



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

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**Committee on the Elimination of Discrimination  
against Women**  
Forty-ninth session  
11-29 July 2011

### **List of issues and questions with regard to the consideration of periodic reports**

#### **Djibouti**

The pre-session working group examined the combined initial, second and third periodic reports of Djibouti (CEDAW/C/DJI/1-3).

#### **General**

1. Please provide information on the process of preparing the combined initial, second and third periodic reports, including on the contribution of public institutions at the central and regional levels and national human rights institutions, and on consultations with non-governmental organizations. Please indicate whether the report was adopted by the Government and submitted to Parliament.

#### **Legal status of the Convention on the Elimination of All Forms of Discrimination against Women and legislative and institutional framework**

2. Article 37 of the Constitution provides that international treaties take precedence over national laws. The report states that the courts and tribunals of the State party monitor respect for the rights and freedoms defined by the Constitution (see CEDAW/C/DJI/1-3, para. 85). Please provide examples of court cases, if any, where the Convention was invoked or directly applied and where the courts interpreted national law in the light of the Convention.

3. Please provide more information on the impact of temporary special measures to accelerate de facto or substantive equality between women and men, in particular in the fields of education, employment, health and protection from violence, and in rural areas.

4. The report states that a new general population census is currently in progress and that the first results are expected in 2010 (*ibid.*, para. 17). Please provide sex-disaggregated data reflecting the situation of women, including older women, rural



women, women with disabilities and refugee and migrant women, in all relevant areas covered by the Convention.

5. Please provide information on the mandate and achievements of the National Human Rights Commission in advancing equal rights of women and men. Please indicate whether the current plan to enlarge the membership and scope of the Commission (*ibid.*, para. 99) also envisages including women's organizations and strengthening the mandate and resources of the Commission.

6. The report refers to the establishment of the Ministry for the Advancement of Women, Family Welfare and Social Affairs and of an intersectoral technical committee (*ibid.*, paras. 169-170) tasked with developing a national strategy for the integration of women into development. Which institutions are responsible for the implementation of the strategy and of other policies for the advancement of women, including at the regional and local levels? What mechanisms are in place to monitor and evaluate such implementation?

7. In paragraphs 180 and 181 of the report, the State party acknowledges that the objectives of the strategy were not fully achieved and indicates that "women remained at risk of poverty, vulnerability, unemployment and social exclusion". Which obstacles to the practical implementation of the strategy have been identified and how does the State party plan to address them in reviewing the strategy? Are there any plans to strengthen the role of decentralized decision-making bodies, such as municipal councils, in the implementation of the strategy and to provide for follow-up mechanisms?

### **Stereotypes and cultural practices**

8. The report acknowledges the persistence of deeply rooted and entrenched patriarchal attitudes and stereotypes which discriminate against women (*ibid.*, para. 210). Please elaborate on the concrete measures taken in the areas of education and the media to eliminate such attitudes and stereotypes. Please explain the role of men in the implementation of such measures.

### **Violence against women**

9. According to information before the Committee, violence against women is underreported and rarely investigated in the State party owing to stigmatization of victims and to customary laws and practices, such as friendly settlements between clans whereby a symbolic amount is paid to the victim's parents without consulting or compensating the victim. Please indicate whether the State party has taken steps to adopt a national action plan to combat violence against women, and specify measures the State party is taking to:

- (a) Encourage victims to report cases of domestic and sexual violence;
- (b) Ensure that perpetrators are prosecuted and punished;
- (c) Ensure that victims are adequately compensated;
- (d) Strengthen the capacity of the support, information and counselling centre to provide medical, psychological and legal assistance to victims (*ibid.*, paras. 194 and 228-230).

10. Please indicate whether spousal rape is criminalized in the State party and whether steps have been taken to decriminalize abortion in cases of rape. Please also provide updated sex- and age-disaggregated data on the number of reported cases, prosecutions and sentences imposed on perpetrators of rape? Please provide similar data on sexual harassment (ibid., paras. 226-228 and 381).

11. Please indicate whether the State party is giving consideration to adopting legislation to explicitly prohibit corporal punishment of girls and boys in all settings, including at home, and whether steps are being taken to raise awareness among parents, teachers and the general public about positive, participatory and non-violent forms of discipline. Please also indicate whether the State party has conducted any studies or surveys on the particular vulnerability of girls to being subjected to corporal punishment and on the specific impact of corporal punishment on girls' development and physical and psychological well-being.

