

Social Institutions and Gender Index

Djibouti

SIGI Country Profile

17 of June 2024

SIGI Country Profiles are produced by the OECD Development Centre

The information and analysis contained in this profile are based on data from the fifth edition of the Social Institutions and Gender Index (SIGI) published in March 2023. The cut-off date for legal data is 31 August 2022; the cut-off date for quantitative data is 1 January 2023.

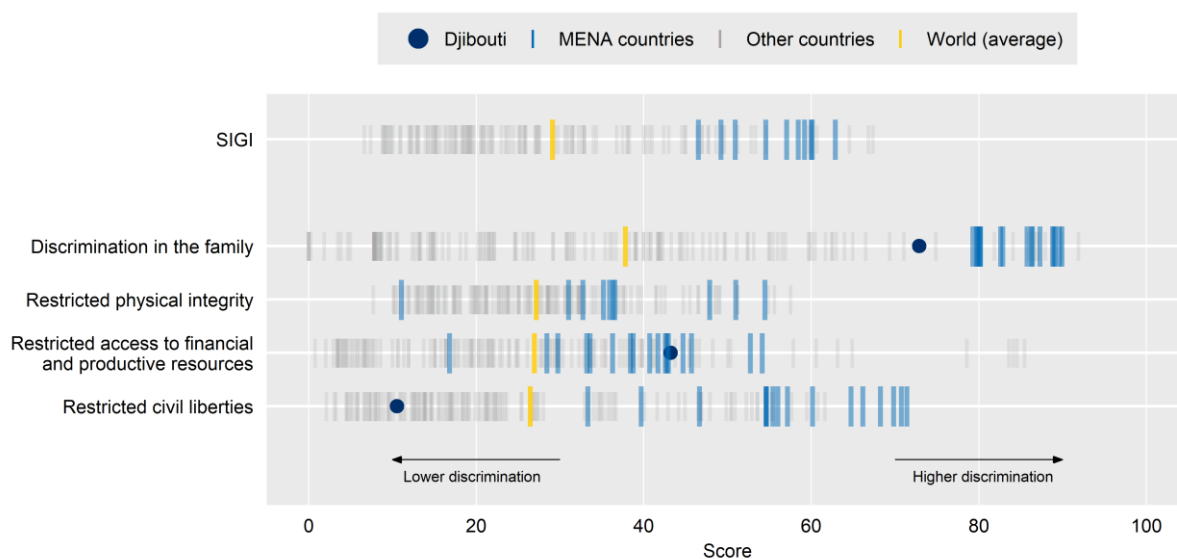
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Social institutions in Djibouti

The state of gender equality in Djibouti

The SIGI 2023 profile for Djibouti provides a comprehensive overview of the state of gender equality in the country, as measured by the OECD's Social Institutions and Gender Index (SIGI). The fifth edition of the SIGI, released in 2023, assesses 140 countries based on the level of gender-based discrimination in their social institutions. These discriminatory social institutions encompass both formal and informal laws, as well as social norms and practices that restrict women's and girls' access to rights, justice, empowerment opportunities and resources, thereby undermining their agency and authority.

Figure 1. SIGI and dimension scores for Djibouti, 2023



Note: Scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination. The MENA region covers Algeria, Bahrain, Djibouti, Egypt, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, the United Arab Emirates, the West Bank and Gaza Strip and Yemen.

Source: OECD (2023), "Social Institutions and Gender Index (Edition 2023)", *OECD International Development Statistics* (database), <https://doi.org/10.1787/33beb96e-en>.

In 2023, Djibouti did not obtain a SIGI score due to missing data in the "Restricted physical integrity" dimension (Figure 1). The country is missing data on attitudes and practices related to violence against women – more specifically, (1) the share of women aged 15-49 who think a husband is justified in hitting or beating his wife under certain circumstances and (2) the share of women and girls aged 15-49 who have experienced physical and/or sexual violence by a current or former intimate partner at least once during

their lifetime. The country obtained a score of 73 in the “Discrimination in the family” dimension, followed by “Restricted access to productive and financial resources” (43), and “Restricted civil liberties” (11).¹

Legislative framework in Djibouti

The legal system is based on Civil law and Islamic law, alongside customary law that can be applied for certain areas of the law. Article 1 of the Constitution of Djibouti recognises Islam as the official religion of the State and the Family Law incorporates provisions derived from the Islamic Sharia (such as the practice of *khul*² regarding divorce). In addition, uncodified customary laws governing matrimonial regimes and inheritance exist and can be applied upon the consent of the parties involved. Customary courts treat simple disputes in civil matters and are presided over by civilian administrators and are established in the administrative centres of the districts and the capital.³ There is also an informal customary justice system rendered by the *akals* or tribal elders.

Article 1 of the Constitution of Djibouti recognises and prohibits multiple and intersectional discrimination – which constitutes an essential element to enhance gender equality. Djibouti ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1998 without any reservations.⁴

Gender-disaggregated, gender-relevant and intersectional data and indicators are essential to better identify policy areas that have strong linkages with gender. In Djibouti, there are no applicable legal provisions regulating the production and dissemination of gender statistics.

Positive highlights and significant challenges since the fourth edition of the SIGI

Positive highlights

The law in Djibouti grants women and men equal civil rights, notably in terms of political participation, access to justice, acquisition, change, and ability to confer their nationality to their spouse or children, and free movement inside and outside the country. For instance, legislated quotas are in place to promote women’s political participation at the national and local levels. Regarding women’s economic empowerment, the law grants women the same rights as men to own and use land and non-land assets as well as financial services. However, in practice, informal laws still undermine women’s access to land and non-land assets. Finally, in 2020, Djibouti enacted a new law to better protect victims/survivors of gender-based violence. Yet, to comprehensively protect women and girls from all forms of violence, further legal reforms are needed.

Significant challenges

¹ SIGI scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination. Levels of discrimination in the SIGI and its dimensions are assessed based on scores as follow: very low [0-20]; low [20-30]; medium [30-40]; high [40-50]; and very high [50-100].

² In Islamic law, *khul*’ is a procedure through which a woman can divorce from her spouse in exchange of returning the dowry (*mahr*), of paying him an agreed financial compensation, or without returning anything when agreed by the spouses or a judge’s decree.

³ Dahir, M. (2022), “Researching the Legal System of the Republic of Djibouti”, *GlobaLex, Hauser Global Law School Program*, <https://www.nyulawglobal.org/globalex/Djibouti1.html>.

⁴ United Nations (2023), “Status of Treaties: Chapter IV- 8. Convention on the Elimination of All Forms of Discrimination against Women”, *Treaty Collection*, United Nations, New York, https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-8&chapter=4.

