

# Immigration and Refugee Board of Canada

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## Responses to Information Requests

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Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website. Please note that some RIRs have attachments which are not electronically accessible. To obtain a PDF copy of an RIR attachment, please email the [Knowledge and Information Management Unit](#).

4 March 2013

### DJI104309.FE

Djibouti: Forced marriage, including the frequency and the consequences of refusing such a marriage; state protection and government services available

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

#### 1. Frequency and cultural context of early or forced marriages

Several sources consulted by the Research Directorate noted that the practice of early or forced marriages exists in Djibouti (ARDHD 18 Feb. 2013; Humanium 28 Sept. 2012; Djibouti and UNICEF Dec. 2009, 98; Djibouti Dec. 2007, 84).

According to the Multiple Indicator Djiboutian Survey (Enquête djiboutienne à indicateurs multiples, EDIM), carried out in 2006 by the Djiboutian Department of Health, forced marriages in Djibouti are [translation] "more common" in rural areas (ibid.). The EDIM is a survey that was adapted from the Multiple Indicators Cluster Survey (MICS) model established by UNICEF for the purpose of collecting data for analyzing the situation of children (ibid., 6, 13). The Children's Rights Portal, dedicated to promoting and defending children's rights (Humanium n.d.), stated that, in Djibouti, early and forced marriages are based in tradition and a [Humanium English version] "common" practice, particularly in rural areas (ibid. 28 Sept. 2012). *Country Reports on Human Rights Practices for 2011* published by the United States Department of State indicated that "[c]hild marriage occasionally occurred in rural areas, where it was considered a traditional practice rather than a problem" (US 24 May 2012, 19). According to UNICEF, the early marriage of women in Djibouti is [translation] "rare" and "more frequent" among women who are "poorly educated, who belong to the poorest quintiles, who live in rural areas and who are members of the Afar ethnic group" (Djibouti and UNICEF Dec. 2009, 98).

In correspondence sent to the Research Directorate on 18 February 2013, a representative of the Djibouti Human Rights Association (Association pour le respect des droits de l'homme à Djibouti, ARDHD) explained how forced marriages are practised within the Afar and Somali ethnic groups. Those ethnic groups represent 20.4 percent and 61.1 percent respectively (L'aménagement linguistique 27 May 2009), or 35 percent and 60 percent (US 5 Feb. 2013), of the country's population, which was estimated at 774,389 in 2012 (ibid.). Sources indicated that those ethnic groups are [translation] "the largest" (ARDHD 18 Feb. 2013) or the two [translation] "main ethnic groups" in the country (L'aménagement linguistique 27 May 2009).

According to the ARDHD representative, among the Afar, forced marriage is regulated by the custom called *absouma*, according to which the parents organize the marriage of their daughter with the aim of [translation] "strengthening ties between villages, families or tribes" (18 Feb. 2013). The website of the Tadjourah Women's Association (Association des femmes de Tadjourah, AFT), an NGO dedicated to fighting poverty among women, particularly by promoting arts and crafts (AFT n.d.b), explains that, according to the traditions of Afar social solidarity, the *absouma* [translation] "guarantees that any person, regardless of their social condition or handicap, can marry" (AFT n.d.a). According to the ARDHD representative,

[translation]

in an Afar family, if the girl refuses the husband that the family has proposed to her or imposed on her, she is immediately rejected by her family, because she has shamed her family. She will be punished. Her only chance is to try to run away. Often, girls are forced to accept an arranged marriage if they want to maintain their ties to their family. Only those with means can try to emigrate to Europe or North America in order to escape their family's rage. In general, the ties to their families are permanently severed (ARDHD 18 Feb. 2013).

Additional information on the treatment of Afar girls or women who attempt to escape a forced marriage could not be found among the sources consulted by the Research Directorate.

The ARDHD representative described the situation of the Somali ethnic group as follows:

[translation]

Contrary to Afar customs, the Somali do not follow the *absoum*... but they also practise forced marriages based... on financial means. [

A rich man can easily ask for the hand of a less fortunate girl that he covets, even if he is 10, 20 or 30 years older than she.

The rich man gives the money to the parents, who impose the marriage on their daughter. She does not have a choice either (*ibid.*).

The ARDHD representative did not, however, provide any information on the treatment of Somali girls or women who refuse forced marriages.

## 2. Laws and protection available to victims

Articles 7, 13 and 14 of the Djiboutian family code state the following in regard to marriage:

[translation]

### Article 7:

...

The marriage shall be established only with the consent of both spouses and the woman's guardian.

### Article 13:

...

The future spouses shall be aged 18 years or older.

### Article 14:

The marriage of minors who have not reached the legal age of majority is subject to the consent of their guardians... (Djibouti 2002).

