



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

Distr.: General  
28 July 2011

Original: English

**ADVANCE UNEDITED VERSION**

---

**Committee on the Elimination of  
Discrimination against Women**

**Forty-ninth session**  
11 – 29 July 2011

**Concluding observations of the Committee on the  
Elimination of Discrimination against Women**

**Djibouti**

1. The Committee considered the combined initial, second and third periodic report of Djibouti (CEDAW/C/DJI/1-3) at its 990<sup>th</sup> and 991<sup>st</sup> meetings on 21 July 2011 (CEDAW/C/SR.990 and 991). The Committee's list of issues and questions is contained in CEDAW/C/DJI/Q/1-3) and the responses of the Government of Djibouti are contained in CEDAW/C/DJI/Q/1-3/Add.1.

**A. Introduction**

2. The Committee welcomes the submission by the State party of its combined initial, second and third periodic report, which was detailed and generally followed the Committee's guidelines for the preparation of reports, although it lacked some specific sex-disaggregated data and was overdue. The Committee notes with appreciation that the report was prepared in a participatory process coordinated by an inter-ministerial committee and involving different Ministries, members of the National Assembly, the National Human Rights Commission and civil society organizations. The Committee expresses its appreciation to the State party for the oral statement presented by the head of delegation, the written replies to the list of issues and questions raised by its pre-session working group, and the further clarifications to most of the questions posed orally by the Committee.

3. The Committee commends the State party for its high-level delegation, headed by the Minister for the Advancement of Women and Family Planning of the Republic of Djibouti, which included representatives of several Government departments and of the National Human Rights Commission. The Committee appreciates the constructive dialogue that took place between the delegation and the members of the Committee, while noting that some questions were not answered.

4. The Committee welcomes the commitment of the State party to implement the provisions of the Convention despite the many challenges it is facing.

## B. Positive aspects

5. The Committee welcomes the ratification by the State party of the following international human rights treaties since the entry into force of the Convention for the State party in 1998:

(a) The International Covenant on Economic, Social and Cultural Rights, in 2002;

(b) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 2002;

(c) Both Optional Protocols to the International Covenant on Civil and Political Rights, in 2002;

(d) The Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, in 2011; and

(e) The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, in 2005.

6. The Committee welcomes the adoption, since the entry into force of the Convention, of the following legislative measures aimed at eliminating discrimination against women:

(a) The Family Code (2002) which sets the minimum age of marriage at 18 years for women and men, albeit with exceptions, and improves the economic position of women in polygamous marriages, abolishes the practice of repudiation, and criminalizes the refusal of a divorced husband to pay alimony ("family abandonment");

(b) The amendment in 2009 of Article 333 of the Criminal Code (criminalizing female genital mutilation) to define and criminalize failure to report FGM and of Article 7 of the Criminal Procedure Code to relax the conditions to be met by women's rights organizations for bringing FGM cases to court;

(c) The Human Trafficking Law (2007) which criminalizes engaging in or facilitating human trafficking and provides for victim assistance;

(d) The Education System Act (2000) introducing free compulsory education for girls and boys aged 6 to 16 years; and

(e) The Labour Code (2006) providing for, *inter alia*, 14 weeks of paid maternity leave and three days of paid parental leave for fathers.

7. The Committee also notes with appreciation the adoption by the State party of various institutional and policy measures, including:

(a) The establishment in 2008 of the Ministry for the Advancement of Women, Family Welfare and Social Affairs which was renamed Ministry for the Advancement of Women and Family Planning, in charge of relations with Parliament (*Ministère de la Promotion de la Femme et du Planning Familial, chargé des Relations avec le Parlement*);

(b) The establishment in 2008 of the National Human Rights Commission and of an inter-ministerial committee to coordinate the submission of reports to treaty bodies; and

(c) The National Strategy for the Integration of Women in Development (2003-2010) and its action plan aiming at strengthening women's participation in political and economic life, improving maternal and child health, and increasing women's and girls' access to education and literacy.

## C. Principal areas of concern and recommendations

8. The Committee recalls the obligation of the State party to systematically and continuously implement all the provisions of the Convention and views the concerns and recommendations identified in the present concluding observations as requiring the priority attention of the State party between now and the submission of the next periodic report. Consequently, the Committee urges the State party to focus on those areas in its implementation activities and to report on actions taken and results achieved in its next periodic report. The Committee calls upon the State party to submit the present concluding observations to all relevant ministries at national and regional levels, to the National Assembly and regional assemblies, as well as to the judiciary, so as to ensure their full implementation. It also recommends that the State party integrate the concluding observations throughout its decentralization process.