Discriminatory social institutions undermine women's rights and opportunities at the household level and insufficiently protect women and girls from gender-based violence. The Family Code contains discriminatory provisions that restrict women's rights to file for divorce, to inherit on equal grounds as men, and that require a married women to obey her spouse. In general, women's bodily integrity and reproductive rights are limited. The legal framework on violence against women does not comprehensively protect women and girls from all forms of violence. For instance, it fails to criminalise domestic violence and marital rape. Despite female genital mutilation and cutting (FGM/C) being legally prohibited, 94% of women aged 15-49 years had experienced the harmful practice in 2012. Women's right to a safe and legal abortion is limited and not aligned with Article 2 of the Maputo Protocol⁵ that Djibouti signed in 2003. Finally, discriminatory provisions in the Labour Code limit women's economic empowerment by restricting their ability to enter certain professions.

⁵ Article 2(c) of the Maputo Protocol states that: "State Parties shall take all appropriate measures to protect the reproductive rights of women by authorising medical abortion in cases of sexual assault, rape, incest and where the continued pregnancy endangers the mental and physical health of the mother or the life of the mother or the foetus."

Summary of results for Djibouti

| Discrimination in the family | Unit | Value |
|---|-------|-------|
| Laws on child marriage | Score | 50 |
| Girl child marriage rate ¹ | % | 2.6 |
| Boy child marriage rate ¹ | % | 0.8 |
| Laws on household responsibilities | Score | 75 |
| Share of the population that agrees or strongly agrees that “if a woman earns more than her husband, it is a problem” | % | - |
| Share of the population that agrees or strongly agrees that “when a mother works for pay, the children will suffer” | % | - |
| Female-to-male ratio of time spent on unpaid care and domestic work | Ratio | - |
| Number of hours spent by men on unpaid care and domestic work in a 24-hour period | Hours | - |
| Number of hours spent by women on unpaid care and domestic work in a 24-hour period | Hours | - |
| Laws on divorce | Score | 75 |
| Laws on inheritance | Score | 100 |
| Restricted physical integrity | Unit | Value |
| Laws on violence against women | Score | 75 |
| Share of women who consider a husband to be justified in hitting or beating his wife under certain circumstances | % | - |
| Lifetime intimate-partner violence rate ² | % | - |
| 12-month intimate-partner violence rate ² | % | - |
| Laws on female genital mutilation | % | 25 |
| Share of the female population who has heard about female genital mutilation and think the practice should continue | % | 49 |
| Prevalence of female genital mutilation (% of women aged 15-49 years who have undergone FGM) | % | 94.4 |
| Boy-to-girl ratio at birth (natural = 105) ³ | Ratio | 102.8 |
| Laws on reproductive autonomy | Score | 75 |
| Unmet needs for family planning ⁴ | % | 25.8 |
| Restricted access to productive and financial resources | Unit | Value |
| Laws on land assets | Score | 25 |
| Share of women among landowners | % | - |
| Laws on non-land assets | Score | 25 |
| Share of women among house owners | % | - |
| Laws on financial assets | Score | 0 |
| Share of women among bank account owners | % | 35.1 |
| Laws on workplace rights | Score | 100 |
| Share of the population declaring that “when jobs are scarce, men should have more right to a job than women” | % | - |
| Share of the population declaring that “men make better business executives than women do” | % | - |
| Share of women among managers | % | 12.3 |
| Share of firms with a woman as top manager | % | 14.2 |
| Restricted civil liberties | Unit | Value |
| Laws on citizenship rights | Score | 0 |
| Laws on political voice | Score | 0 |
| Share of the population declaring that “men make better political leaders than women do” | % | - |
| Share of women in Parliament (lower chamber) | % | 26.2 |
| Laws on freedom of movement | Score | 0 |
| Share of women among those who declare not feeling safe walking alone at night in the city or area where they live | % | 59.5 |
| Laws on access to justice | Score | 0 |
| Share of women among those who declare not having confidence in the judicial system and courts of their country | % | 53.4 |

Note: Scores of legal variables range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination.

¹ % of girls/boys aged 15-19 years who have been or are still married, divorced, widowed or in an informal union.

² % of ever-partnered women and girls who have experienced physical and/or sexual violence by a current or former intimate partner during their lifetime/over the previous 12 months. Population base for lifetime IPV: 15-49 years. Population base for 12-month IPV: 15 years and older.

³ A natural boy-to-girl sex ratio at birth is generally estimated to be below 105. A ratio exceeding 105 implies the existence of more boys aged 0-4 than one would expect, indicating a potential phenomenon of son preference resulting in the systemic elimination of new-born girls.

⁴ % of married or in-union women of reproductive age who want to either stop or delay childbearing but are not using any contraception method.

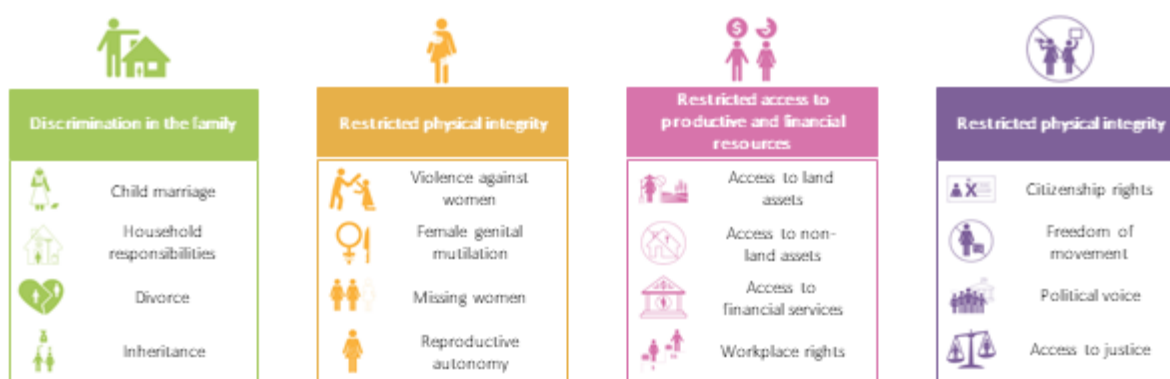
Source: OECD Development Centre/OECD (2023), “Gender, Institutions and Development Database”, <https://doi.org/10.1787/7b0af638-en>.

Results across the SIGI's four dimensions

The SIGI measures gender-based discrimination across four dimensions covering the major socio-economic areas that affect women and girls throughout their lifetime:



- The **“Discrimination in the family”** dimension captures social institutions that limit women’s decision-making power and weaken their status in the household and the family.
- The **“Restricted physical integrity”** dimension captures social institutions that increase women’s and girls’ vulnerability to multiple forms of violence and limit their control over their reproductive autonomy.
- The **“Restricted access to productive and financial resources”** dimension captures social institutions that limit women’s economic opportunities and rights.
- The **“Restricted civil liberties”** dimension captures social institutions restricting women’s access to, and participation and voice in, the public and political spheres.

