



# FGM IN DJIBOUTI: SHORT REPORT

September 2021

# Key Findings and Indicators<sup>1</sup>



**Prevalence:** In Djibouti, the prevalence of FGM in women aged 15–49 is 93.1%

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**Geography:** In Djibouti region, the FGM prevalence is 92.9% and in other regions, it is 94.9%

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**Age:** FGM is most likely to occur between the ages of 5 and 9 years old

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**Type:** Type III (sewn closed) is the most common form of FGM practiced

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**Agent:** More than three-quarters of FGM is performed by traditional practitioners; about 20% by medical personnel

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**Attitudes:** 51% of women aged 15-49 believe that FGM should stop

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**HDI Rank:** 166 out of 189 countries (2019)

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**Population:** 1,003,096 (as of 13 September 2021), with a 1.33% growth rate (Sept. 2021 est.)

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**Infant Mortality Rate:** 50 deaths per 1,000 live births (2019)

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**Maternal Mortality Ratio:** 248 deaths per 100,000 live births (2017)

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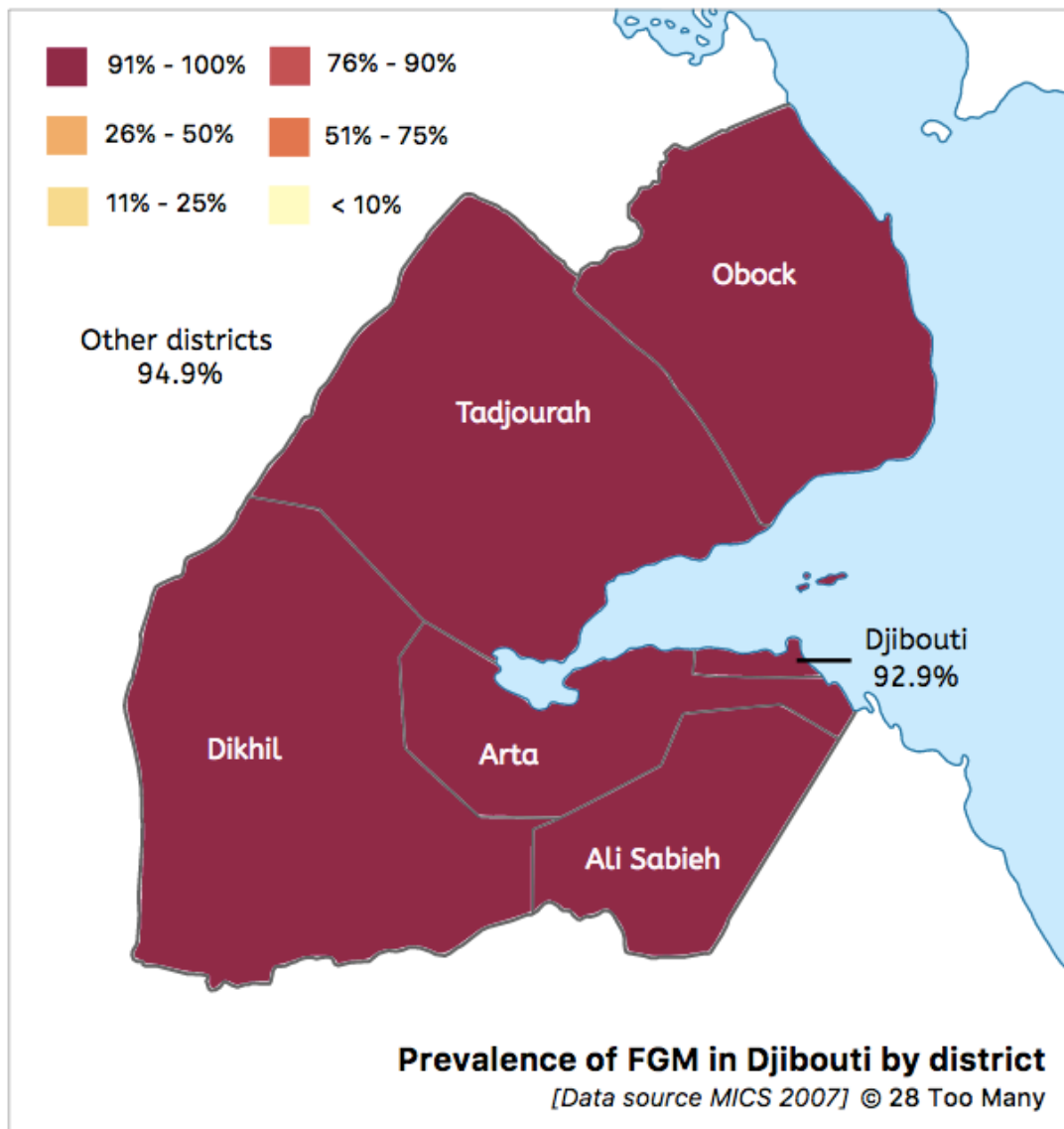
**Literacy:** It is not known what percentage of the population aged 15 and over are literate

