

QUICK GUIDE TO ADDRESS WOMEN'S ISSUES DURING THE UNIVERSAL PERIODIC REVIEW ON DJIBOUTI^[1]

These Guides include:

- A list of issues mentioned in the National Report, the Compilation of official UN Documents and the Summary of Other Stakeholders Submissions, with references to the particular paragraphs in which they can be found.
- The full text of those paragraphs
- A reference to "gaps", that is, issues on which the National Report should/could have applied a gender perspective but failed to do so.
- In those cases in which the Sexual Rights Initiative has submitted reports, we have included an Annex with our recommendations.
- In all cases we have included suggestions for questions and recommendations

References in the two working languages of the Council (English and French) have been kept in their original language.

Issues are highlighted, while **recommendations** are in bold and underlined. References from the National Report are *in Italics*.

All women's rights issues (included sexual rights' issues related specifically to women) are referred to in this Guide. Other sexual rights issues are referred to in the Sexual Rights Guides for each state under review

CEDAW ratified without reservations. OP-CEDAW not ratified with reservations (arts. 8^[2] and 9^[3]). Rome Statute and Palermo Protocol ratified.

Initial and second reports to CEDAW Committee overdue since 2000 and 2004 respectively. La Fédération internationale des ligues des droits de l'Homme (FIDH) et la Ligue djiboutienne des droits humains (LDDH) ont noté le manque flagrant de coopération des autorités djiboutiennes avec les mécanismes onusiens de protection des droits de l'Homme depuis plusieurs années. Les deux organisations ont souligné que Djibouti accuse d'importants retards dans la soumission de rapports périodiques, notamment au Comité pour l'élimination de la discrimination à l'égard des femmes. La FIDH et la LDDH ont recommandé aux autorités djiboutiennes de **soumettre les rapports périodiques aux mécanismes onusiens de protection des droits de l'Homme** (Para 1, Summary)

Gaps

The National Report should/could have applied a gender perspective -that is, make reference to how the issue affects women and men in particular ways- but failed to do so in the following sections: Droit à l'éducation (53-61), la protection sociale (69-71); droit au logement (72-82); droit des enfants (88-91)

Use of gender-inclusive language: Some sections of the report use a gender-inclusive language (i.e. *droits de la personne humaine*)

Issue	National Report	Compilation	Summary
Early marriage	Legal age set at 18, mandatory schooling up to 16, as ways to decrease it (86)		
Economic Rights		National Strategy and Plan for Women in Development (6); microcredit programme (33)	
Equality	Constitutional guarantees (12); political will (83); legal amendments (111); as a challenge (117)	As a major challenge (11)	
Female Genital Mutilation	Program established, criminalization, services for victims, work in communities (85); sensitization campaigns (111); difficulties (117)	Criminalization (3); persistence, no prosecutions to enforce the law (16)	
Girl Children	Sensitization campaigns for schooling (111);	Disparities in education (39, 40); most girls not provided education (41); high numbers in prostitution, no services provided to them (19); vulnerability (32)	
Harmful traditional practices	Undermining efforts on behalf of women's rights (116)		
Laws that discriminate against women		Inheritance (11), legal changes achieved but implementation hindered (45)	
Participation in political life	Quota system (87, 111)		
Polygamy		Need to research its impact on children (23)	
Reproductive Health and Rights	Mother/Child Health Programs (64), measures to lower maternal mortality (111)	High maternal mortality rates, need to make it a priority (36); failures in adolescent healthcare, teenage	

		pregnancy (38)	
Right to education	Parity as a challenge (61)		
Right to work	Unemployment (67)	Unemployment (29); unequal remuneration and benefits (29)	
State mechanisms	Protection policies (14); Women's Ministry (28); focal points (84)	Women's Ministry (5)	
Violence against women	Difficulties (117)	Persistence of domestic violence (16)	

Early Marriage

L'adoption du Code du Statut Personnel (Janvier 2002) qui a permis de fixer l'âge du mariage à dix huit (18) ans pour les deux futurs conjoints ainsi que l'obligation de la scolarisation jusqu'à seize (16) ans ont contribué à faire reculer le mariage précoce, pratique discriminatoire à l'égard des jeunes filles (Para 86, NR)

Economic Rights/Right to development

A 2004 UNFPA report noted the adoption of a National Strategy for the Improvement of Women in Development and a National Action Plan, which states that all policies and laws will be evaluated based on their impacts on gender (Para 6, Compilation). The Committee on the Rights of the Child (CRC) noted the 2001 Poverty Reduction Strategy Paper (PRSP) and welcomed, *inter alia*, a microcredit programme for women (Para 33, Compilation)