### The National Assembly

9. While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the obligations of the State party under the Convention, the Committee stresses that the Convention is binding on all branches of government. It invites the State party to encourage the National Assembly, in line with its procedures, where appropriate, to take the necessary steps with regard to the implementation of the present concluding observations and the State party's next reporting process under the Convention.

### Visibility of the Convention and the Committee's general recommendations

10. While noting that international treaties ratified by the State party form part of its national law and have supremacy over national laws (Article 37 of the Constitution), the Committee is concerned about the perception that judges, magistrates and law enforcement officials need not apply the Convention, as domestic law adequately reflects its provisions. It notes with concern that the Convention has not been translated and widely disseminated in the national languages, i.e. Afar, Somali and Arabic. It is further concerned that there is inadequate knowledge of the rights of women under the Convention, its concept of substantive gender equality and of the Committee's general recommendations among all branches of the Government and the judiciary, at both national and regional levels. While welcoming the recent adoption of a law on legal aid which, although not limited to women, mitigates the impact of legal costs as a critical aspect that limits women's access to justice, the Committee is concerned that women, especially in rural areas, are not aware of their rights under the Convention and that their ability to claim those rights is further limited by the persistence of cultural stereotypes, traditional justice mechanisms, illiteracy, lack of access to information and other practical difficulties in accessing courts.

### 11. The Committee recommends that the State party:

(a) Translate and widely disseminate the Convention in all national languages and to that end seek international assistance, if appropriate;

(b) Take measures to ensure that the Convention and the Committee's general recommendations are sufficiently known and applied by all branches of Government and the judiciary at national and regional levels as a framework for all laws, court decisions and policies on gender equality and the advancement of women;

(c) Ensure that the Convention be made an integral part of legal education and training of judges and magistrates, including those in personal status courts, lawyers and prosecutors, so that a legal culture supportive of women's equality with men and non-discrimination on the basis of sex is firmly established in the country;

(d) Enhance women's awareness of their rights and the means to enforce them through, inter alia, legal literacy programmes, and to ensure that information on the Convention is provided to women in all parts of the State party through the use of all appropriate means, including the media; and

(e) Remove barriers that women may face in gaining access to justice by effectively implementing the law on legal aid to enable poor women to claim violations of their rights under the Convention and by disseminating knowledge of ways to utilize available legal remedies against discrimination.

#### **Harmonization of laws**

12. The Committee welcomes the efforts made by the State party to strengthen women's rights in relation to marriage and divorce in the Family Code, which is based on customary law, Islamic law and modern elements of law. However, it notes with concern the State party's position that discriminatory provisions of the Family Code, such as provisions concerning the husband's role as the head of the family and women's unequal inheritance share, cannot be changed as they are rooted in "higher socio-cultural and religious values". The Committee notes with concern that provisions of the Family Code which provide for unequal rights of women and men during marriage and its dissolution are incompatible with the Convention, and in this regard recalls that the State party ratified the Convention without reservations. It is also concerned that disputes concerning violations of women's rights, especially cases of sexual violence, are often settled through traditional justice mechanisms, such as payment of a symbolic amount to the victim's family without consulting or compensating the victim.

**13. The Committee recalls its general recommendation No. 21 (1994) on equality in marriage and family relations and calls on the State party to amend discriminatory provisions of the Family Code, with a view to harmonizing them with the Convention. In doing so, the State party is advised to draw on the successful experiences in other States parties in the region in reviewing personal status and family laws based on progressive interpretations of the Koran, in line with the Convention. The Committee also recommends that the State party take measures to sensitize the public on the importance of addressing violations of women's rights through judicial rather than customary mechanisms so as to ensure that victims have access to effective remedies and reparation, and to train judges, magistrates and law enforcement officials to apply relevant laws in a gender-sensitive manner in conformity with the Convention.**

#### **National machinery for the advancement of women**

14. While welcoming the establishment of a national machinery for the advancement of women, comprising the Ministry for the Advancement of Women, regional gender offices, and gender focal points in different government departments, the Committee is concerned that the capacity and resources of the national machinery have not been adequately strengthened, especially at the regional level, to ensure the effective coordination and implementation of the National Strategy for the Integration of Women in Development and the prioritization of women's rights in social and economic development strategies.

