



# 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

### Summary record of the 992nd meeting

Held at Headquarters, New York, on Thursday, 21 July 2011, at 3 p.m.

*Chair:* Ms. Ameline (Vice-Chair)

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Convention (*continued*)

*Combined initial, second and third periodic reports of Djibouti (continued)*

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*In the absence of Ms. Pimentel, Ms. Ameline, Vice-Chair, took the Chair.*

*The meeting was called to order at 3 p.m.*

**Consideration of reports submitted by States parties under article 18 of the Convention (continued)**

*Combined initial, second and third periodic reports of Djibouti (CEDAW/C/DJI/1-3; CEDAW/C/DJI/Q/1-3 and CEDAW/C/DJI/Q/1-3/Add.1) (continued)*

1. *At the invitation of the Chair, the members of the delegation of Djibouti took places at the Committee table.*

*Article 12 (continued)*

2. **The Chair** invited the members of the delegation to resume their response to the Committee's questions on article 12 posed at the previous meeting.

3. **Ms. Hadi** (Djibouti) said that a Ministry of Health programme that had been in place since 1997 focused on raising public awareness of the medical risks associated with the practice of female genital mutilation. No statistics were available for the number of procedures that had led to medical complications.

4. The newly created department for maternal and child health was working to reduce maternal and infant mortality rates. Access to health services was decentralized thanks to a network of rural medical centres that provided local women with gynaecological, obstetric and emergency health services. Some 100 community health specialists had been dispatched around the country to provide reproductive health services and to assist expecting mothers. Under the national reproductive health policy adopted in 2010, the reproductive health programme was being carried out as part of a broader outreach campaign that included the distribution of vitamin A, routine vaccinations, prenatal care and post-partum services and the provision of general preventive care for mothers and children free of charge. A reproductive health information and referral centre had also been established.

5. A system of community health-care funds had been set up locally to help pay for emergency obstetric services. With regard to maternal mortality rates, three of the eleven hospital deaths in 2010 had occurred in rural facilities. With regard to family planning, the use

of contraceptives had increased significantly since 2009; one third of the female population was now covered.

*Article 13*

6. **Ms. Schulz** said that while famine in the Horn of Africa was making reforms more difficult than ever, it was unclear why poverty, illiteracy and unemployment rates among women had not improved despite a number of programmes that sought to include women in economic development and why women had not benefited from the steady national economic growth achieved in recent years.

7. Considering the difficulties women faced in gaining access to credit, she wished to know whether the Government intended to expand the use of *tontines*, the system of community loans widely used in Djibouti. Given that a number of microfinance institutions existed, including one that specialized in lending to poor women, it would be interesting to know whether there was competition with respect to the interest rates they offered and what those interest rates were. Also, it would be useful to learn whether lending institutions provided any type of support to female loan recipients.

8. Considering the agricultural development measures being undertaken by the Government, she wished to know how the pastoral population, and specifically the women, were affected and whether there was a risk of conflict over land. Finally, given the ongoing famine, she wished to know how the Government planned to provide food to those facing extreme food shortages, with women being at a greater risk than men, and to the thousands of refugees living in Djibouti.

9. **Ms. Daoud** (Djibouti) said that over half of the participants in the semi-official *tontine* system were women. The system allowed women to benefit from collective guarantees, learn and receive support and eventually gain access to larger loans. It was becoming easier for women to establish microenterprises and improve their quality of life.

10. The traditional pastoral system had been unable to cope with drought and poverty, resulting in the decimation of flocks. Agropastoral activity was being promoted as a way for pastoral populations to ensure their food security. The Government was working to establish agropastoral centres in areas with large

pastoral populations by constructing permanent water points around which communities could form. Once those centres were formed, medical clinics and schools would follow.

11. The Djibouti Economic Development Fund tended to support projects undertaken by women with higher education while the two national savings and credit cooperatives, which had merged, helped disadvantaged women and households. The institutions did not compete with one another because there was such a great need for their services. The agency tasked with implementing the National Social Development Initiative provided support and training for microenterprises.