Figure 2. Conceptual framework of the fifth edition of the SIGI



Each dimension builds on four indicators which, in turn, build on one to three variables depending on data availability (Figure 2). This section features the results by dimension, examining the pertinent social norms, practices and legal frameworks for each indicator.

The legal information collected through the *SIGI 2023 Legal Survey* covers both formal and codified laws, as well as informal laws. The information is assessed based on whether the law protects women’s rights or not, and is icon-coded as follows:

-  : The legal framework protects women’s rights.
-  : The legal framework does not fully protect women’s rights.

There is no universal agreement on what informal laws refer to, given contextual differences across time and place, as well as distinct disciplinary or theoretical approaches. In the context of the SIGI, informal laws (customary, traditional or religious laws/rules) describe mechanisms that operate outside the formal legal system of state-based laws. Informal laws vary from one community to another and are generally uncodified and unwritten. In some cases, informal laws may reflect unequal power dynamics within a given community and discriminatory social norms, with adverse consequences on women and girls and other vulnerable groups. Informal laws are unsteady and have been adapted over time in response to external factors.

For example, customary laws are laws that are embodied in customs, rules or traditions and accepted by members of the community as binding but remain adaptable, dynamic and flexible.⁶ The CEDAW General Recommendation No. 33 also recognises indigenous laws.⁷ These are similar to customary laws but are often given a distinct identity in recognition of the specific international standards related to the rights and protections of indigenous peoples and their justice systems. Informal religious laws may refer to norms that are derived from interpretations of codified religious texts and/or longstanding traditions.

⁶ United Nations (2018), "Module 1: The Theory and Practice of Women's Access to Justice Programming", *A Practitioner's Toolkit on Women's Access to Justice Programming*, UN Women, UNDP, UNDOC and OHCHR, New York, Vienna and Geneva, https://www.ohchr.org/sites/default/files/Documents/Publications/PractitionerToolkit/WA2J_Module1.pdf.

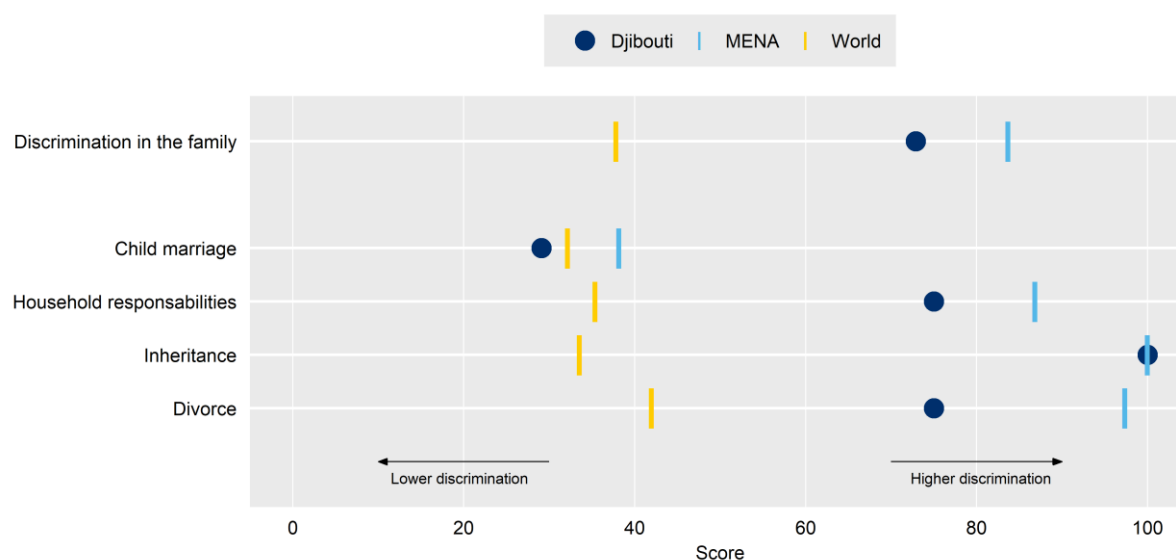
⁷ UN Committee on the Elimination of Discrimination against Women (2015), "General recommendation No. 33 on women's access to justice", *CEDAW/C/GC/33*, United Nations, New York, <https://digitallibrary.un.org/record/807253>.

Discrimination in the family

Djibouti exhibits very high levels of discrimination within the family with a score of 73, compared to a world average of 38 and an average score of 84 in the MENA region – based on countries for which scores could be calculated.

In this dimension, women and girls in Djibouti experience the highest levels of discrimination in the “Inheritance” indicator with a score of 100, followed by “Household responsibilities” and “Divorce” indicators with scores of 75 for both. The lowest levels of discrimination are found in the “Child marriage” indicator with a score of 29.

Figure 3. Discrimination in the family scores for Djibouti, 2023



Note: Scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination. The MENA region covers Algeria, Bahrain, Djibouti, Egypt, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, the United Arab Emirates, the West Bank and Gaza Strip and Yemen.

Source: OECD (2023), “Social Institutions and Gender Index (Edition 2023)”, *OECD International Development Statistics* (database), <https://doi.org/10.1787/33beb96e-en>.

Child marriage

Practices related to child marriage

Child marriage remains limited in Djibouti. In 2023, 3% of girls aged 15-19 were or are still married, divorced, widowed or in an informal union, compared to 0.8% of boys. In addition, 5.3% of women aged 20-24 were married or in a union before the age of 18,⁸ compared to a world average of 26% and an average of 17% in the MENA region – based on countries for which data are available.

Legal frameworks concerning child marriage

⁸ This indicator corresponds to SDG indicator 5.3.1

Article 13 of the Family Code,⁹ which regulate marriage matters for Muslim individuals, and Article 163 of the Civil Code,¹⁰ which regulate marriage matters for non-Muslim individuals, both establish the minimum legal age of marriage for women and men at 18 years. However, Article 14 of the Family Code and Article 163 of the Civil Code introduce legal exceptions to this minimum legal age of marriage and authorises minors to get married before the age of 18 years with the authorisation of their guardian(s) (*tuteur(s)*). If legal guardians refuse to consent to the marriage, a judge can authorise the marriage.

| Question | Answer | Assessment |
|--|--------|------------|
| What is the legal age of marriage for men? | 18 | ✓ |
| What is the legal age of marriage for women? | 18 | ✓ |
| Are there legal exceptions to the legal age of marriage that allow women and men under the legal age of marriage to marry with the consent of parent and/or legal guardian? | Yes | ! |
| Are there legal exceptions to the legal age of marriage that allow women and men under the legal age of marriage to marry with the consent of judge or court? | Yes | ! |
| Are there legal exceptions to the legal age of marriage that allow women and men under the legal age of marriage to marry with the consent of another person or institution? | No | ✓ |
| Does the legal age of marriage apply to all groups of women? | Yes | ✓ |
| Are there informal laws (customary, traditional or religious laws/rules) that allow or encourage the early marriage of girls? | Yes | ! |

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

Household responsibilities

Practices and social norms related to household responsibilities

There are no available data in Djibouti that are comparable to other countries on practices and social norms related to the division of household responsibilities. In 2023, across countries with available data, women dedicate 2.6 times more time on unpaid care and domestic work than men¹¹ worldwide, while in the MENA region this ratio is 5.9. Moreover, 56% of the world's population believes that when women work, the children will suffer. In the MENA region, this percentage reaches 70% – based on countries for which data are available.