**15. The Committee, recalling its general recommendation No. 6 (1988) and the guidance provided in the Beijing Platform for Action, in particular regarding the necessary conditions for the effective functioning of national mechanisms, recommends that the State party:**

(a) Strengthen the existing national machinery at all levels by providing it with adequate human, technical and financial resources to increase its effectiveness in formulating, implementing, providing advice on, coordinating and overseeing the

preparation and implementation of laws and policy measures in the field of gender equality and in mainstreaming gender perspectives in all laws and policies;

(b) Provide training on gender equality to women and men working in the Ministry for the Advancement of Women, including its regional offices, as well as to those working in other government departments at the national and regional levels;

(c) Give priority attention to women's rights, non-discrimination and gender equality, including by taking into account the Committee's recommendations in the preparation and implementation of the National Gender Policy;

(d) Incorporate a result-oriented approach, including specific indicators and targets, in the National Gender Policy; and

(e) Strengthen the capacity, independence and resources of the National Human Rights Commission, as well as its mandate to work on women's rights, in line with the Paris Principles (General Assembly resolution 48/134 of 20 December 1993).

#### **Stereotypes and harmful practices**

16. While noting the steps taken by the State party to eliminate discriminatory cultural attitudes and to criminalize certain harmful practices, the Committee is concerned about the persistence of adverse cultural norms, practices and traditions as well as patriarchal attitudes and deep-rooted stereotypes regarding the roles, responsibilities and identities of women and men in all spheres of life. The Committee is also concerned that such customs and practices perpetuate discrimination against women, and are reflected in women's disadvantageous and unequal status in many areas, including in public and economic life and decision-making and in marriage and family relations. It notes that such stereotypes also contribute to the persistence of violence against women as well as harmful practices, including female genital mutilation (FGM), polygamy and early marriage; and expresses its concern that the State party has not taken sufficient sustained and systematic action to modify or eliminate stereotypes, discriminatory cultural values and harmful practices.

#### **17. The Committee urges the State party to:**

(a) Put in place a comprehensive strategy to eliminate harmful practices and stereotypes that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention. Such measures should include efforts, in collaboration with civil society, to educate and raise awareness about this subject, targeting women and men at all levels of society, including traditional and religious leaders;

(b) Address harmful practices such as FGM, polygamy and early marriage by instituting public education programmes and prohibiting and/or effectively enforcing the prohibition of such practices, in particular in rural areas;

(c) Use innovative measures to strengthen understanding of the equality of women and men and to continue working with the media to enhance a positive and non-stereotypical portrayal of women; and

(d) Undertake an assessment of the impact of those measures in order to identify shortcomings, and to improve them accordingly.

#### **Female genital mutilation**

18. While welcoming the numerous measures taken by the State party to raise awareness about the harmful effects of FGM, the Committee notes with concern that the prevalence of FGM is still very high (93 percent), especially in rural areas, and that cases of FGM are generally not reported, prosecuted and punished. It also notes with concern that FGM often leads to obstetric complications, caesarean sections, excessive bleeding, prolonged labour

and maternal death, especially in case of infibulations, the most extreme form of FGM, which is widely practiced in the State party.

**19. The Committee recalls its general recommendations No. 14 (1990) on female circumcision and No. 19 (1992) on violence against women, as well as the recommendations addressed to the State party during the Universal Periodic Review of Djibouti (A/HRC/13/17, paras. 67.18, 67.25, 68.3 and 68.8) and by the Committee on the Rights of the Child (CRC/C/DJI/CO/2, para. 56), and urges the State party to:**

**(a) Effectively enforce Article 333 of the Criminal Code on FGM, which provides for a penalty of 5 years' imprisonment, by prosecuting and adequately punishing perpetrators as well as those complicit in or failing to report the crime, and to provide to the Committee information on the number of reports, prosecutions, convictions, and on the sentences imposed on perpetrators of FGM;**

**(b) Intensify its awareness-raising campaigns and training efforts targeting families, practitioners, communities, traditional and religious leaders, health workers, judges and magistrates, including those in personal status courts, prosecutors and police officers, with the support of civil society organizations, in order to explain that female genital mutilation is a form of gender-based discrimination and violence and to eradicate FGM and its underlying cultural justifications; and**

**(c) Educate families, communities, practitioners, teachers, and health workers on the harmful effects of FGM on women's and girls' reproductive health.**