12. **The Chair**, speaking in her capacity as an expert, enquired whether the Government had set goals and had a strategy for increasing the number of women using microcredit over the coming years.

13. **Ms. Daoud** (Djibouti) said that the Government planned to integrate gender-specific goals into the National Social Development Initiative during an upcoming review.

#### Article 14

14. **Ms. Zou** Xiaoqiao said that rural women needed to participate on equal footing in development. She wished to know the percentage of rural women in the total population, the proportion of women engaged in agriculture or other types of economic activity and the proportion of women confined to domestic work. Data disaggregated by gender on rural poverty rates would also be useful. Additional information about projects targeting specific vulnerable groups among Djiboutian women and programmes providing health services and reproductive health information to rural women would also be appreciated. Lastly, she wished to know how many credit unions existed specifically to serve women. What measures had been taken to encourage women to participate in them?

15. **Ms. Daoud** (Djibouti) said that the delegation had expected to bring with it the statistical findings of a recent comprehensive study of all social and economic aspects of life in Djibouti but that information had not been provided in time. While it was known that 20 per cent of the population lived in rural areas, where poverty rates were higher, no data was available concerning rural women specifically. However, Djibouti had been using the gender-related

human development index and was making an effort to gather gender-disaggregated data.

16. A number of Government entities, including the education and health ministries, had been working together to improve irrigation methods and water use in rural areas. In the first phase of a programme in place since 2008, 20 cemented wells had been constructed. The second phase involved the establishment of agropastoral centres that would provide the pastoral population, and women in particular, with better access to water and to the schools and community health centres that would eventually be opened there.

17. Access to health services for rural women had improved with the use of mobile medical teams and ambulances in areas where no community health centres existed. In addition, committees had been established in such communities to oversee matters related to vaccinations and contraception.

#### Articles 15 and 16

18. **Ms. Halperin-Kaddari** said that few satisfactory answers had been provided with respect to customary law and traditions in Djibouti. The reporting State had adopted the Convention with no reservations and had the obligation to discourage any notions of inequality of women and men which were affirmed by laws, or by religious or private law or by custom. Therefore, the Committee could not accept the answer that some customs could not be changed. She urged Djibouti to look for ways of harmonizing its religious laws with the precepts of the Convention. Non-governmental organizations could perhaps assist with that process.

19. A number of specific issues raised in the report were in direct contradiction with the Convention and the Committee's general recommendation No. 21. She wished to know whether there were any plans to discontinue the payment of *mahr*, a dower without which a marriage was not considered valid. Referring to the practice of polygamy, she acknowledged that the Family Code had been modified to give the first wife some say in her husband's decision to take a second wife. She was interested to know if there were any plans to abolish the practice entirely.

20. While men were not required to provide any justification for seeking a divorce, women who initiated divorce proceedings without justification had to renounce certain rights and could face financial penalties. She asked for an explanation of such

differences in treatment and whether there were plans to change such discriminatory policies. She would also be grateful for any information pertaining to a change in laws with respect to marriages between Muslims and non-Muslims and inheritance practices. Experience in other countries with similar situations clearly showed that the existing legal framework in Djibouti was not the only possible interpretation of the Koran with respect to the inheritance rights of women.

21. **Ms. Daoud** (Djibouti) said that, even in the face of affirmative action, the weight of certain traditions could impede efforts to promote women's rights. The political will was there, as was reflected in the measures taken, which were slowly but surely changing mentalities. However, in the social context of Djibouti, certain concerns, such as the right to food, and indeed the very right of survival, naturally assumed priority importance. Despite the Government's best efforts, women were consequently unable to hear certain messages. In its efforts to address the problems arising from traditional attitudes, her country would be glad to learn from the experience of others. Djibouti had not banned polygamy but had posed as a condition that the man concerned should be able to support more than one wife. Moreover, since 2002, a man could not take a second wife without informing his first wife and, under the Family Code, divorce by repudiation was not an option.