Legal frameworks concerning household responsibilities

Article 31 of the Family Code,¹² which regulate family matters for Muslim individuals, establishes that a married man must cover the expenses and provide for the needs of the household, whereas a married woman must respect her spouse's prerogatives as head of the family and owe him obedience in the interests of the family. In contrast, Articles 220 and 221 of the Civil Code,¹³ which regulate family matters for non-Muslim individuals, guarantee equality between men and women to be recognised as head of the family.

| Question | Answer | Assessment |
|---|--------|------------|
| Does the law provide women with the same rights as men to be "head of household" or "head of family"? | No | ! |
| Does the law provide women with the same rights as men to be the legal guardians of their children during marriage? | Yes | ✓ |
| Does the law provide women with the same rights as men to be legal guardians of their children in informal unions? | Yes | ✓ |

⁹ Republic of Djibouti (2002), "Loi No. 152/AN/02/4ème L portant Code de la famille".

¹⁰ Republic of Djibouti (2018), "Loi No. 003/AN/18/8ème L portant Code Civil".

¹¹ This indicator corresponds to SDG indicator 5.4.1

¹² Republic of Djibouti (2002), "Loi No. 152/AN/02/4ème L portant Code de la famille".

¹³ Republic of Djibouti (2018), "Loi No. 003/AN/18/8ème L portant Code Civil".

| Question | Answer | Assessment |
|--|--------|------------|
| Regarding women's legal rights to be recognised as head of household or head of family, does the law apply to all groups of women? | No | ! |
| Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between men and women when it comes to being recognised as the head of household? | Yes | ! |
| Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between men and women when it comes to being the legal guardians of their children? | No | ✓ |
| Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between men and women when it comes to the choice of where to live? | Yes | ! |

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

Divorce

Legal frameworks concerning divorce

Djibouti's Family Code, which regulate divorce matters for Muslim individuals, introduces several restrictions regarding women's rights to initiate and finalise a divorce. Article 39 of the Family Code¹⁴ establishes different procedures for men and women through which divorce can be requested. A man can divorce his spouse at will, without any restrictions, whereas a woman may only request a divorce because of the harm suffered or by deposition (*kholo*). Articles 42 and 43 of the Family Code also establish a waiting period for the divorced woman until she can remarry and whose length depends on whether she is pregnant or not. Article 239 of the Civil Code,¹⁵ which regulates divorce matters for non-Muslim individuals, introduce a similar waiting period. However, other than that, the Civil Code provides equal rights, requirements and procedures to women and men to initiative and finalise divorce.

| Question | Answer | Assessment |
|--|--------|------------|
| Do women and men have the same rights to initiate/file for a divorce? | No | ! |
| Can women and men finalise a divorce or annulment with the same requirements? | No | ! |
| Do women and men have the same rights to child custody following a divorce? | Yes | ✓ |
| Regarding divorce, does the law apply to all groups of women? | No | ! |
| Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between men and women when it comes to initiating divorce? | Yes | ! |
| Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between men and women when it comes to being the legal guardians of their children after divorce? | Yes | ! |

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

Inheritance

Legal frameworks concerning inheritance rights

Articles 113, 114 and 115 of the Family Code,¹⁶ which govern inheritance matters for Muslim individuals, follow the principles of Islamic Sharia and provide that female heirs, whether they are surviving spouses or daughters, are entitled to half of the inheritance share of their male counterparts. In contrast, Articles 832, 833 and 834 of the Civil Code,¹⁷ which regulate inheritance matters of non-Muslim individuals, provide

¹⁴ Republic of Djibouti (2002), "Loi No. 152/AN/02/4ème L portant Code de la famille".

¹⁵ Republic of Djibouti (2018), "Loi No. 003/AN/18/8ème L portant Code Civil".

¹⁶ Republic of Djibouti (2002), "Loi No. 152/AN/02/4ème L portant Code de la famille".

¹⁷ Republic of Djibouti (2018), "Loi No. 003/AN/18/8ème L portant Code Civil".

equal inheritance rights between sons and daughters. Likewise, Articles 831, 858, 859, 860 and 861 of the Civil Code establish equal inheritance rights between widows and widowers for non-Muslim individuals.

| Question | Answer | Assessment |
|--|--------|------------|
| Do daughters and sons have the same rights to inherit? | No | ! |
| Do female and male surviving spouses have the same rights to inherit? | No | ! |
| Regarding inheritance rights of daughters, does the law apply to all groups of women? | No | ! |
| Regarding inheritance rights of female surviving spouses, does the law apply to all groups of women? | No | ! |
| Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between sons and daughters when it comes to inheritance? | Yes | ! |
| Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between male and female surviving spouses when it comes to inheritance? | Yes | ! |

Note: Cut-off date for the legal data is 31 August 2022.

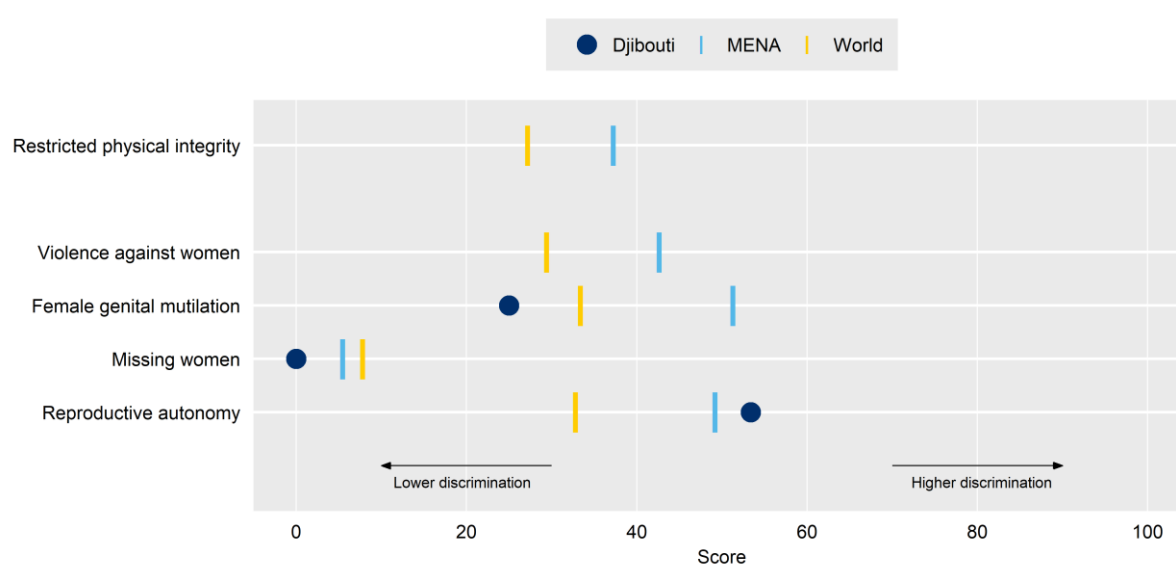
Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

Restricted physical integrity

Djibouti did not obtain a score in the “Restricted physical integrity” dimension because of missing data points in certain underlying variables – namely (1) the share of women who have experienced intimate-partner violence at least once over the last 12 months or during their lifetime, and (2) the share of women who consider a husband is justified in hitting or beating his wife under certain circumstances.