#### **Violence against women**

20. The Committee notes that measures have been taken to address violence against women, such as the distribution by the State party of guides for judges and lawyers and for civil society on legal responses and victim assistance, and the establishment by the *Union Nationale des Femmes Djiboutiennes* (UNFD), the main women's rights organization in the State party, of information, guidance and counselling centres (*cellules d'écoute, d'information et d'orientation*), including in the Ali-Adeh refugee camp, providing assistance to victims of gender-based violence. It also takes note of the State party's intention to review its legislation on violence against women. However, it is concerned that women rarely report cases of gender-based violence which are usually settled within the family, that marital rape is not criminalized, that abortion following rape is illegal, and about reports of sexual violence in the Ali-Adeh camp without access to justice for victims.

**21. In accordance with its general recommendation No. 19 (1992) on violence against women, the Committee calls on the State party to:**

**(a) Prosecute all acts of domestic and sexual violence against women and girls, upon complaint by the victim or *ex officio*, and adequately punish perpetrators;**

**(b) Consider amending the Criminal Code, with a view to criminalizing marital rape and decriminalizing abortion in case of rape;**

**(c) Provide mandatory training to judges, prosecutors and the police on the strict application of the relevant provisions of the Criminal Code;**

**(d) Encourage women and girls victims of violence to report cases to the police, by raising awareness about the criminal nature of such acts, de-stigmatizing victims and training law enforcement and medical personnel on standardized, gender-sensitive procedures for dealing with victims and effectively investigating complaints;**

**(e) Ensure that the draft National Gender Policy under preparation by the Ministry for the Promotion of Women prioritizes combating violence against women;**

(f) **Strengthen victim assistance and rehabilitation, by providing free legal aid, psychological counselling, opening shelters for battered women, and supporting women's rights organizations assisting victims, including but not limited to UNFD;**

(g) **Ensure the physical security of refugee women and girls in the Ali-Adeh camp by increasing the number of law enforcement personnel in the camp and providing free legal assistance to victims of sexual and other forms of violence; and**

(h) **Collect sex-disaggregated data on the number of complaints, prosecutions, convictions, and on the sentences imposed on perpetrators of domestic and sexual violence, and to provide such data to the Committee.**

#### **Trafficking and exploitation of prostitution**

22. The Committee acknowledges the difficulties faced by the State party in responding to the high numbers of refugees and migrants coming to and transiting through its territory. It notes the measures that the State party has taken to combat trafficking in human beings, in particular women and children, who are often abused by traffickers and subjected to forced labour and sexual exploitation the countries of destination, by concluding cooperation agreements with other countries in the sub-region, further cooperating with IOM which recently opened a migration response centre in Obock, and criminalizing human trafficking. However, the Committee notes with concern the limited capacity of the State party to enforce the Human Trafficking Act and provide assistance to victims, the low number of prosecutions and convictions of traffickers, and the lack of protection of refugee or migrant women and children vulnerable to become victims of trafficking.

#### **23. The Committee recommends that the State party:**

(a) **Expedite the adoption of a national plan of action to combat trafficking in human beings, in particular women and girls, including refugees and migrants;**

(b) **Effectively enforce the Human Trafficking Act by prosecuting and adequately punishing traffickers and by providing assistance to victims of trafficking;**

(c) **Continue raising awareness and training law enforcement officials on the strict application of relevant criminal law provisions;**

(d) **Establish appropriate mechanisms aimed at early identification, referral and support of victims of trafficking, including refugee and migrant women and girls;**

(e) **Provide refugee and migrant women with access to income generating activities, through micro-credits and self-employment opportunities, to reduce their risk of having to engage in survival sex and of becoming victims of human trafficking;**

(f) **Collect sex-disaggregated data on the number of prosecutions and convictions of traffickers and include such data in its next periodic report; and**

#### **Participation in political and public life**

24. The Committee welcomes that the 2002 law introducing a 10-percent quota for women's representation on candidate lists of political parties has resulted in an increase of the number of women in the National Assembly, where women were elected to 9 of the 65 seats in 2009, and in regional and municipal councils. It also notes that a 20-percent quota for women in senior civil service posts was introduced in 2008 by decree, that there are currently 3 women Ministers, and that the number of women judges, including those in personal status courts, has significantly increased. However, the Committee is concerned that women's participation in political and public life remains weak, especially in decision-making positions and in the local administration, as well as in the diplomatic service.

