

Immigration and Refugee Board of Canada

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Responses to Information Requests

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14 June 2012

DJI104130.E

Djibouti: The practice of female genital mutilation (FGM), including legislation prohibiting the practice, state action, and prevalence among the general population, the Midgan, and other ethnic groups or clans
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Female Genital Mutilation in Djibouti

1.1 Prevalence Among General Population

Government and NGO sources report that the overall prevalence of female genital mutilation (FGM) among the female population of Djibouti is 93 percent (UNFD Apr. 2011, 17; ADI 6 Feb. 2012). A survey conducted by the National Committee Against Harmful Traditional Practices (Comité national de lutte contre les pratiques traditionnelles néfastes, CNLPTN) reportedly found that 82 percent of surveyed women had undergone FGM (*La Rédaction* 4 June 2012; Xinhua 3 June 2012), out of a group of 490 women aged 15 to 50 (*ibid.*). However, the US Department of State's *Country Reports on Human Rights Practices for 2011* reports that according to the Djiboutian Ministry of Health and the UN Population Fund, there has been a "marked decrease" in the proportion of young girls who had undergone FGM: 51 percent of eight-year-olds, 54 percent of seven-year-olds, and 60 percent of six-year-olds had not undergone FGM (24 May 2012, Sec. 6).

Sources note that infibulation, described as "the most extreme form" of FGM (UN 2 Aug. 2011, para. 18), is reportedly "widely practised" in Djibouti (*ibid.*; US 24 May 2012, Sec. 6). Infibulation is reported to be particularly prevalent in rural areas (*ibid.*; UN 22 Dec. 2011, para. 21).

1.2 Prevalence Among Specific Groups

Information on the practice of female genital mutilation (FGM) among specific clans or ethnic groups in Djibouti was scarce among the sources consulted by the Research Directorate. However, the following information may be relevant.

According to a 2010 report by Minority Rights Group International (MRG) on minority groups in Somalia, the Midgan are an occupational group who were originally hunters and leatherworkers, "with other ritual and craft tasks performed for the majorities" (MRG 2010, 8). The report states, further, that the Midgan's traditional work also included performing male circumcision and female genital mutilation (*ibid.*, 12). The report also indicates that the Midgan, who are subdivided into Madhiban and Musso Deriyo lineages, are "commonly known nowadays" as Gaboye, and are "scattered throughout Somalia (Somaliland and Puntland), Ethiopia and Djibouti" (*ibid.*, 8).

2. Legislation and Prosecution

FGM has been prohibited by law since 1992 (UN 3 Nov. 2011). In 2009, Article 333 of the Criminal Code, which criminalizes FGM, was amended to also criminalize the failure to report the perpetration of FGM to the authorities (UN 2 Aug. 2011, para. 6).

The US Department of State reports that the punishment for perpetrating FGM is five years' imprisonment and a fine of one million Djiboutian Francs (DJF) [C\$5,706 (XE 8 June 2012a)], and the punishment for failing to report the perpetration or planning of FGM is a maximum of one year's imprisonment and a fine of up to 100,000 DJF [C\$571 (XE 8 June 2012b)] (24 May 2012, Sec. 6). New legislation was also introduced in 2009 to allow NGOs to file charges for FGM on behalf of victims (ADI 6 Feb. 2012; *La Nation* 7 Feb. 2012; Xinhua 3 June 2012).

Sources indicate that there have been no criminal convictions for FGM in Djibouti (US 24 May 2012, Sec. 6; UN 3 Nov. 2011). According to the Government of Djibouti's delegation to the UN Committee Against Torture, the lack of convictions is due to the fact that "the judicial authorities had not recorded any complaint [s]" (ibid.). The UN Committee on the Elimination of Discrimination against Women and the UN Committee Against Torture both noted in 2011 that cases of FGM are generally not reported, prosecuted, or punished (UN 2 Aug. 2011, para 18; ibid. 22 Dec. 2011, para. 21).

3. Government Actions

Sources indicate that public information campaigns have been undertaken to educate the population about the harmful effects of FGM (ADI 6 Feb. 2012; US 24 May 2012, Sec. 6; UN 3 Nov. 2011). According to the National Union of Djiboutian Women (Union nationale des femmes djiboutiennes, UNFD), a women's human rights organization that is chaired by the First Lady of Djibouti (UN 18 Jan. 2011, para. 143), the ministries of Women's Promotion, Health, and Religious Affairs, as well as traditional leaders and ulemas, are highly involved in public education against FGM (UNFD Apr. 2011, 17). A publication by the Joint Programme for the Acceleration of the Abandonment of FGM/C of the UN Children's Fund (UNICEF) and the UN Population Fund (UNFPA) reports that in July 2011, over 600 people, including representatives from 99 different villages and neighbourhoods, met in Djibouti city "to publically and collectively declare their intention to abandon female genital mutilation/cutting" (UN 2011, 5). An article published by the Djiboutian Agency of Information (Agence djiboutienne d'information, ADI) stated that 92 community groups from Djibouti city and other inland regions participated in the event (6 Feb. 2012).

Media sources report that in June 2012, the government and UNFPA published a guide for imams and other religious leaders, promoting the abolition of FGM and the awareness that the practice is against the principles of Islam (Xinhua 3 June 2012; *La Rédaction* 4 June 2012). The Djiboutian Agency of Information reported in 2011 that the Ministry of Women's Promotion had published a guide for justice professionals, including police officers, with information on dealing with cases of gender-based violence, including FGM (14 Sept. 2011).

The UN Committee on the Elimination of Discrimination Against Women noted that despite the steps already taken by Djibouti, the government "has not taken sufficient sustained and systematic action to modify or eliminate stereotypes, discriminatory cultural values and harmful practices [such as FGM, polygamy and early marriage]" (UN 2 Aug. 2012, para. 16). The UN Committee Against Torture recommended in December 2011 that Djibouti "provide victims with rehabilitative as well as legal, medical and psychological services, along with compensation" and that it "create adequate conditions allowing victims to report incidents of harmful traditional practices... without fear of reprisal or stigmatization" (22 Dec. 2011, para. 21). Additional information about governmental or non-governmental support services to victims of FGM could not be found within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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Additional Sources Consulted

Oral sources: Attempts to contact representatives of the following organizations were unsuccessful: UNICEF Djibouti, Union nationale des femmes de Djibouti, the University of Djibouti, the Inter-African Committee on Traditional Practices, the Parliament of Djibouti, Voices of Somaliland Minority Women Organization, and Gabooye Minority Organisation. Representatives of Tostan France, No Peace Without Justice, the Association pour le respect des droits de l'homme à Djibouti, and the Office for Country Information and Language Analysis of the Immigration and Naturalisation Service, Netherlands, could not provide information for this Response.

Internet sites, including: Africa.com; AllAfrica; Amnesty International; Association pour le respect des droits de l'homme à Djibouti; ecoi.net; Factiva; Government of Djibouti; Groupe pour l'abolition des mutilations sexuelles, Belgique; Human Rights Watch; Inter-African Committee on Traditional Practices; Jeune Afrique; No Peace Without Justice; ReliefWeb; Tostan; United Nations – UN High Commissioner for Refugees, Integrated Regional Information Networks.

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Date modified: 2016-01-05