Nevertheless, scores could be calculated in the remaining indicators of the dimension. In this dimension, women and girls in Djibouti experience the highest levels of discrimination in the “Reproductive autonomy” indicator with a score of 53, followed by “Female genital mutilation” with a score of 25. No discrimination is found in the “Missing women” indicator with a score of 0.

Figure 4. Restricted physical integrity scores for Djibouti, 2023



Note: Scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination. The MENA region covers Algeria, Bahrain, Djibouti, Egypt, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, the United Arab Emirates, the West Bank and Gaza Strip and Yemen.

Source: OECD (2023), “Social Institutions and Gender Index (Edition 2023)”, *OECD International Development Statistics* (database), <https://doi.org/10.1787/33beb96e-en>.

Violence against women

Practices and social norms related to violence against women

There are no available data in Djibouti that are comparable to other countries on the prevalence of intimate-partner violence against women nor on the social acceptance of it – whether it is calculated over their lifetime or during the last 12 months. In 2023, across countries with available data, 30% of women aged 15-49 think that it is justified for a husband to hit or beat his wife under certain circumstances, such as burning the food, arguing with the spouse, going out without telling him, neglecting the children, or refusing to have sex. In the MENA region this percentage reaches 30%.

Legal frameworks concerning violence against women

Article 3 of the law on the protection, prevention and care for women and children who are victims of violence¹⁸ defines domestic violence but fails to explicitly criminalise it and does not extend the definition to economic abuse. Likewise, the Penal Code¹⁹ does not explicitly mention domestic violence as a criminal offence. Moreover, although Article 343 of the Penal Code criminalises rape, the definition of rape is not based on the notion of consent and does not specifically cover marital rape. Finally, Articles 2 and 290 of the Labour Code of 2006²⁰ as amended in 2018,²¹ define and criminalise sexual harassment but only in the context of the workplace.

| Question | Answer | Assessment |
|---|--------|------------|
| Is there a law specifically addressing violence against women? | Yes | ✓ |
| If there is a specific law addressing violence against women, are there specific provisions for investigation, prosecution and punishment of the perpetrator? | Yes | ✓ |
| If there is a specific law addressing violence against women, are there specific provisions for protection and support services for victims/survivors? | Yes | ✓ |
| Does the law include reduced penalties in case of so-called "honour crimes"? | No | ✓ |
| Domestic violence | | |
| Is domestic violence a criminal offence? | No | ! |
| Does domestic violence legislation cover physical abuse? | Yes | ✓ |
| Does domestic violence legislation cover sexual abuse? | Yes | ✓ |
| Does domestic violence legislation cover psychological abuse? | Yes | ✓ |
| Does domestic violence legislation cover economic abuse? | No | ! |
| Are there any exceptions included in informal laws (traditional, religious, and/or customary rules/laws) that reduce penalties for domestic violence? | No | ✓ |
| Rape | | |
| Is rape a criminal offence? | Yes | ✓ |
| Is the legal definition of rape based on lack of consent? | No | ! |
| If the legal definition of rape is based on lack of consent, does this require proof of physical force? | n.a. | n.a. |
| If the legal definition of rape is based on lack of consent, does this require proof of penetration? | n.a. | n.a. |
| Does the legal definition of rape include marital rape? | No | ! |
| Does the law permit the reduction or removal of legal punishment if the perpetrator marries the victim? | No | ✓ |
| Sexual harassment | | |
| Does the law prohibit sexual harassment? | Yes | ✓ |
| Does the law on sexual harassment include criminal penalties? | Yes | ✓ |
| Do legal protections from sexual harassment apply in the workplace? | Yes | ✓ |
| Do legal protections from sexual harassment apply in educational establishments? | No | ! |
| Do legal protections from sexual harassment apply in public spaces? | No | ! |
| Do legal protections from sexual harassment apply online / on the internet? | No | ! |

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

Female genital mutilation

Practices and social norms related to female genital mutilation and cutting (FGM/C)

Female genital mutilation and cutting (FGM/C) is traditionally concentrated in a limited number of countries that have been well-identified and documented by international organisations at the forefront of the fight

¹⁸ Republic of Djibouti (2020), "Loi No. 66/AN/719/8ème L portant protection, prévention et prise en charge des femmes et enfants victimes de violence".

¹⁹ Republic of Djibouti (1995), "Loi No. 59/AN/94 portant Code pénal".

²⁰ Republic of Djibouti (2006), "Loi No. 133/AN/05/5ème L portant Code du travail."

²¹ Republic of Djibouti (2018), "Loi No. 221/AN/17/8ème L modifiant et complétant la loi No. 133/AN/05/5ème L portant Code du travail".

against this harmful practice. Yet, evidence highlights that FGM/C takes place across all regions, among indigenous and/or diaspora communities originating from countries where FGM/C is known to be common. In some contexts, girls are taken across national borders to undergo FGM/C in a country where the legislation against the practice is either non-existent or less strict.²²

In Djibouti, female genital mutilation and cutting (FGM/C) remains a widespread issue with 94% of women aged 15-49 who have undergone the practice. Moreover, nearly half of women (49%) think that the practice of FGM/C should continue.