25. The Committee recalls its general recommendations No. 23 (1997) on women in political and public life and No. 25 (2004) on temporary special measures and recommends that the State party:

(a) Increase and effectively enforce, including through adequate sanctions, existing quotas and adopt additional quotas for women applying throughout the public service at national, regional and municipal levels, with a view to accelerating the equal representation of women and men in elected and appointed political bodies, especially in decision-making positions and in the local administration;

(b) Allocate adequate funds for women candidates, including opposition candidates, in the public funding of election campaigns;

(c) Promote women's participation in civil society organizations, political parties, trade unions and other associations, including in leadership positions;

(d) Ensure that women, including women with disabilities, have adequate opportunities to participate and that they have a vote in the planning, implementation, monitoring and evaluation of development policies and community projects;

(e) Take affirmative action to increase the number of women diplomats, in particular women Ambassadors; and

(f) Provide training on gender equality to politicians, journalists, teachers, and traditional and religious leaders, especially men, to enhance the understanding that full, equal, free and democratic participation of women and men in political and public life is a requirement for the full implementation of the Convention.

#### **Education**

26. While welcoming the measures taken by the State party to increase girls' access to, in particular, primary education, such as bringing schools closer to rural communities, creating a new ministry for pre-school education, increasing the number of nurseries and daycares, and providing scholarships and food rations to girls and incentives for parents to send their daughters to school, especially in rural areas, the Committee is concerned about:

(a) The slow increase in the enrolment of girls at the primary level, in particular in rural areas, despite the measures taken by the State party;

(b) Girls' low enrolment at the secondary level, especially in rural areas, and the significant gap between the enrolment rates for girls and boys at the secondary level;

(c) The emphasis on traditionally female dominated fields such as sewing, cooking and hairdressing in professional training and in technical and vocational education for women and girls, potentially confining them to low-paid jobs in their future professions;

(d) The low female literacy rate, especially in rural areas.

27. The Committee calls on the State party to continue taking measures to ensure equal access of girls and women to all levels of education, such as:

(a) Addressing barriers to women's and girls' education such as negative cultural attitudes, early marriage, excessive domestic duties, the low number of female teachers, lack of safety, and health problems related to FGM;

(b) Awareness-raising among parents, communities, teachers, traditional leaders, and public officials, especially men, about the importance of women's and girls' education;

(c) Affirmative action such as training and recruitment of female teachers;



- (d) Ensuring girls' safety and addressing their health needs, including by opening more schools close to rural communities and by building separate and functioning latrines, in particular in primary schools;
- (e) Public scholarships for girls and incentives for parents to send their daughters to school, including subsidies, to relieve girls of their domestic work duties;
- (f) Adequate educational opportunities for girls and boys with disabilities, including by integrating them into mainstream education;
- (g) Technical and vocational training facilitating the professional reinsertion of girls who dropped out of school, also orienting them towards traditionally male dominated careers, e.g. in services, trade and logistics related to the port of Djibouti;
- (h) Adult literacy programmes, especially for women in rural areas.

### **Employment**

28. While noting the protection afforded to women in the Labour Code, as well as the State party's efforts to create income generating opportunities for women, the Committee remains concerned about discrimination against women in the labour market, including:

- (a) The very high unemployment rate among women;
- (b) The concentration of women in unpaid work and in low-paid jobs in the informal economy without access to social protection;
- (c) The reportedly lax enforcement of Article 137 of the Labour Code enshrining the principle of equal pay for work of equal value;
- (d) Limited access of women to credit for starting small-scale businesses;
- (e) Reports about discriminatory labour practices such as dismissals of women during or following pregnancy, despite the legal provisions in place;
- (f) The absence of legislation prohibiting sexual harassment in the workplace;
- (g) Exploitation of girls in worst forms of child labour, including domestic work.