#### *Follow-up questions*

22. **Mr. Bruun**, reverting to article 11, reiterated his earlier request for information on the question of maternity leave.

23. **Ms. Halperin-Kaddari** said that the Committee was aware of the unique circumstances of Djibouti and understood that the appropriate changes would not come about without effective mobilization. The First Lady had held a meeting with religious leaders on women's issues, which seemed a good step in that direction: she wondered about possible follow-up and the number of women participants, particularly among religious representatives. It would also be interesting to know whether the Constitutional Council monitored personal status laws, given that it was competent to determine the constitutionality of laws, and whether any of its members were women.

24. **Ms. Šimonović**, following up on article 10, asked what policy measures had been put in place by the

Government to eliminate stereotypes, especially since women themselves were alleged to be complicit in their perpetuation. Despite reports of a decline in the practice of female genital mutilation, it still remained strongly entrenched. She wondered what could be done to help root it out. Did the State party need increased financial or other support? Was there any awareness-raising for parents? The Committee would also like to know whether practitioners were liable for prosecution and, if not, whether they might be in the future.

25. **Ms. Rasekh** welcomed the amendments to the Family Code, notably the provision for a court assessment of the damage caused by second marriages. Information would be appreciated about the means of access to the court system available to women. She asked if access to justice for women was a reality or just a remote possibility.

26. **Ms. Schulz** asked whether the development of the new watering holes mentioned was connected with an effort to sedentarize the pastoral population. She also wished to know what rate of interest was charged to women for microcredit.

27. **Ms. Daoud** (Djibouti), responding to the question on maternity leave, said that women were given three and a half months of fully paid leave following confinement. With regard to the practice of female genital mutilation, some 600 associations and NGOs were involved in the campaign against it and 300 of them were led by women; they worked with the Government and were also active in the fight against HIV/AIDS. Women were directly involved in the administration of sharia law as lawyers and judges, in particular in the Personal Status Court. As for the elimination of stereotypes, the Government's efforts to that effect included the removal of disparaging references to women in school textbooks and the production of educational television programmes; her Ministry was engaged in those efforts on a daily basis. On the question of whether traditional excisers were prosecuted, she said that they were when denounced. The main concern for the time being was awareness-raising and prevention; the next stage would be to convict offenders by way of example. In regard to access to the courts, that was ensured equally for men and women, without distinction, particularly through the provision of legal assistance, which was given automatically to certain groups such as HIV/AIDS sufferers and minors who had been victims of violence; that was a huge financial burden that had been assumed

by the State under a recent law. In response to the question about the development of new watering holes, she said that the aim was indeed to promote sedentarization in the interests of a more sustainable way of life in remote areas. As for microcredit, no interest was charged, but a joint and several guarantee was required from one of the five members of each beneficiary group; for microfinance, the rate of interest was 1 per cent.

28. **Mr. Abdou** (Djibouti), taking up the issue of constitutionality, said that, in cases of violation of basic human rights, the plaintiff could refer the matter directly to the Constitutional Council. In addition, during a procedure before an ordinary court, if a defendant considered that the law under which he or she was being judged was unconstitutional, a plea of unconstitutionality could be made, leading to the referral of the case to the Supreme Court. The Supreme Court would then decide on the merits of the plea and, where appropriate, seize the Constitutional Council. The decision of the Council was unappealable.

29. **Ms. Daoud** (Djibouti) said in closing that the submission for the first time of a periodic report from Djibouti was a source of gratification to her personally and attested to the vision of the President of the Republic who, despite socio-cultural inertia, even among some women, had shown a political will to advance the cause of women's rights. As a result, there was now a collective awareness of those rights, allowing women increasingly to assume their rightful place in society. She thanked the Committee members for their support and advice and looked forward to receiving their recommendations for the continued improvement of the situation of women in her country.

*The meeting rose at 4.05 p.m.*