Equality and non-discrimination

La Constitution du 4 septembre 1992 consacre en effet tout son titre II aux Droits et devoirs de la personne humaine. Les droits et libertés qui y sont reconnus sont, entre autres l'égalité devant la Loi sans distinction de langue, d'origine, de race, de sexe ou de religion (Para 12, National Report). La promotion et la protection de la femme et de l'enfant sont soutenues par une volonté politique constante, l'action d'une société civile féminine émergente jeune mais dynamique et l'adoption de textes non discriminatoires. Cependant, du fait des traditions et d'un taux d'analphabétisme élevé chez les femmes ; les efforts sont à soutenir (Para 83, NR) Dans un souci de promotion et de protection des droits de l'homme ; certaines mesures ont été prises pour diffuser, respecter et faire respecter les droits de l'homme sur toute l'étendue de son territoire à travers des actions aussi diverses telle que la promulgation d'un certain nombre de codes tels que celui du travail et de la famille qui consacrent les femmes dans leurs droits dans une société pastorale où la femme n'avait pas les mêmes droits que l'homme (Para 111, NR).

Pour faire face aux difficultés et contraintes susmentionnées, l'Etat mène ou entend mener des actions appropriées dans les domaines suivants : d) Poursuite et renforcement des mesures visant à promouvoir l'égalité entre les hommes et les femmes (Para 117, NR). The 2007 Common Country

Assessment (CCA) report noted that inequalities between men and women continue to be a **major challenge** for the country. Gender disparities are observed in the fields of education, economy and decision making (Para 11, Compilation)

Female Genital Mutilation

CRC further welcomed, as highlighted also by UNHCR, the **amendment to the Penal Code** which has set, under the provisions of its article 333, severe sanctions penalizing the practice of female genital mutilation (Para 3, Compilation). *La République de Djibouti a signé la Convention pour l'Élimination de Toutes Formes de Discriminations à l'Égard des Femmes et mis en place un important **programme** pour réduire la principale violence que constituent les mutilations génitales féminines, malgré l'existence d'un **article du Code Pénal** qui interdit et punit la pratique des mutilations génitales féminines. C'est ainsi qu'a été élaboré une **Stratégie Nationale** pour l'abandon de toutes formes d'excisions (2006), une **cellule d'écoute** pour les jeunes filles et femmes victimes de violence mise en place (2007) de même qu'un important **programme communautaire** pour la promotion et la protection des droits humains (2007).* (Para 85, NR). *Dans un souci de promotion et de protection des droits de l'homme ; certaines mesures ont été prises pour diffuser, respecter et faire respecter les droits de l'homme sur toute l'étendue de son territoire à travers des actions aussi diverses telle que la mise en place des **campagnes de sensibilisation** de lutte contre les mutilations génitales* (Para 111, NR).

*Pour faire face aux **difficultés et contraintes** susmentionnées, l'Etat mène ou entend mener des actions appropriées dans les domaines suivants : b) Renforcement des actions pour l'élimination de la pratique de l'excision* (Para 117, NR) The 2007 Common Country Assessment (CCA) report noted that despite progress, including the promulgation and implementation of the Family Code, women continue to be subjected to harmful traditional practices, such as female genital mutilation (FGM). In 2008, CRC noted with concern that FGM, including infibulations, the most extreme form of FGM, **continues to be widely practiced** in the country, and that there have been **no prosecutions** to enforce the law prohibiting this practice (Para 16, Compilation)

Girl Children

*Dans un souci de promotion et de protection des droits de l'homme ; certaines mesures ont été prises pour diffuser, respecter et faire respecter les droits de l'homme sur toute l'étendue de son territoire à travers des actions aussi diverses telle que la mise en place des **campagnes de sensibilisation pour la scolarisation des filles*** (Para 111, NR). Nevertheless, CRC expressed its concern that, with increasing age, the majority of children do not go to school and gender disparities, reflecting societal attitudes and poverty, remain a concern. The Committee recommended that Djibouti **take effective measures to, inter alia, ensure that primary education is available to all; and increase school enrolment rates; diminish regional and socio/cultural disparities, particularly those related to gender** (Para 39, Compilation). A 2008 World Bank report mentioned that the **proportion of male students significantly surpasses that of females** and that since 2000, food subsidies were provided to encourage Djiboutian families to enroll girls in school (Para 40, Compilation) The 2007 CCA report noted that in spite of the progress made, almost 45 per cent of the children, whose **majority are girls, are not provided education, especially in the rural areas**, and more than 20 per cent of the registered pupils do not complete their cycle of primary education (Para 41, Compilation)