29. **The Committee recommends that the State party:**

- (a) Intensify technical and vocational training for women, including in traditionally male dominated fields and in the agricultural sector;
- (b) Adopt and extend the National Social Security Fund to informal sector workers, including women, or task the Ministry for the formalization of the informal sector to develop a separate national social protection scheme for those workers;
- (c) Effectively enforce the principle of equal pay for work of equal value, through awareness-raising, adequate sanctions and labour inspections, and consider amending Article 259 of the Labour Code to bring it into conformity with Article 137;
- (d) Expand women's access to micro-finance and micro-credit at low interest rates through the Social Development Fund, the Social Development Agency (ADDS), credit unions, and the *Caisse Populaire d'Épargne et de Crédits* (CPEC) to enable women to engage in income generating activities and to start own businesses;
- (e) Collect disaggregated data on the situation of women and men in the private and informal sectors to monitor and improve women's working conditions;
- (f) Consider amending the Labour Code, with a view to prohibiting and introducing adequate sanctions for sexual harassment in the workplace and increasing the penalties for termination of employment based on pregnancy; and

**(g) Protect girls and boys from exploitative child labour, through increased inspections and fines for employers, in accordance with ILO Convention No. 182 (1999) on Worst Forms of Child Labour, regulate and monitor the working conditions of domestic workers, in particular girls, and consider ratifying the ILO Domestic Workers Convention No. 189 (2011).**

#### **Health**

30. The Committee notes the important measures taken by the State party to extend basic health services to rural communities, reduce maternal mortality and increase women's and girls' access to family planning and reproductive health services. It also takes note of the State party's intention to review its legislation on abortion. However, the Committee is concerned about:

(a) The high maternal mortality rate, including intra-hospital maternal deaths, due to obstetric complications, FGM, early pregnancy, unsafe abortion, and other factors;

(b) The lack of emergency obstetric services and post-natal care, especially in rural areas;

(c) The low contraceptive use rate (22.5 percent), exposing women and girls to risk of HIV/AIDS, other sexually transmitted diseases, and early pregnancy;

(d) The lack of disaggregated data on early pregnancies and unsafe abortions;

(e) The high prevalence of HIV/AIDS among women, limited effectiveness of efforts to prevent mother-to-child transmission, stigmatization of persons living with HIV/AIDS impeding their access to support services, voluntary counselling and screening, and lack of knowledge of HIV/AIDS prevention methods among women and girls.

**31. In line with its general recommendation No. 24 (1999) on article 12 of the Convention (women and health), the Committee calls on the State party to:**

(a) **Further decentralize health structures, train community health workers and mobile health teams on referring women to maternal health services, and address the lack of emergency obstetric services in rural areas;**

(b) **Collect disaggregated data on the prevalence of and address early pregnancy and unsafe abortion, through awareness-raising, decriminalization of abortion in cases of rape and where the life or health of the pregnant woman or girl is in danger, and provision of safe abortion and post-abortion services;**

(c) **Raise awareness about available contraceptive methods, in particular by integrating sex education into school curricula, especially at the secondary level, and encourage the use of male condoms as a safe and less costly option;**

(d) **Provide women and men living with HIV/AIDS with free anti-retroviral treatment and continue sensitizing mothers and, in particular, fathers living with HIV/AIDS on the importance of preventing mother-to-child transmission; and**

(e) **Conduct awareness-raising to de-stigmatize persons living with or affected by HIV/AIDS and risk groups, including sex workers, in order to enable them to access support services and voluntary counselling and screening.**

#### **Rural women**

32. While noting that 80 percent of the State party's population lives in urban areas, the Committee is concerned that rural women are particularly affected by poverty, food insecurity, lack of safe drinking water, and adverse climatic conditions such as drought.

**33. The Committee recommends that the State party continue its efforts to:**

- (a) Create income generating activities for women in rural areas;
- (b) Provide pastoralist women and men whose herds are being decimated due to drought and poverty with alternative livelihoods;
- (c) Improve women's and girls' access to safe drinking water and adequate sanitation in rural areas by building new wells, taps and sanitation facilities; and
- (c) Encourage agro-pastoralist communities to settle near newly built water sources to increase food security and access to water for personal consumption and irrigation.

**Disadvantaged groups of women**

34. The Committee is concerned about the lack of disaggregated data on the situation of women who typically face multiple forms of discrimination, such as older women, orphaned and vulnerable girls, women with disabilities, and refugee and migrant women.

**35. The Committee recommends that the State party:**

- (a) Collect disaggregated data on the situation of women facing multiple forms of discrimination, such as older women, orphaned and vulnerable girls, women with disabilities, and refugee and migrant women, and include such data in its next periodic report; and
- (b) Adopt measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention, to eliminate any such discrimination, including, as applicable, in political and public life and in the areas of education, employment and health, and to protect disadvantaged women them from violence, abuse and exploitation, and include information on such measures in its next report.

