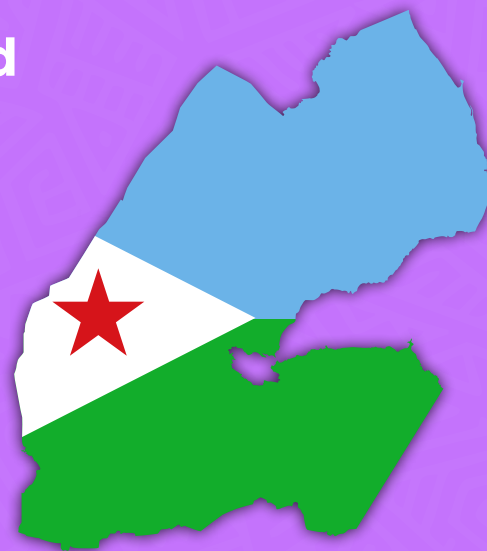


Ending violence against women and girls in Eastern and Southern Africa

Djibouti

Country context: According to a World Bank study in 2022, FGM rates in Djibouti are some of the highest in the world, and are more prevalent among older women (95% of women aged 40-49) than younger women (72% of women aged 12-17). Rates of forced/early marriage remain high at 27% in rural areas and 10% in urban areas.



Regional frameworks ratified/acceded/signed

- **African Charter on Human and Peoples' Rights** - 11 November 1991
- **Declaration of Cairo for the Elimination of FGM/C** - Adopted in 2003
- **Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)** - 2 February 2005
- **African Charter on the Rights and Welfare of the Child (ACRWC)** - 3 January 2011
- **African Union Convention on Ending Violence Against Women and Girls (AU-CEVAWG)**
- Signed on 8 April 2025; (Djibouti was the first AU member state to do so)

National legal framework

Constitution of Djibouti, 1992 (revised in 2010)

Forms the legal foundation for the protection of human rights.

Key provisions

- Article 1 affirms equality of all citizens before the law.
- Article 10 prohibits discrimination based on sex, language, origin, race, or religion.
- Article 16 guarantees the right to be free from torture and inhuman, cruel, degrading, or humiliating acts and treatment.

Penal Code, 1995

Criminalises several forms of sexual and gender-based violence.

Key provisions

- Article 343 defines rape as an act of sexual penetration perpetrated against another person through the use of violence, coercion, or threats.
- The offence is punishable by a term of imprisonment of up to 10 years, which may be extended to 20 years if aggravating circumstances, such as the rape of a minor, are present.

- Articles 324 and 325(4) criminalise torture and acts of barbarity, punishable by imprisonment of 15 to 20 years. The sentence is aggravated if the offender is the survivor's spouse.
- Articles 328 and 329 prescribe penalties of up to 20 years for manslaughter resulting from violence. Spousal violence is considered an aggravating factor.
- Article 333 criminalises female genital mutilation and sets the penalty at 5 years' imprisonment and a fine of 1,000,000 Djiboutian Francs for those who perform it.
- Articles 25 and 26 of the Penal Code provide that instigators and accomplices are subject to the same penalties as those who commit FGM.

Family Code (Law No. 152 of 2002)

Key provisions

- Article 13 sets the legal age of marriage at 18.
- Individuals under the age of 18 may marry with the consent of their guardian or a judge, where a guardian refuses to give permission.

2. Laws and policies on ending violence against women and girls in Djibouti

Law on Violence Against Women, in particular Female Genital Mutilation, 2009 (Law No. 55 of 2009)

Amended Article 333 of the Penal Code to define FGM, introduce mandatory reporting, and expand legal standing for NGOs.

Key provisions

- Defines FGM as “any non-therapeutic operation involving the total or partial removal or wounding of the female genital organs for cultural or other reasons.”
- Criminalises failure to report known or intended FGM, and imposes stricter penalties on instigators and accomplices.
- Amends Article 7 of the Criminal Procedure Code to allow civil society organisations with at least 3 years of relevant experience to represent FGM survivors in court proceedings, down from the previous 5-year requirement.

Legal Aid Law, 2011 (Law No. 136 of 2011)

Key provisions

- Provides free legal assistance in criminal and civil matters to people living in poverty, including survivors of violence.
- Under Section 3, legal aid is automatically provided to minors and persons living with HIV/AIDs.

Law on Trafficking in Persons and Smuggling of Migrants (Law No. 133 of 2016)

Key provisions

- Provides for the prevention and punishment of trafficking in persons, especially women and children.
- Establishes a comprehensive framework for investigation, prosecution, and suppression of trafficking in persons.
- The penalty for human trafficking is 5 to 10 years’ imprisonment, which can increase to 20 years if the survivor is a child, physically or mentally disabled, or the perpetrator sexually assaults the survivor.



Scan to learn more about laws and protections on **ending violence against women and girls in Djibouti**.

Labour Code Amendment, 2017 (Amendment, 2018)

The law introduces provisions on sexual harassment in the workplace.

Key provisions

- Article 4 defines sexual harassment within the context of employment as any repeated remarks and behaviours of a sexual nature or behaviours that undermine a person’s dignity.
- Article 290(k) provides that perpetrators of sexual harassment at work are liable to a fine of 1,000,000 francs to 2,000,000 francs and 1 month of imprisonment, and in case of a repeat offence, to 2 months of imprisonment and a fine doubled.

Support services and mechanisms

- **Judiciary police:** investigate GBV cases and refer survivors to medical services, although their role lacks dedicated survivor counselling or support.
- **UNFD GBV centres:** offer counselling and support to survivors, including refugee women.
- **The anti-trafficking working group, led by the Ministry of Justice:** coordinates national responses and funds NGO service providers.
- **The government:** provides survivors with access to medical, psychological, social, and legal support, including interpreters when needed.

Legal gaps and implementation challenges

- There is no dedicated domestic violence law. The Penal Code addresses some acts of violence but lacks specific protections, such as restraining orders.
- Marital rape is not criminalised, despite being a serious form of GBV.
- The Family Code permits child marriages with judicial or guardian consent, which conflicts with regional standards.
- FGM remains highly prevalent despite the existence of a law banning the practice.
- While legal aid exists, domestic violence cases are often handled outside the formal legal system, reducing access to justice.