Legal frameworks concerning female genital mutilation and cutting (FGM/C)

Articles 331 and 333 of the Penal Code²³ allow to prosecute FGM/C acts on narrow grounds, namely under acts of genital mutilation.

| Question | Answer | Assessment |
|--|--------|------------|
| Does the law criminalise FGM/C on broad or narrow grounds? | Yes | ✓ |
| Does the law criminalise FGM/C on narrow grounds only? | Yes | ✓ |
| Are there informal laws (customary, traditional or religious laws) that allow or encourage FGM/C? | Yes | ! |
| Does the law take precedence over informal laws (customary, traditional or religious laws) that allow, condone or prescribe FGM? | Yes | ✓ |

Note: The SIGI methodology assesses laws on FGM/C according to two scenarios: (1) criminalisation on narrow grounds includes laws that contain criminal penalties for acts of “female genital mutilation”, “permanent altering/removal of external genitalia”, “female circumcision”, “excision”, “infibulation” and “genital mutilation”; (2) criminalisation on broad grounds includes “mutilation”, “harming of a person’s organs”, “serious bodily injury” and “bodily injury/hurt/assault.” The presence of informal laws that allow or encourage FGM/C is proxied by the existence of nationally representative data on FGM/C or the existence of indirect estimates (usually used in countries where FGM/C is mainly practiced by diaspora communities), small-scale studies, or anecdotal evidence and media reports as reported by Equality Now, the End FGM European Network and the US End FGM/C Network in 2020.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>, and Equality Now, End FGM European Network and US End FGM/C Network (2020), *Female Genital Mutilation/Cutting: A Call For A Global Response*, <https://www.equalitynow.org/resource/female-genital-mutilation-cutting-a-call-for-a-global-response/>.

Missing women

Practices related to missing women

The “Missing women” indicator captures whether there are any existing imbalances in the natural sex ratio between girls and boys aged 0-4 due to pre- and postnatal gender-biased sex selection. These imbalances can result from sex-selective abortions, female infanticide, and/or inadequate healthcare and nutrition for girls. A natural boy-to-girl sex ratio at birth is generally estimated to be below 105. A ratio exceeding 105 implies the existence of more boys aged 0-4 than one would expect, indicating a potential phenomenon of son preference resulting in the systemic elimination of new-born girls.

In Djibouti, the “missing women” phenomenon is not an issue. The boy-to-girl sex ratio for children aged 0-4 is estimated at 102.8, which means that there are approximately 102.8 boys aged 0-4 for 100 girls of the same age, which is in line with a natural sex ratio at birth.

²² Equality Now, End FGM European Network and US End FGM/C Network (2020), *Female Genital Mutilation/Cutting: A Call For A Global Response*, <https://www.equalitynow.org/resource/female-genital-mutilation-cutting-a-call-for-a-global-response/>.

²³ Republic of Djibouti (1995), “Loi No. 59/AN/94 du 5 janvier 1995 portant Code pénal”.

Reproductive autonomy

Practices related to women's reproductive autonomy

Unmet needs for family planning are calculated as the proportion of women of reproductive age (15-49 years), married or in union, who wish to interrupt or delay childbearing but do not use any method of contraception.

In Djibouti, the gap between women's reproductive intentions and their contraceptive behaviour is substantial, with 26% of women aged 15-49 who declare having an unmet need for family planning, compared to a world average of 12% and an average of 13% in the MENA region – based on countries for which data are available.

Legal frameworks concerning women's reproductive autonomy

Women's reproductive autonomy can be restricted by laws that prohibit the access to safe and legal abortion under essential circumstances (in cases of rape, incest, threats to the life or health of the pregnant woman and severe foetal impairment).²⁴ Evidence shows that the share of unsafe abortions is higher in countries with restrictive abortion laws. Unsafe abortions are a leading but preventable cause of maternal mortality and millions of girls and women are hospitalised every year following complications of unsafe abortion procedures.²⁵

Articles 447, 448 and 449 of the Penal Code²⁶ prohibit and criminalise abortion. However, Article 450 of the Penal Code introduces legal exceptions, namely if abortion is performed by a doctor and deemed necessary under a therapeutic circumstance as established by the law on medical professions,²⁷ generally understood to save the life and physical health of a woman.

| Question | Answer | Assessment |
|---|--------|------------|
| Is abortion illegal under any circumstances? | No | ✓ |
| Is abortion legally permitted in cases where: it is essential to save the woman's life? | Yes | ✓ |
| Is abortion legally permitted in cases where: it is essential to preserve the physical health of the woman? | Yes | ✓ |
| Is abortion legally permitted in cases where: it is essential to preserve the mental health of the woman? | No | ! |
| Is abortion legally permitted in cases where: pregnancy is the result of rape or statutory rape? | No | ! |
| Is abortion legally permitted in cases where: pregnancy is the result of incest? | No | ! |
| Is abortion legally permitted in cases where: social and economic reasons do not allow the mother to sustain a pregnancy? | No | ! |
| Is abortion legally permitted in cases where: foetal impairment? | No | ! |
| Does a woman require the approval of a medical practitioner to seek a legal abortion? | Yes | ! |
| Does the law require the approval of the father of the foetus to seek a legal abortion? | No | ✓ |
| Is there any national plan or policy that provide universal access to family planning services? | No | ! |
| Is there any law or national policy that provide free or subsidised access to contraception? | No | ! |
| Does the national school curricula include mandatory and comprehensive sexuality education? | No | ! |

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

²⁴ CEDAW (2022), *Access to safe and legal abortion: Urgent call for United States to adhere to women's rights convention*, <https://www.ohchr.org/en/statements/2022/07/access-safe-and-legal-abortion-urgent-call-united-states-adhere-womens-rights>.

²⁵ UNFPA (2022), *State of World Population 2022: Seeing the Unseen - The Case for Action in the Neglected Crisis of Unintended Pregnancy*, UNFPA, Geneva, <https://doi.org/10.18356/9789210015004>.

²⁶ Republic of Djibouti (1995), "Loi No. 59/AN/94 du 5 janvier 1995 portant Code pénal".

²⁷ Republic of Djibouti (2007), "Loi No. 213/AN/08/5ème L relative à l'organisation et au fonctionnement de l'Ordre National des professions médicales".

Restricted access to productive and financial resources

Djibouti exhibits high levels of discrimination within the family with a score of 43, compared to a world average of 27 and an average score of 39 in the MENA region – based on countries for which scores could be calculated.

In this dimension, women and girls in Djibouti experience the highest levels of discrimination in the “Workplace rights” indicator with a score of 88, followed by the “Access to land” and “Access to non-land assets” indicators, with a score of 25 for both. The lowest levels of discrimination in this dimension are found in the “Access to financial services” indicator with a score of 16.

Figure 5. Restricted access to productive and financial resources scores for Djibouti, 2023



Note: Scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination. The MENA region covers Algeria, Bahrain, Djibouti, Egypt, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, the United Arab Emirates, the West Bank and Gaza Strip and Yemen.

Source: OECD (2023), “Social Institutions and Gender Index (Edition 2023)”, *OECD International Development Statistics* (database), <https://doi.org/10.1787/33beb96e-en>.

Access to land assets

Practices related to women’s access to secure land assets

In Djibouti, there are no available data that are comparable to other countries on practices related to access to land assets.

