, discrimination is classified as a criminal offense, punishable by two years’ imprisonment and a fine of 500,000 Djiboutian francs.

Djibouti continues to suffer from the clutches of discrimination and inequality. In this report, we present an overview of the Djiboutian women living conditions, the extent to which they can obtain their rights, and whether or not they are subjected to discrimination and inequality compared to men.

First: Discrimination against women in education

Djibouti is a small country in East Africa covering an area of only 23,000 sq km. Djibouti’s approach to education has wavered over the years. While in richer neighborhoods in the capital almost all children attend school, people living in shanty settlements or rural areas don’t have the same privilege. In 2000, a new law making education compulsory for all children between 6 and 16 years old has been passed. However, almost one in three children does not receive an education.

What is alarming is the state of girls’ education in Djibouti, specifically the disparity between the number of girls and the number of boys attending school. There is also a disparity between educated girls in

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urban areas and those in rural areas. The low number of schools outside the cities is responsible for the big difference between the 67% enrollment rate in urban areas and 49% in rural areas. In rural areas, schools also tend to be far from homes. Therefore, parents are hesitant to compromise on the child's safety, especially young girls.¹

Second: women's health in Djibouti

Djibouti is making insufficient progress in improving maternal health. The maternal mortality rate is estimated at 300 deaths per 100,000 live births; a figure twice as high as the regional average. About 15% of these deaths are caused by the mother's infection with HIV. The HIV / AIDS prevalence rate for the population aged 15 to 24, is 1.9% for women and 0.8% for men.

Antenatal care coverage for mothers (with at least one medical supervision) is in total 92%; with 94% in urban areas and 47% in rural areas, which is a significant difference.

In this light, it is clear that women in Djibouti are subjected to discrimination in the health care they receive, especially for women living in the countryside.²

¹ Girls' Education in Djibouti: Facts, borgen magazine, 2019, <https://bit.ly/2SgzciQ>

² Soumeya Ali Aouad, Women Empowerment, Improvement and Implementation of a gender policy for the geothermal sector in case of the Djiboutian Office of Geothermal Energy Development, Proceedings, 8 th African Rift Geothermal Conference, 2020, <https://bit.ly/3f7kUuL>

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Third: Underage marriage in Djibouti

Pursuant to Article 13 of the 2002 Family Law, the minimum age of marriage is 18 for both boys and girls. However, Article 14 provides that marriage below the age of 18 is permitted with the consent of the guardians of the minors or the authorization of a judge. Article 16 of the same law also stipulates that the guardian who permits marriage must be the father, grandfather, or proxy, indicating that only male relatives can act as a guardian. Early marriage is still practiced in Djibouti and is more common in rural areas. The lower rates of economic growth has increased the phenomenon of early marriage in Djibouti, where the rate of underage marriage reached 28% in 2020.³

Fourth: Female genital mutilation (FGM)

Article 333 of Djibouti's Penal Code prohibits the practice of female genital mutilation (FGM). Subsequent amendments to the law have criminalized the non-reporting of FGM and the aid and incitement to this practice. However, this phenomenon is still widely practiced in Djibouti, and over 90% of women and girls have undergone FGM.

There is a lack of recent data on FGM in Djibouti. However, the latest data from UNICEF indicate that approximately 20% of FGM procedures in the country are performed by health personnel. Yet, the

³ A network to stop early marriage, the Lutheran world federation , 2020, <https://bit.ly/3vbws60>

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penal code does not explicitly criminalize nor punish the perpetrators, who work in hospitals or are health care personnel.

To avoid prosecution, people in some areas may resort to evasive practice such as practicing it in secret and across borders. In Somalia, this practice is not criminalized, so some families in Djibouti go there for conducting FGM. Djibouti's penal code doesn't criminalize cross-border FGM cases, and it seems there are no other specific regulations or laws related to FGM practices in other countries.⁴

Fifth: Discrimination against women at work

The Constitution of Djibouti, which was ratified in 1992, states that all people are equal regardless of gender, language, origin, race, or religion. However, large gender gaps remain common, particularly in labor force participation. In Djibouti, only 19% of women are employed as compared to 81% of men.

According to the Labor Law and the Penal Code, employers can't discriminate based on sex and whoever does so shall be punished by imprisonment and fines. Moreover, employers are required to pay equal wages to men and women doing the same job. Despite this legal protections, work restrictions for women do still exist. For example,

⁴ Eva Gilliam, Ending female genital mutilation in Djibouti, unicef, 2019, <https://uni.cf/3yySdyz>

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women are prohibited from working in in certain jobs that are considered unsuitable for women or require physical strength.

The labor force participation rate (that is, the percentage of the working-age population who actively engages in the labor market either by working or searching for work) among girls in the 15-24 age group is 46%, compared to 56% for men in the same age group. Due to the low standards of living, some women have to work in unsafe and fragile jobs in the private sector. Generally speaking, in Djibouti, gender equality in the workplace still faces many restrictions, and men make up the majority of the national workforce.⁵

Conclusion & Recommendations

Djiboutian women face many social and economic challenges in their daily lives. Famine, poverty and regional conflicts have exacerbated their already fragile situation and made it difficult for civil society organizations and government to improve the situation of women.

The law guarantees equality for women, but the Djiboutian society still suffers widespread social and economic discrimination. Most of the women prefer to stay away from public life for social reasons as well. In

⁵ Gender Equality and Women's Empowerment, USAID, 2020, <https://bit.ly/3bLn80Y>

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recent years, some self-employed women have resorted to the courts to defend their rights.

Maat for Peace recommends the following:

- 1- The implementation of laws prohibiting FGM and its registration is very limited; therefore, Djibouti must monitor the courts and periodicals entrusted with deciding on this practice because the application of one complete ruling in this case represents a great deterrent to such practices.
- 2- Encouraging the participation of local and religious leaders in awareness about women's rights in the divine religions and how the Islamic religion guarantees the freedom of education, work, and non-coercion.
- 3- Activating the role of civil society organizations in Djibouti by teaching girls some safe manual jobs, to protect them from resorting to unsafe ones.
- 4- Allowing women to participate in high-ranking, senior positions and to have equal access to the so-called “men jobs”, and when women reach such positions, they can contribute to the enactment of laws that safeguard their rights.

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