The Children's Rights Portal noted that, although the Djiboutian family code sets out a minimum age of 18 to marry, in practice, this is not respected, [Humanium English version] "notably in cases of accord with the child's guardian-which permits an overriding of the child's consent with no age limit" (Humanium 28 Sept. 2012). According to the EDIM data collected in 2006,

[translation]

3.5% of married women aged 15 to 49 living in rural areas were married before the age of 15 (compared with 2.8% of women living in urban areas), 13.6% were married before the age of 18 (compared with 9.4% of women living in urban areas) and 12.8% are currently aged between 15 and 19 years (compared with 4% of women living in urban areas) (Djibouti Dec. 2007, 84).

Moreover, the ARDHD representative stated that his organization has never heard of cases in which parents were convicted for having forced their daughter to marry; the representative maintained that the girls choose to run away rather than file a complaint against their parents (ARDHD 18 Feb. 2013). Additional information on this topic could not be found among the sources consulted by the Research Directorate.

In the notes submitted to the experts of the United Nations Committee on the Elimination of Discrimination against Women (CEDAW), regarding the review of the 21 July 2011 report on Djibouti, the International Federation for Human Rights (FIDH) and the Djiboutian Human Rights League (Ligue djiboutienne des droits humains, LDDH) stated the following:

[translation]

In general, there are major obstacles to enforcing the laws aimed at protecting women's rights in Djibouti, namely women's lack of awareness of them; numerous structural difficulties, particularly the extreme poverty in the country and the lack of resources; and the impact of traditions and stereotypes on women's role in society (FIDH and LDDH n.d.).

However, the FIDH and the LDDH stated that, in the last few years, Djibouti has made progress in terms of women's rights, particularly:

- the creation of the Ministry for the Promotion of Women, Family Welfare and Social Affairs in 2008;
- the implementation of a listening, information and guidance centre for women and girl victims of violence (Cellule d'écoute, d'information et d'orientation des femmes et des filles victimes de violence), operational since 2007;
- the implementation in 2004 of an Action Plan for the Promotion of Education for Girls (Cadre d'action pour la promotion de l'éducation des filles, CAPEF), as well as adult literacy programs specifically targeting women (ibid. n.d.).

However, the two NGOs did not provide any details on these achievements made by the government of Djibouti. *Country Reports 2011* indicated that the Ministry for the Promotion of Women, Family Welfare and Social Affairs was working with women's organizations in the country to protect the rights of girls, including the right to decide when to marry and with whom; however, *Country Reports 2011* gave no details on the actions taken by the Djiboutian authorities and women's groups to protect girls forced into marriage (US 24 May 2012, 20).

Additional information on services provided by the government or NGOs for victims of forced marriages could not be found among the sources consulted by the Research Directorate.

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 made to contact representatives of the following organizations were unsuccessful: Association djiboutienne pour l'équilibre et la promotion de la famille; Association des femmes de Tadjourah; Barreau de Djibouti; Centre d'études et de recherche de Djibouti; Djibouti – Commission des droits de l'homme de Djibouti, Direction de la statistique et des études démographiques, ministère de l'Éducation nationale et de la Formation professionnelle, ministère de la Promotion de la femme et du Planning familial; Femmes solidaires; France – Centre national de recherche scientifique; Ligue djiboutienne des droits humains; Observatoire pour le respect des droits humains à Djibouti; Solidarité féminine Djibouti; Union nationale des femmes djiboutiennes; United Nations – UNICEF, United Nations Development Programme; Université de Djibouti – Centre de recherche de l'Université de Djibouti; Université Paris Descartes – Centre population et développement.

**Internet sites, including:** AfricaPresse.com; Afrik.com; *Les Afriques*; Afrol News; Agence djiboutienne d'information; Agence France-Presse; AllAfrica.com; Amnesty International; Association francophone des commissions nationales des droits de l'homme; Centre international de recherche scientifique; Ethnologue; Factiva; Femmes Africa solidarité; Femmes solidaires; Freedom House; Genre en action; Girls not Brides; Human Rights Watch; *Jeune Afrique*; *La Liberté*; Memoire Online; Minority Rights Group International; *Le Monde*; *Le Monde diplomatique*; *La Nation*; Organisation internationale de la francophonie; Organisation de la presse africaine; PANApres; Population Council; Radio France internationale; Solidarité féminine Djibouti; Solidarity for African Women's Rights; *Le Temps*; United Nations – Integrated Regional Information Networks, Office of the High Commissioner for Human Rights, Organisation for Economic Co-operation and Development, UN Women, UNESCO; United Nations Development Programme, United Nations Secretary-General's Database on violence against women; Voice of America; La Voix de Djibouti; Women Living Under Muslim Laws.

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Date modified: 2016-01-05