12. Please provide detailed information on the measures taken by the State party to combat female genital mutilation (ibid., paras. 455 et seq.), in particular in rural areas, by:

(a) Prosecuting perpetrators under article 333 of the Criminal Code criminalizing female genital mutilation (ibid., paras. 155 and 482);

(b) Providing mandatory training to the police, prosecutors and judges on the strict application of article 333 (ibid., para. 161);

(c) Raising awareness among practitioners, families, traditional and religious leaders and the general public about the negative impact of female genital mutilation on women's and girls' rights (ibid., paras. 160 and 463-464).

Please also provide information on the medical follow-up provided to victims of female genital mutilation in cases of complications and on the sentences imposed on perpetrators since 2005.

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

13. In paragraph 240 of its report, the State party acknowledges that in order to prevent and punish trafficking in human beings, in particular women and girls, relevant criminal law provisions must be more effectively applied. Please describe the measures taken to ensure and monitor the strict application of such criminal law provisions, such as mandatory training for law enforcement officers on the strict application of articles 394 to 400 of the Criminal Code and of Act 210/AN/07/5th L on human trafficking. Please also explain whether steps have been taken to decriminalize victims of trafficking and sexual exploitation (ibid., paras. 221-225 and 231-240).

14. Bearing in mind that women and children, including migrants and women and children with disabilities, are specifically vulnerable to becoming victims of trafficking for purposes of sexual exploitation and forced labour, please provide information on the measures taken to prevent trafficking in women and children, remove them from prostitution and forced labour and provide them with legal, medical, psychological and social assistance to rehabilitate and reintegrate them into their communities, including by providing them with alternative income opportunities.

**Participation in political and public life and decision-making**

15. Please explain whether the State party plans to take additional measures, including temporary special measures in line with article 4, paragraph 1, of the Convention, to increase the representation of women in the National Assembly and regional and municipal councils, the Government, including at the ministerial level, the public administration, the judiciary, the foreign service, especially at the level of Ambassador, and international organizations (ibid., paras. 66 and 248 et seq., and HRI/CORE/DJI/2010, para. 101). Please explain whether the State party plans to introduce sanctions for violations of Act 192/AN/02/4th L of 13 November 2002 and its 2008 implementing decree requiring minimum quotas for women's representation on candidate lists of political parties (10 per cent) and in senior civil service posts (20 per cent) (see CEDAW/C/DJI/1-3, paras. 174-175, 251-252 and 268-269) and whether it is giving consideration to raising such quotas.

**Education**

16. The report states that the reform of the education system has brought about unprecedented growth in school enrolment (ibid., para. 315). At the same time, the tables on trends in primary and preparatory school enrolment in paragraph 319 indicate a persistent gender enrolment gap. Please explain why girls have not derived equal benefit as boys from education reform and indicate how the State party intends to close the gender enrolment gap, in particular at the secondary level. Please also provide information on scholarships available for girls and on awareness-raising, special support schemes and incentives to encourage parents to send girls to school.

17. Please elaborate on the nature and the impact of measures, including temporary special measures, taken to:

- (a) Bring schools closer to the communities, in particular in rural areas;
- (b) Provide separate sanitary facilities for girls in primary schools;
- (c) Conduct literacy campaigns for women and girls in remote areas (ibid., paras. 185 and 346);
- (d) Increase women's access to higher education (ibid., para. 329) and to teaching positions (ibid., paras. 341-342);
- (e) Enhance educational opportunities for girls with disabilities;
- (f) Increase girls' access to sports and recreational activities (ibid., paras. 343 and 512).

18. Please describe the impact of measures taken to provide professional training for girls not attending school, promote their integration into the labour market, reinforce education on important life skills both at school and in community development centres and fight the exploitation of girls in the worst forms of child labour (ibid., paras. 186, 187, 193 and 348).

**Employment**

19. In the light of women's high unemployment in the private and public sectors and their concentration in insecure jobs in the informal economy (ibid., paras. 34 and 484-503), please provide further information on measures taken to eliminate

traditional attitudes impairing the equality of men and women in the labour market and discriminatory employment practices, such as laying off women during or following pregnancy; to promote equal participation of men and women in education, training and employment in the private and public sectors; and to address the situation of women working in the informal economy, for example by ensuring equal access to credit.

20. What steps have been taken to enable women to better balance professional, private and family life, for example by increasing the number and capacity of childcare facilities and preschools (*ibid.*, paras. 316-318)? Please provide statistical data on the actual use by fathers of their entitlement to three days' parental leave following childbirth (*ibid.*, para. 376).

