



The Global Initiative
for Economic, Social and Cultural Rights

**SHADOW REPORT TO THE UNITED NATIONS COMMITTEE ON
ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

DJIBOUTI, 51st Session (04 Nov 2013 - 29 Nov 2013)

**Submitted by:
The Global Initiative for Economic, Social and Cultural Rights (GI-ESCR)**

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The Global Initiative for Economic, Social and Cultural Rights (GI-ESCR) is an international non-governmental human rights organization which seeks to advance the realization of economic, social and cultural rights throughout the world, tackling the endemic problem of global poverty through a human rights lens. The vision of the Global Initiative for Economic, Social and Cultural Rights is of a world where economic, social and cultural rights are fully respected, protected and fulfilled and on equal footing with civil and political rights, so that all people are able to live in dignity.

The mission of the Global Initiative for Economic, Social and Cultural Rights is to strengthen the international human rights framework through creative standard setting, so that all people, and in particular marginalized individuals and groups, are able to fully enjoy their economic, social and cultural rights, and are able to do so without discrimination and on the basis of equality; provide innovative tools to policy makers, development actors and others on the practical implementation and realization of economic, social and cultural rights; enforce economic, social and cultural rights through international, regional and national mechanisms and seek remedies for violations of these rights, with a focus on creating beneficial jurisprudence aimed at transformative change; engage networks of human rights, women's rights, environmental and development organizations and agencies to advance the sustainable enjoyment of economic, social and cultural rights at both national and international levels; and work with advocates, social movements and grassroots communities at national and local levels to more effectively claim and enforce economic, social and cultural rights, including by engaging international mechanisms for local impact.

I. ARTICLES 2, 3, 10 & 11 -- Women's Land and Property Rights in Djibouti

1. In its 2011 Concluding Observations on Djibouti, the CEDAW Committee noted with concern the “State party’s position that discriminatory provisions of the Family Code, such as provisions concerning the husband’s role as the head of the family and women’s unequal inheritance share, cannot be changed as they are rooted in ‘higher socio-cultural and religious values.’ The Committee notes with concern that provisions of the Family Code which provide for unequal rights of women and men during marriage and its dissolution are incompatible with the Convention.”

2. It specifically noted with concern that under the 2002 Family Code the husband is the head of the family whose prerogatives the wife must respect (art. 31) and that a woman’s inheritance share is less than half that of a man and a daughter’s share is half that of a son (arts. 101 and subsequent articles).¹ Article 31 specifically provides that “The wife must respect the prerogatives of the husband, as head of the family, and owes him obedience in the interest of the family. The husband and wife must fulfil their marital duties, in conformity with practice and custom.” Article 101 and subsequent articles establish in law the unequal rights of women and girls to inherit.

3. The CEDAW Committee called upon the State party to amend these discriminatory provisions of the Family Code.² Likewise, these discriminatory provisions of the Family Code, which have not been amended or repealed, contravene the State’s obligations under Article 2 of the present Covenant.

4. On matters pertaining to inheritance in particular, General Comment No. 16 of the Committee on the equal right of men and women to the enjoyment of all economic, social and cultural rights (art. 3 of the International Covenant on Economic, Social and Cultural Rights) notes that States parties are required under the Covenant “to ensure that women have equal rights to marital property and inheritance upon their husband’s death.”³ This General Comment also provides that “Implementing article 3, in relation to article 11, paragraph 1, requires that women have a right to own, use or otherwise control housing, land and property on an equal basis with men, and to access necessary resources to do so.”⁴

V. Recommendations

5. In light of the above information, the Global Initiative for Economic, Social and Cultural Rights and respectfully suggests that the Committee on Economic, Social and Cultural Rights urge the State party to immediately amend or repeal discriminatory provisions of the Family Code, including articles 30 and 101 on head of the household and inheritance, respectively.

¹ Concluding observations of the Committee on the Elimination of Discrimination against Women on Djibouti, UN Doc. CEDAW/C/DJI/CO/1-3, 28 July 2011.

² Ibid.

³ Committee on Economic, Social and Cultural Rights, General Comment No. 16 on the equal right of men and women to the enjoyment of all economic, social and cultural rights (art. 3 of the International Covenant on Economic, Social and Cultural Rights), UN Doc. E/C.12/2005/4, 11 August 2005, at para. 27.

⁴ Ibid, at para 28.