# Prevalence of FGM

The prevalence of FGM among women aged 15-49 in the capital region of Djibouti is 92.9% and the prevalence in the rest of the country is 94.9%. Women aged 15-49 who live in rural areas are more likely to undergo FGM (95.5%) than those who live in urban areas (93.1%)<sup>2</sup>.

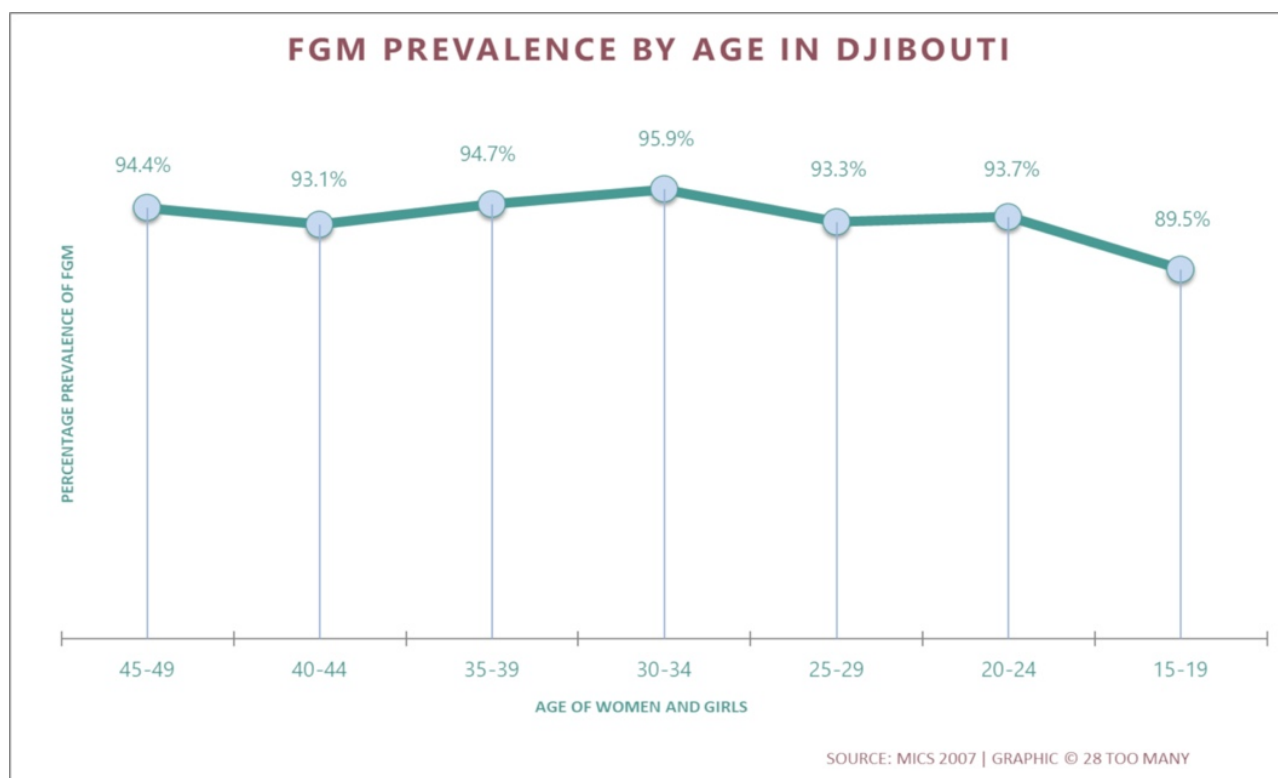
The prevalence of women aged 15-49 who have at least one daughter who has undergone FGM is 48.5%.