21. Please indicate whether the State party has taken steps to amend article 259 (4) of its Labour Code, which refers to equal remuneration for equal work rather than equal remuneration for work of equal value, to bring it into conformity with article 137 of the Labour Code (*ibid.*, para. 362) and article 11, paragraph 1 (d), of the Convention. Please also indicate any steps taken to develop objective job evaluation methods based on non-discriminatory criteria, such as skills, responsibility, working conditions and physical and mental effort, including in the context of collective bargaining. Please provide information on the working conditions and remuneration of refugee women, in particular those without residency or work permits.

22. Please provide information on women's integration into the labour market, by occupational category. Please also provide information on social protection and pensions for women, including rural women, who are not covered by either of the two protection schemes mentioned in paragraph 365 of the report (see also CEDAW/C/DJI/1-3, paras. 364, 366-368 and 533) owing to labour market segregation or to their engagement in unpaid work or in the informal economy.

## **Health**

23. Please provide detailed information on the impact of measures taken by the State party to reduce the very high maternal and infant mortality and malnutrition rates, such as awareness-raising activities to encourage exclusive and continued breastfeeding, ensuring affordable access to prenatal, perinatal and post-natal health services, including in the interior regions, and reinforcing community health structures to assist in childbirth (*ibid.*, paras. 26, 54, 189-190, 397, 401-405, 410-419 and 427, and HRI/CORE/DJI/2010, para. 49).

24. What further measures is the State party taking to ensure access for girls and young women to sexual and reproductive health services, including confidential counselling and family planning services, free contraceptives, and education on sexual health and rights at school, especially at the secondary level, as well as outside school, in order to increase the contraceptive coverage rate, reduce HIV/AIDS and the number of teenage pregnancies and prevent unsafe abortions (see CEDAW/C/DJI/1-3, paras. 407 and 421-426)?

25. In light of the feminization of the HIV/AIDS epidemic (*ibid.*, para. 441), please indicate whether the State party has adopted a national action plan on HIV/AIDS and prevention programmes specifically targeting women and girls and aimed at involving fathers in the prevention of parent-to-child transmission. What measures are being taken to raise awareness of safe sex practices (*ibid.*, paras. 453-

454), destigmatize women living with HIV/AIDS and train health professionals to respect the rights of HIV/AIDS patients?

### **Women and girls with disabilities**

26. Paragraph 197 of the report refers to special measures taken by the State party to enhance access by disadvantaged and vulnerable groups (women and girls) to services meeting their priority needs in the areas of health, education and social protection, and to microcredit. Please describe these measures and clarify whether they apply to women and girls with disabilities and also cover education in sexual health and rights and the provision of information in accessible and age-appropriate formats to women and girls with disabilities.

### **Marriage and family**

27. Please indicate whether the State party is taking steps to repeal discriminatory provisions in articles 31 and 39 of the Family Code (Act 152/AN/02/4th L), whereby the husband is the head of the family whose prerogatives the wife must respect, women filing divorce are subject to stricter penalties or requirements than men and a woman's or girl's inheritance share is only half of that of a man or a boy (ibid., paras. 588-590 and 594).

28. Please provide information on any challenges encountered by the first instance personal status courts established under the Family Code, which adjudicate on family law matters, and the Ma'adoun Al Chari responsible for concluding and dissolving marriages (see HRI/CORE/DJI/2010, paras. 75 and 105-111) in reconciling discriminatory customary or religious law provisions governing marriage, divorce and succession with the rights and principles enshrined in the Convention.

29. Please provide information on the measures taken to end the continuing practice of polygamy. Please clarify whether, upon dissolution of a polygamous marriage, a wife is entitled to maintenance for herself and for common children (see CEDAW/C/DJI/1-3, paras. 568 and 577-582). Please also provide information on civil remedies and on measures to ensure that women receive maintenance for themselves and for their children in case of abandonment by the husband, such as automatic enforcement of maintenance orders and local mediation mechanisms.

30. Please indicate whether the State party intends to set a threshold for exceptions to the minimum age of marriage of 18 years and whether it plans to establish additional safeguards for granting such exceptions apart from requiring the consent of the child's guardian. Please provide information on any steps taken to initiate an open debate on early marriage, in particular in rural areas, as well as on sanctions and their enforcement in practice for violations of article 14 of the Family Code (ibid., paras. 194 and 569-572).

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