Legal frameworks concerning women’s access to land assets

| Question | Answer | Assessment |
|---|--------|------------|
| Does the law provide married women with the same rights as married men to own land? | Yes | ✓ |
| Does the law provide married women with the same rights as married men to use land? | Yes | ✓ |
| Does the law provide unmarried women with the same rights as unmarried men to own land? | Yes | ✓ |
| Does the law provide unmarried women with the same rights as unmarried men to use land? | Yes | ✓ |
| Regarding land, does the law apply to all groups of women? | Yes | ✓ |

| Question | Answer | Assessment |
|--|--------|------------|
| Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes to the ownership or use of land assets? | Yes | ! |

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

Access to non-land assets

Practices related to women's secure access to non-land assets

In Djibouti, there are no available data that are comparable to other countries on practices related to access to non-land assets.

Legal frameworks concerning women's access to non-land assets

| Question | Answer | Assessment |
|--|--------|------------|
| Does the law provide married women with the same rights as married men to own property and other non-land assets? | Yes | ✓ |
| Does the law provide married women with the same rights as married men to use property and other non-land assets? | Yes | ✓ |
| Does the law provide unmarried women with the same rights as unmarried men to own property and other non-land assets? | Yes | ✓ |
| Does the law provide unmarried women with the same rights as unmarried men to use property and other non-land assets? | Yes | ✓ |
| Regarding property and other non-land assets, does the law apply to all groups of women? | Yes | ✓ |
| Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes to the ownership or use of non-land assets? | Yes | ! |

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

Access to financial services

Practices related to women's access to formal financial services

Gender imbalances in terms of access to financial services remain an issue in Djibouti, and the overall access of the population is very low. In 2023, 9% of women have a bank account at a financial institution, compared to 17% of men. This translates into women accounting for 35% of bank account holders. In comparison, at the global level, 67% of women have a bank account, compared to 72% of men. Across the MENA region, on average, 40% of women have a bank account, compared to 54% of men, translating into women accounting for only 39% of bank account holders.

Legal frameworks concerning women's access to financial services

| Question | Answer | Assessment |
|--|--------|------------|
| Does the law provide women with the same rights as men to open a bank account at a formal financial institution? | Yes | ✓ |
| Does the law require married women to obtain the signature and authority of their husband to open a bank account at a formal financial institution? | No | ✓ |
| Does the law provide women with the same rights as men to obtain credit? | Yes | ✓ |
| Regarding access to formal financial services, does the law apply to all groups of women (regardless of race, ethnicity, caste, etc.)? | Yes | ✓ |
| Are there informal laws (customary, religious, or traditional laws/rules) that create different rights or abilities between men and women when it comes to opening a bank account? | No | ✓ |
| Are there informal laws (customary, religious, or traditional laws/rules) that create different rights or abilities between men and women when it comes to obtaining credit? | No | ✓ |

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

Workplace rights

Practices and social norms related to women's workplace rights

Women remain largely excluded from positions with decision-making power in the economic sphere. Women only account for 12% of employees in a managerial position,²⁸ compared to a world average of 25% and an average of 14% in the MENA region – based on countries for which data are available. Only 14% of companies in the country are headed by women.

There are no available data in Djibouti that are comparable to other countries on attitudes related to women's ability to be business executives or to men's priority to have a job compared to women. In 2023, 45% of the world's population agrees that when jobs are scarce, men should have more right to a job than women. In the MENA region this percentage reaches 73% – based on countries for which data are available.

Legal frameworks concerning women's workplace rights

Article 111 of the Labour Code of 2006²⁹ stipulates that the ministers in charge of labour-related and health-related matters may restrict the type of works and categories of companies in which the employment of women is prohibited. Article 112 further stipulates that Labour Inspectors can mandate women to be medically examined by a doctor to ensure the work they perform does not exceed their physical strength. A woman employed in a position deemed as exceeding her physical capabilities cannot be maintained in that same position and must be affected to a new position that is suitable to her physical strength.

| Question | Answer | Assessment |
|--|--------|------------|
| Does the law prohibit discrimination in employment on the basis of sex? | Yes | ✓ |
| Does the law mandate equal remuneration for work of equal value? | Yes | ✓ |
| Does the law prohibit women from entering certain professions? | Yes | ! |
| Does the law allow women to work the same night hours as men? | Yes | ✓ |
| Does the law mandate paid maternity leave? | Yes | ✓ |
| Does the law mandate paid paternity leave? | No | ! |
| Does the law mandate paid parental leave? | Yes | ✓ |
| Does the law require women to have permission from their husband or legal guardian to take a paid job? | No | ✓ |
| Does the law require women to have permission from their husband or legal guardian to register a business? | No | ✓ |
| Regarding women's legal right to take a paid job or work and/or register a business, does the law apply to all groups of women (regardless of race, ethnicity caste, etc.)? | Yes | ✓ |
| Are there informal laws (customary, religious, or traditional laws/rules) that create different rights or abilities between men and women when it comes to entering certain professions? | No | ✓ |
| Are there informal laws (customary, religious, or traditional laws/rules) that require women to have the permission from their husband or legal guardian to take a paid job? | No | ✓ |
| Are there informal laws (customary, religious, or traditional laws/rules) that require women to have the permission from their husband or legal guardian to register a business? | No | ✓ |

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

²⁸ This indicator corresponds to SDG indicator 5.2.2

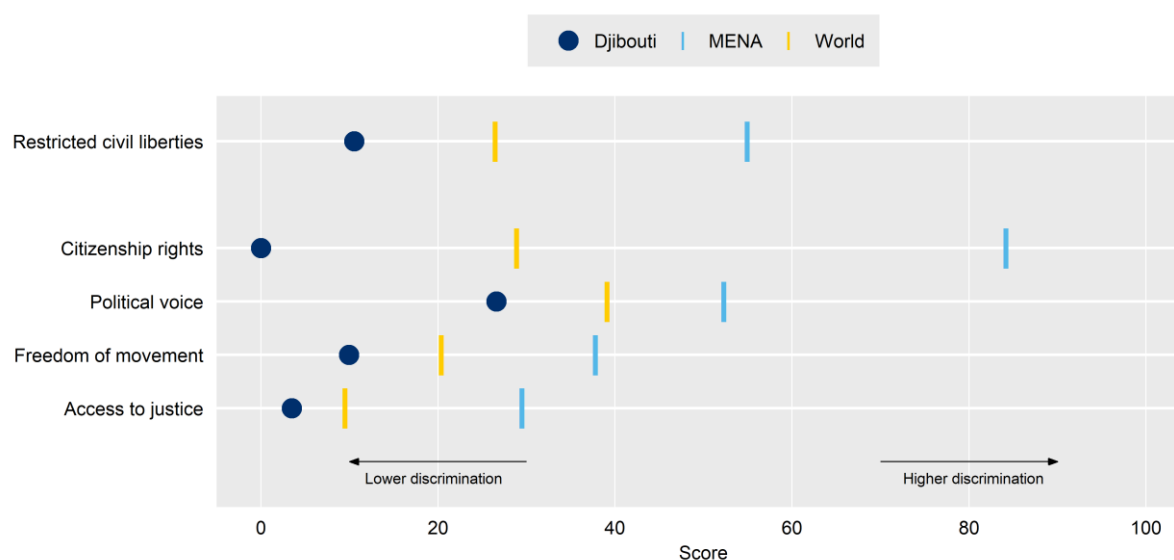
²⁹ Republic of Djibouti (2006), "Loi No. 133/AN/05/5ème L portant Code du travail."