In 2002, the prevalence of FGM for women aged 15-49 was measured to be 98.1% and in 2006, the reported prevalence had dropped to 93.1%<sup>3</sup>. However, due to the different methods used in each survey, this may not represent a real drop in prevalence.



## Trends in FGM Prevalence

Breaking down the most recent data by age group shows that the prevalence for women aged 45-49 is 94.4%, while for the youngest age group is 89.5%<sup>4</sup>. This suggests that prevalence is lower among younger women, although more data would be required to confirm this.



## Legislation

The current **Constitution of Djibouti** (passed in 1992, amended 2010)<sup>5</sup> does not directly refer to violence against women and girls, harmful practices or FGM; however, **Article 10** assures equality before the law, and the State is under an obligation to protect and respect the integrity of the person. **Article 16** states further, ‘No one may be submitted to torture, or to inhuman, cruel, degrading or humiliating actions or treatment.’

The **Penal Code of Djibouti (the Penal Code)**<sup>6</sup> came into effect in 1995 and was the first principal legislation criminalising and punishing FGM in Djibouti. It was further complemented by **Law No. 55 of 2009 (Law No. 55)**<sup>7</sup> relating to violence against women, including FGM.

- In 2009, **Article 1 of Law No. 55** introduced two amendments to supplement Article 333 of the Penal Code as follows:
  - o The law now provides a legal definition of FGM as ‘any non-therapeutic operation which involves total or partial removal and/or wounds performed on the female genital organs, for cultural or other reasons.’ It does not, however, provide a definition of ‘non-therapeutic operation’ in this context.

- It criminalises and punishes anyone with knowledge of FGM, whether planned or already performed, who does not immediately notify the public authorities. The law also tightens penalties for the ‘instigators and accomplices’ of FGM (i.e. those who aid and abet the practice).
- **Article 2 of Law No. 55** also amended **Article 7 of the Criminal Procedure Code** so that organisations with at least three years’ experience working against FGM may now exercise on behalf of victims their rights regarding the offences set out in Article 333 of the Penal Code.

The **Criminal Procedure Code of Djibouti 1995 (the *Criminal Procedure Code*)**<sup>8</sup> is also relevant to FGM.

- **Article 7 of the Criminal Procedure Code** sets out how any organisation whose statutory objective for at least the previous five years has been the fight against FGM may exercise on behalf of victims their rights regarding the offences set out in **Article 333** of the Penal Code.

## Cross–Border FGM

In some countries where FGM has become illegal, the practice has been pushed underground and across borders to avoid prosecution. There is an absence of information on whether any women and girls are taken from Djibouti across borders to be cut in other countries, or to what extent families from neighbouring countries cross into Djibouti for FGM. Observations have been made by some activists that girls may be taken to Somalia where ‘no one questions the procedure’ (there is currently no law in Somalia or Somaliland against FGM).<sup>9</sup>

The Penal Code does not currently address cases of cross-border FGM, and there do not appear to be any other specific regulations or laws relating to FGM carried out on or by citizens of Djibouti in other countries.

## Medicalised FGM

While there is a lack of recent data on FGM in Djibouti, UNICEF has previously reported that approximately 20% of FGM procedures in the country are carried out by health personnel.<sup>10</sup>

The **Penal Code** does not explicitly criminalise and punish FGM performed by health professionals or in a medical setting. Given the wide scope of **Article 333**, however, it would seem to apply universally and should therefore encompass any health professionals who perform FGM.