**Discrimination against women in marriage and family relations**

36. The Committee notes with concern that under the 2002 Family Code:

- (a) Women may enter into marriage only with the consent of a guardian (Art. 7) and may not get married to a non-Muslim man unless the latter converts to Islam (Art. 23);
- (b) The requirement of payment to the bride of a dowry (*mahr*) in order for the marriage to be valid (Arts. 7, 20 and 21);
- (c) Derogations from the minimum marriage age (18 years) are permitted subject to the consent of the legal guardian of the minor or authorization by a judge (Art. 14);
- (d) Polygamy is retained but subject to certain economic safeguards for the first wife of the polygamous man (Art. 22);
- (e) The husband is the head of the family whose prerogatives the wife must respect (Art. 31);
- (f) Only the husband may file divorce without providing justification, while the wife must provide proof of injuries suffered (Art. 39 (2)) or, alternatively, renounce her rights as a divorced woman, and may be ordered to pay damages to the husband; and
- (g) A woman's inheritance share is less than half that of a man and a daughter's share is half that of a son (Arts. 101 *et seq.*).

**37. The Committee recalls article 16 of the Convention on equality of women and men in marriage and family relations as well as its general recommendation No. 21 (1994) and calls on the State party to eliminate discrimination against women and**

girls in all matters relating to marriage, family relations and succession by repealing or amending the above discriminatory provisions of the Family Code, with a view to bringing them into conformity with the Convention, within a clear time frame.

#### **Optional Protocol**

38. The Committee takes note of the statement of the delegation that the process of ratification of the Optional Protocol to the Convention has been initiated and calls on the State party to accelerate its efforts to ratify the Optional Protocol.

#### **Amendment to article 20, paragraph 1, of the Convention**

39. The Committee encourages the State party to accelerate the acceptance of the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.

#### **Beijing Declaration and Platform for Action**

40. The Committee urges the State party, in the implementation of its obligations under the Convention, to fully utilize the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

#### **Millennium Development Goals**

41. The Committee emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.

#### **Dissemination**

42. The Committee requests the wide dissemination in Djibouti of the present concluding observations in order to make the people, Government officials, politicians, parliamentarians and women's and human rights organizations aware of the steps that have been taken to ensure de jure and de facto equality of women and the further steps that are required in that regard. The Committee recommends that dissemination should include dissemination at the local community level. The State party is encouraged to organize a series of meetings to discuss the progress achieved in the implementation of the present concluding observations. The Committee requests the State party to disseminate widely, in particular to women's and human rights organizations, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly on the theme "Women 2000: gender equality, development and peace for the twenty-first century".

#### **Ratification of other treaties**

43. The Committee notes that the adherence of the State party to the nine major international human rights instruments<sup>1</sup> would enhance the enjoyment by women of

---

<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial

their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to consider ratifying the treaties to which it is not yet a party, i.e., the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance.

#### Follow-up to concluding observations

44. The Committee requests the State party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 19 and 21 above.

#### Technical assistance

45. The Committee recommends that the State party consider seeking increased international assistance and avail itself of technical assistance in the development and implementation of a comprehensive programme aimed at the implementation of the above recommendations and the Convention as a whole. The Committee also calls upon the State party to strengthen further its cooperation with specialized agencies and programmes of the United Nations system, including the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), the Statistics Division, the United Nations Development Programme, the United Nations Children's Fund, the United Nations Population Fund, the World Health Organization, and the Office of the United Nations High Commissioner for Human Rights.

#### Preparation of the next report

46. The Committee requests the State party to ensure the wide participation of all ministries and public bodies in the preparation of its next periodic report and, at the same time, to consult a variety of women's and human rights organizations.

47. The Committee requests the State party to respond to the concerns expressed in the present concluding observations in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its next periodic report in July 2015.

48. The Committee invites the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents that were approved at the fifth inter-committee meeting of the human rights treaty bodies, in June 2006 (HRI/MC/2006/3 and Corr.1). The treaty-specific reporting guidelines adopted by the Committee at its fortieth session in January 2008 (A/63/38, annex I) must be applied in conjunction with the harmonized reporting guidelines on a common core document. Together, they constitute the harmonized guidelines on reporting under the Convention on the Elimination of All Forms of Discrimination against Women. The treaty-specific document should be limited to 40 pages, while the updated common core document should not exceed 80 pages.

---

Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.