CRC expressed concern about the **high number of children, in particular girls, involved in**

prostitution and the lack of facilities to provide services for sexually exploited children. It recommended that Djibouti develop and strengthen legislative measures to address the issues of sexual exploitation and sexual abuse; ensure the prompt investigation and the prosecution of perpetrators of sexual offences against children; and continue to implement appropriate policies and programmes for prevention, recovery and social reintegration of child victims (Para 19, Compilation). CRC expressed concern that children are involved in work in inhuman and degrading conditions and are particularly vulnerable to drugs, HIV/AIDS, sexually transmitted diseases and early pregnancies (Para 32, Compilation)

Harmful traditional practices

Néanmoins, Djibouti fait face à des difficultés majeures qui l'empêchent de poursuivre et d'accomplir pleinement ses actions en faveur de la promotion et la protection des droits de l'homme. Ces difficultés sont de diverses natures mais parmi elles l'on pourrait souligner les suivantes : a) Le poids des traditions qui mine les efforts en faveur des droits des femmes et des enfants (Para 116, NR)

Laws that discriminates against women and girls

In 2000, CRC urged to give particular attention to addressing discrimination against both girls and women by, *inter alia*, reviewing domestic legislation so as to ensure that discriminatory provisions, including those affecting inheritance rights, are removed and that adequate protection from discrimination is provided (Para 11, Compilation). In 2008, CRC noted that Djibouti had made efforts to harmonise its legislation with the Convention, in particular through the adoption of the Family Code, the Labour Code, the Nationality Code and laws on the orientation of educational and health policies. It noted with regret, however, that the implementation of the provisions in these laws is hindered by a lack of

human and financial resources (Para 45, Compilation)

Participation in political and public life

Sur le plan de la participation des femmes à la vie politique la loi N°192/AN/02/4eme L instituant le système de quota d'au moins 10 pour cent dans les fonctions électives et dans l'administration de l'Etat a favorisé l'entrée des femmes dans les partis politiques et au Parlement en 2003 (7 femmes députés/65) et 2008 (9 femmes députés/65) et une plus grande représentation dans la vie publique (Para 87, NR). *Dans un souci de promotion et de protection des droits de l'homme; certaines mesures ont été prises pour diffuser, respecter et faire respecter les droits de l'homme sur toute l'étendue de son territoire à travers des actions aussi diverses telle que d) la présence obligatoire des femmes dans toute fonction publique ou politique (les femmes sont de plus en plus nombreuses dans les postes « clés »)* (Para 111, NR)

Polygamy

CRC recommended that Djibouti undertake an in-depth and comprehensive study on the impact of polygamy in order to find out whether polygamy has negative consequences on the upbringing and development of children and, if so, to develop measures, including awareness-raising measures, to address those negative impacts (Para 23, Compilation)

Reproductive Health and Rights

Outre ces mesures normatives qui ont pour objet le respect des principes fondamentaux d'équité, de

solidarité et de protection et promotion de la santé des populations, le Gouvernement conduit des programmes nationaux relatifs à l'orientation de la politique de santé pour l'amélioration de la santé mère/enfant (Para 64, NR) Dans un souci de promotion et de protection des droits de l'homme ; certaines mesures ont été prises pour diffuser, respecter et faire respecter les droits de l'homme sur toute l'étendue de son territoire à travers des actions aussi diverses telle que de progrès énormes ont été réalisés dans les domaines de la santé notamment dans les régions les plus reculées du pays, ce qui a eu pour conséquence d'élargir l'offre de santé, la *réduction de la mortalité infantile et maternelle* (Para 111, NR). CRC was also concerned at *inter alia*, the continued high levels of infant, under-five and maternal mortality rates. CRC recommended that Djibouti continue and strengthen measures to ensure that health care is both accessible and affordable and that the problems of infant and maternal mortality and malnutrition are given a high priority, including through awareness raising campaigns and activities to encourage exclusive breastfeeding of children (Para 36, Compilation)

CRC noted with concern that there are *no adequate and confidential services for adolescent healthcare* and that *teenage pregnancy* is an increasing problem. CRC recommended, *inter alia*, that Djibouti elaborate clear policies and, when applicable, legislation addressing the prevention of adolescent health-related issues, in particular early pregnancies and drug abuse (Para 38, Compilation)

Right to Education

Non obstant toutes ces évolutions, il nous incombe de continuer nos efforts pour l'atteinte d'ici 2015 des objectifs du Millénaire avec la réalisation de la parité dans tous les degrés d'enseignements (Para 61, NR).