Restricted civil liberties

Djibouti exhibits very low levels of discrimination within the family with a score of 11, compared to a world average of 26 and an average score of 55 in the MENA region – based on countries for which scores could be calculated.

In this dimension, women and girls in Djibouti experience the highest levels of discrimination in the “Political voice” indicator with a score of 27, followed by the “Freedom of movement” and “Access to justice” indicators with scores of 10 and 3, respectively. No discrimination is found in the “Citizenship rights” indicator with a score of 0.

Figure 6. Restricted civil liberties scores for Djibouti, 2023



Note: Scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination. The MENA region covers Algeria, Bahrain, Djibouti, Egypt, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, the United Arab Emirates, the West Bank and Gaza Strip and Yemen.

Source: OECD (2023), “Social Institutions and Gender Index (Edition 2023)”, *OECD International Development Statistics* (database), <https://doi.org/10.1787/33beb96e-en>.

Citizenship rights

Legal frameworks concerning women’s citizenship rights

| Question | Answer | Assessment |
|---|--------|------------|
| Does the law provide married women with the same rights as married men to acquire nationality? | Yes | ✓ |
| Does the law provide unmarried women with the same rights as unmarried men to acquire nationality? | Yes | ✓ |
| Does the law provide married women with the same rights as married men to change their nationality? | Yes | ✓ |
| Does the law provide unmarried women with the same rights as unmarried men to change their nationality? | Yes | ✓ |
| Does the law provide married women with the same rights as married men to retain their nationality? | Yes | ✓ |
| Does the law provide unmarried women with the same rights as unmarried men to retain their nationality? | Yes | ✓ |
| Does the law provide married women with the same rights as married men to confer nationality to their spouse? | Yes | ✓ |
| Does the law provide married women with the same rights as married men to confer nationality to their children? | Yes | ✓ |
| Does the law provide unmarried women with the same rights as unmarried men to confer nationality to their children? | Yes | ✓ |
| Regarding women’s nationality rights, does the law apply to all groups of women (regardless of race, caste, ethnicity, etc.)? | Yes | ✓ |

| Question | Answer | Assessment |
|--|--------|------------|
| Are there informal laws (customary, traditional, or religious laws) that create different rights or abilities between men and women when it comes to acquiring, changing, or retaining their nationality? | No | ✓ |
| Are there informal laws (customary, traditional, or religious laws) that create different rights or abilities between men and women when it comes to conferring nationality to their spouse and/or children? | No | ✓ |

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

Freedom of movement

Practices related to women's freedom of movement

Freedom of movement is recognised as a human right and mobility is essential in everyday life, for instance to reach the workplace or healthcare facilities. In Djibouti, women feel more unsafe than men, and a substantial part of the overall population feels that way. Across the country, 29% of women declare not feeling safe walking alone at night in the city or in the area where they live, compared to 25% of men. This translates into women accounting for 59% of those who do not feel safe walking alone at night.

Legal frameworks concerning women's freedom of movement

Beyond the challenge of ensuring that everyone feels safe enough to move around in public spaces, laws must guarantee women and men the same rights to obtain identification documents and to travel by themselves within and outside of their country.

| Question | Answer | Assessment |
|--|--------|------------|
| Does the government provide national identity cards? | Yes | ✓ |
| Can a married woman apply for a national identity card in the same way as a married man? (in terms of rights and procedures) | Yes | ✓ |
| Can an unmarried woman apply for a national identity card in the same way as an unmarried man? (in terms of rights and procedures) | Yes | ✓ |
| Can a married woman apply for a passport in the same way as a married man (in terms of rights and procedures)? | Yes | ✓ |
| Can an unmarried woman apply for a passport in the same way as an unmarried man (in terms of rights and procedures)? | Yes | ✓ |
| Regarding identity cards and/or passports, does the law apply to all groups of women (regardless of race, caste, ethnicity, etc.)? | Yes | ✓ |
| Does the law provide married women with the same rights as married men to travel outside the country? | Yes | ✓ |
| Does the law provide married women with the same rights as married men to travel outside their homes? | Yes | ✓ |
| Are there informal laws (customary, religious, or traditional laws/rules) that create different rights or abilities between men and women when it comes to applying for identity cards or passports? | No | ✓ |

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

Political voice

Practices and social norms related to women's political voice

Women's political representation in the country is low, with women accounting for 26% of the members of parliament in 2023, compared to a world average of 27% and an average of 17% in the MENA region.

Regarding attitudes on women's ability to be political leaders, there are no available data in Djibouti that are comparable to other countries. In 2023, 48% of the world's population thinks that men make better political leaders than women. In the MENA region, this percentage reaches 69% – based on countries for which data are available.

Legal frameworks concerning women's political voice

| Question | Answer | Assessment |
|--|--------|------------|
| Does the law provide women with the same rights as men to vote? | Yes | ✓ |
| Does the law provide women with the same rights as men to hold public and political office in the legislative branch? | Yes | ✓ |
| Does the law provide women with the same rights as men to hold public and political office in the executive branch? | Yes | ✓ |
| Does the law provide women with the same rights as men to hold public office in the judiciary branch? | Yes | ✓ |
| Do constitutional/legislated gender quotas exist to promote women's political representation at the national level? | Yes | ✓ |
| Do constitutional/legislated gender quotas exist to promote women's political representation at the local level? | No | ! |
| Does the law provide for special measures other than quotas to promote women's political representation at the national level? | No | ! |
| Does the law provide for special measures other than quotas to promote women's political representation at the local level? | No | ! |
| Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes to voting? | No | ✓ |
| Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes to holding public office? | No | ✓ |

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

Access to justice

Practices related to women's access to justice

In Djibouti, 39% of women do not trust the judicial system and courts, compared to 41% of men. This translates into women accounting for 53% of those who do not trust the country's judicial system.

Legal frameworks concerning women's access to justice

| Question | Answer | Assessment |
|--|--------|------------|
| Does the law provide women with the same rights as men to sue? | Yes | ✓ |
| Does a woman's testimony carry the same evidentiary weight as a man's in the civil courts? | Yes | ✓ |
| Does a woman's testimony carry the same evidentiary weight as a man's in the criminal courts? | Yes | ✓ |
| Does a woman's testimony carry the same evidentiary weight as a man's in the family courts? | Yes | ✓ |
| Does a woman's testimony carry the same evidentiary weight as a man's in the tribunals? | Yes | ✓ |
| Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes suing someone? | No | ✓ |
| Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes to providing testimony in court? | No | ✓ |
| Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes to being judges, advocates or other court officers? | No | ✓ |

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.