



# Djibouti: Marriage & Citizenship

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## DJIBOUTI

### MARRIAGE & CITIZENSHIP

#### *Executive Summary*

*Under the Family Law of Djibouti, all wives of a polygamous marriage have the same legal status. Djiboutian nationality may be acquired by a decree of a public authority based on a request made by an interested person. When a husband of Djiboutian nationality marries a second wife of foreign nationality through a polygamous marriage, he may be considered an interested person and apply for citizenship for the second wife.*

#### **I. Facts and Issue(s) Presented**

1. What is the legal status in Djibouti of a second wife through a polygamous marriage?
2. May a husband apply for citizenship in Djibouti for a second wife through a polygamous marriage?

The Husband is a Djibouti citizen.

#### **II. Statement of the Law**

The legal status of the second wife is defined in article 22 of the Family Code of Djibouti,<sup>1</sup> which states:

Polygamy is permitted and the husband who marries more than one wife should observe justice and equality in treating between the wives. The wives may petition to the judge if they feel the new marriage has been to their detriment. The new marriage may not be complete unless a hearing is set by the Ma'adoun Al, Chari [an Islamic religious authority assigned by the government] and other wives have been notified of the new marriage.<sup>2</sup>

The citizenship of the second wife is regulated by the Nationality Code of Djibouti<sup>3</sup>. The following articles are applicable, and state:

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<sup>1</sup> CODE DE LA FAMILLE [FAMILY CODE], LOI NO. 152/AN/02/4EME L, promulguée le 31 Janvier 2002. The Family Code is in both Arabic and French, which are the official languages of the country.

<sup>2</sup> All translations are by the author.

<sup>3</sup> PORTANT CODE DE LA NATIONALITÉ DJIBOUTIENNE [NATIONALITY CODE OF DJIBOUTI] Loi No 200/AN/81 D 24 Octobre 1981 published in the Djibouti Official Gazette of December 27, 1981, pages 137-142.

Article 15

A marriage does not have any effect by law with regard to the nationality of a foreign spouse.

Article 16

A foreigner who enters into a marriage contract with a man who has Djiboutian nationality cannot acquire this nationality unless under the conditions stated in articles 14 and 18 as follows.

Article 14

Djiboutian nationality cannot be acquired except by the decision of a public authority... the nationality may be acquired by a decree based on an application by an interested person.

Article 18

A committee is set up with the responsibility of making an announcement notifying all persons applying for naturalization. This committee will have its office in the Palace of Justice and is presided over by a magistrate assigned by the President of the Republic.

### **III. Analysis/Application**

According to the Family Law of Djibouti, the legal status of the second wife is the same as the first wife.

With regard to acquiring Djiboutian nationality through marriage, the law is clear that Djiboutian nationality is not granted automatically by the rule of law. As the husband is an interested party, he may apply for Djiboutian nationality on behalf of a second wife that he married through a polygamous marriage to obtain citizenship.

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