To date, this research has not been able to identify any separate legislation currently in force in Djibouti that specifically deals with medicalised FGM\*.

\*For detailed information about the medicalisation of FGM, please see 28 Too Many’s report, which is available at <http://28toomany.org/fgm-research/medicalisation-fgm/>.



# Work to End FGM

Working in partnership with the **UNJP** since 2008, government departments, including the **Ministry of the Promotion of Women, Family and Social Affairs** and the **Ministry of Health**, and various organisations such as the **National Union of Djiboutian Women** have organised and participated in public-awareness campaigns to raise knowledge of the harms of FGM. These campaigns have resulted in public declarations of abandonment. The work to end FGM in Djibouti has been coordinated by **The National Steering Committee for the Abandonment of All Forms of Excision** since 2009, and the Government launched a **National Strategy for Abandonment of All Forms of Excision** in 2016.<sup>11</sup>

The Government is supportive of international and national NGOs' efforts to disseminate information and provide training and education about the harmful effects of FGM. However, there are many challenges identified by civil society to achieving widespread and long-lasting success with anti-FGM campaigns, including the continuing use of customary laws, which are not in line with statutory laws and continue to discriminate against women on several matters.

Civil society also notes that a major obstacle to the dissemination of information regarding FGM and the law is the high rate of illiteracy in Djibouti.

# References

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- <sup>2</sup> MICS 2006-2007, p. 93
- <sup>3</sup> MICS 2006-2007, p. 97
- <sup>4</sup> *ibid*
- <sup>5</sup> *Djibouti's Constitution of 1992 with amendments through 2010* (1992; amended 2010) [English Translation ©2012 by William S. Hein & Co., Inc.]. Available at [https://www.constituteproject.org/constitution/Djibouti\\_2010.pdf?lang=en](https://www.constituteproject.org/constitution/Djibouti_2010.pdf?lang=en).
- <sup>6</sup> *Le Code Pénal* (1995) Available at [https://www.unodc.org/res/cld/document/dji/code\\_penal\\_html/Le\\_Code\\_Penal.pdf](https://www.unodc.org/res/cld/document/dji/code_penal_html/Le_Code_Penal.pdf).
- <sup>7</sup> UN Women (2009) 'Loi N°55/An/09/6ème L Relative À La Violence Contre Les Femmes Notamment Les Mutilations Génitales Féminines', *Global Database on Violence against Women*. Available at <http://evaw-global-database.unwomen.org/fr/countries/africa/djibouti/2009/loi-n-55-an-09-6eme-l-relative-a-la-violence-contre-les-femmes-notamment-les-mutilations>.
- <sup>8</sup> *Code de Procédure Penale* (1995) Available at <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/92316/107449/F-1995265301/DJI-92316.pdf>.
- <sup>9</sup> The Economist (2016) *The unkindest cut: A rite of passage ranges from symbolic to awful. Where should the line be drawn?*, 18 June. Available at <https://www.economist.com/news/international/21700631-rite-passage-ranges-symbolic-awful-where-should-line-be-drawn>.
- <sup>10</sup> UNICEF (2013) *Djibouti: Statistical Profile on Female Genital Mutilation/Cutting*, December 2013. Available at [https://data.unicef.org/wp-content/uploads/country\\_profiles/Djibouti/FGMC\\_DJI.pdf](https://data.unicef.org/wp-content/uploads/country_profiles/Djibouti/FGMC_DJI.pdf).
- <sup>11</sup> UNFPA-UNICEF Joint Programme on Female Genital Mutilation/Cutting, *op. cit.*

**Cover image:** Truba7113 (DjiboutiR1, Djibouti February 6, 2013) *Girl in national dress trying to stop the car.* **Stock photo ID:** 553965625

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*Please note that the use of a photograph of any girl or woman in this report does not imply that she has, nor has not, undergone FGM.*