See also Girl Children

Right to work

Le travail et donc la lutte contre le chômage est l'un des axes d'interventions majeurs des autorités Djiboutiennes dans le cadre de la lutte contre la pauvreté, car le chômage toucherait 60 pour cent de la population active majoritairement les femmes et les jeunes (Para 67, NR) A 2008 OCHA report noted a high unemployment rate, estimated at about 60 per cent, particularly affecting the youth, women, persons with disabilities and the elderly (Para 29, Compilation).

In 2008, the International Labour Organization (ILO) Committee of Experts hoped that the Government would ensure legislative conformity of its labour laws with the principle of *equal remuneration*, as provided in the Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (No. 100). The Committee also hoped that the legislation would explicitly provide that all *benefits*, such as transport expenses, are to be applied to men and women workers on an equal basis (Para 29, Compilation)

State Mechanisms for Women's Rights

La République de Djibouti a adopté des politiques générales de promotion et de la protection de la femme et de l'enfant (Para 14, NR). Le Gouvernement joue un rôle essentiel dans la promotion et la protection des Droits de l'Homme à travers ses différents Ministères, notamment le *Ministère chargé de la Promotion de la Femme du bien être familial et des Affaires Sociales* (Para 28, NR) Un Ministère chargé de la Promotion de la Femme, du Bien Etre Familial et des Affaires Sociales a été créé afin de

promouvoir l'égalité entre les hommes et les femmes, lutter contre les discriminations fondées sur le genre et protéger les femmes et les enfants. La mise en place des points focaux genres dans les départements ministériels a contribué à asseoir la prise en compte de l'approche genre dans les programmes et projets sectoriels (Para 84, NR). In 2008, CRC welcomed the establishment of the Ministry for the Advancement of Women, Family Welfare and Social Affairs (Para 5, Compilation)

Violence against women

Pour faire face aux difficultés et contraintes susmentionnées, l'Etat mène ou entend mener des actions appropriées dans les domaines suivants : b) Renforcement des actions pour l'élimination de la discrimination à l'égard des femmes et de la violence contre elles (Para 117, NR). The 2007 CCA report noted that despite progress, including the promulgation and implementation of the Family Code, women continue to be subjected to domestic violence. (Para 16, Compilation)

Suggested questions and recommendations

- While congratulating Djibouti for its legislations and programmes against female genital mutilation, recommend that the legal provisions be effectively enforced and perpetrators be adequately punished.
 - While congratulating Djibouti for its legal reforms towards equality for women and girl, recommend that the resources needed to implement these provisions be considered a priority issue when requesting financial and technical foreign assistance.
 - While congratulating Djibouti for having established a 10% quota for women's representation in public office and the legislative power, recommend that the quota be raised to at least 25-30%.
 - Recommend that Djibouti implements CRC recommendation to conduct a study to assess whether polygamy has negative consequences for children, broadening its scope to also evaluate how women are affected by this practice and that the findings from such study be used to guide legal reforms and policies on the issue.
 - While congratulating Djibouti for its commitment to fight the causes of maternal mortality, recommend that confidential healthcare be provided to adolescent girls, as a key measure to foster those efforts.
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[1] These Guides were produced by the Sexual Rights Initiative, a coalition of organizations based in Africa, Asia, Eastern Europe, Latin America and North America whose mandate is to advance women's issues broadly and sexual rights issues in the Human Rights Council. For questions, comments, suggestions please contact Alejandra Sardá-Chandiramani at alejandra@mulabi.org

[2] Article 8: 1. If the Committee receives reliable information indicating grave or systematic violations by a State Party of rights set forth in the Convention, the Committee shall invite that State Party to cooperate in the examination of the information and to this end to submit observations with regard to the information concerned. 2. Taking into account any observations that may have been submitted by the State Party concerned as well as any other reliable information available to it, the Committee may designate one or more of its members to conduct an inquiry and to report urgently to the Committee. Where warranted and with the consent of the State Party, the inquiry may include a visit to its territory. 3. After examining the findings of such an inquiry, the Committee shall transmit these findings to the State Party concerned together with any comments and recommendations. 4. The State Party concerned shall, within six months of receiving the findings, comments and recommendations transmitted by the Committee, submit its observations to the Committee. 5. Such an inquiry shall be conducted confidentially and the cooperation of the State Party shall be sought at all stages of the proceedings.

[3] Article 9: 1. The Committee may invite the State Party concerned to include in its report under article 18 of the Convention details of any measures taken in response to an inquiry conducted under article 8 of the present Protocol. 2. The Committee may, if necessary, after the end of the period of six months referred to in article 8.4, invite the State Party concerned to inform it of the measures taken in response to such an inquiry.