



# Convention on the Elimination of All Forms of Discrimination against Women

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## Committee on the Elimination of Discrimination against Women

Sixty-first session

2-24 July 2015

Item 4 of the provisional agenda\*

**Consideration of reports submitted by States parties under  
article 18 of the Convention on the Elimination of All Forms  
of Discrimination against Women**

### List of issues and questions in relation to the combined third to seventh periodic reports of Senegal

#### Constitutional and institutional framework and access to justice

1. In view of article 98 of the Constitution, which provides that international conventions are superior to national laws, please explain why, 29 years after the ratification of the Convention without any reservations, a large number of discriminatory provisions remain in the national legislation, notably in the Family Code and the Labour Code. Please indicate the time frame for the modification of those laws (para. 33).<sup>1</sup> It is indicated in the report that an application to prevent the promulgation or implementation of legislation may be made to the Constitutional Council by lodging either a constitutional challenge (*voie d'action*) or an application for judicial review (*voie d'exception*). Please indicate whether women have made such applications.

2. Please indicate the measures taken to assess the impact of the policy for local and more accessible justice (para. 140). Please provide information on the impediments faced by women in gaining access to justice and the measures taken to overcome them. Please indicate the measures taken to provide, in cases of discrimination against women, free legal aid for all women living in poverty and to allow civil society organizations with an interest in the proceedings to lodge petitions. Please also indicate whether customary justice mechanisms exist and, if they do, describe their functioning and their relationship with the formal justice system. Please indicate, in particular, whether women married under customary law

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\* CEDAW/C/61/1.

<sup>1</sup> Unless otherwise indicated, paragraph numbers refer to the combined third to seventh periodic reports of Senegal (CEDAW/C/SEN/3-7).



can resort to civil courts for all matters relating to marriage, family relations and inheritance.

3. Please indicate whether the Convention has been cited by national courts and, if it has, provide detailed information on the cases. Please supply information on the steps taken to provide training for legal professionals, including judges, prosecutors and lawyers, and other actors responsible for the implementation of the provisions enshrined in the Convention. Please also provide information on initiatives carried out to disseminate the Convention and the Optional Protocol thereto, the general recommendations adopted by the Committee and its decisions under the Optional Protocol.

#### **National machinery for the advancement of women**

4. Please indicate the percentage of the national budget allocated to the advancement of women and whether the budget allocation for the national mechanism for the advancement of women and the capacity of the staff of that mechanism are adequate at all levels of government. Please provide information on measures taken to ensure an increase in budget allocations for education, health care and rural development, with a gender perspective. Please explain how the various improvements in the situation of women in the fields of health, education and rural development will be possible in view of the limitation of the allocations for personnel in the 2015 national budget. Please also provide information on the capacity of the national machinery for the advancement of women to coordinate with the various ministries and with the regional, municipal, borough and rural community authorities and gender focal points or other gender mechanisms where they exist (para. 8). Please explain the role and competencies of and the coordination among the Ministry of Women, Children and Female Entrepreneurs, the Senegalese Human Rights Committee, the Office of the Ombudsman and the National Observatory on Parity. Concerning issues relating to discrimination against women, please clarify who has the competence to initiate cases in courts, propose new legislation or the revision of present legislation and conduct training and awareness-raising activities. Please indicate whether the numerous programmes, plans, activities and measures mentioned in the report, in particular in paragraph 39, have been evaluated and, if they have, what the results are. Please also indicate whether those programmes continue to be implemented.

#### **Stereotypes and harmful practices**

5. Please provide information on steps taken to prohibit such harmful practices as polygamy, levirate, sororate, repudiation, denial of inheritance rights to women, food prohibitions or taboos and opposition to the spacing of births, as well as to criminalize child and/or forced marriage. Please also indicate whether the State party envisages taking more efficient measures to eradicate the practice of child marriage. Please indicate the measures taken to monitor the implementation of the second national action plan to accelerate the end of the practice of female genital mutilation (2010-2015) and the enforcement of the legal provisions of Act No. 99-05 of 29 January 1999 criminalizing female genital mutilation and also provide data on the investigations, prosecutions and convictions of perpetrators of that practice during the period under review. Please indicate whether the State party envisages developing a comprehensive strategy to change social and cultural patterns and eliminate gender-based stereotypes and harmful practices. Please

indicate the measures taken to assess the impact of the efforts made to educate and raise awareness about the harmful effect of those practices on girls and women.

### **Violence against women**

6. Information before the Committee refers to an increase in the rate of sexual violence against women in the State party, the lack of awareness among women of the legal provisions criminalizing domestic violence and the lenient penalties imposed on perpetrators. Please provide data on the number of cases of violence against women, including rape and other sexual violence, in addition to domestic violence, reported to the police and brought to court, the number of prosecutions and convictions in that regard and the penalties imposed on the perpetrators. Please indicate the measures taken to raise awareness among women of the existing legal provisions criminalizing all forms of violence, including domestic violence. In view of the contradictory information received by the Committee, please clarify the penalties provided for in the Criminal Code for cases of rape and whether rape is considered a serious crime under the Code. Please indicate whether the State party envisages adopting legal provisions criminalizing marital rape and amending article 285 of the Family Code in order to prohibit and eliminate corporal punishment in all settings, including the home. Please also indicate whether the State party has developed or envisages developing a national strategy to combat gender-based violence.

### **Trafficking and exploitation of prostitution**

7. Reference is made to the adoption of Act No. 2005-05 of 29 April 2005 and the national action plan to combat trafficking in persons (paras. 53 and 54). Please indicate the measures taken to ensure and promote their effective implementation. Please provide sex-disaggregated data on trafficking in persons, including on the number of victims, cases investigated, cases prosecuted and convictions and the punishment of perpetrators. Please indicate whether the State party has taken specific measures to protect from trafficking women and girl domestic workers, women who enter into Internet marriages and women subjected to forced labour, begging and trafficking for the purpose of sexual exploitation.

8. Please indicate the impact on women in prostitution of article 9 of the Code of Minor Offences, which provides for administrative fines and/or imprisonment in the case of communication in a public place for the purpose of engaging in prostitution. Please indicate whether the State party envisages repealing the legal obligation for women in prostitution to register in a health database and to be subjected to fortnightly medical check-ups. Please provide information on the rate of imprisonment of women in prostitution on the above-mentioned grounds. Please also indicate the measures taken to provide educational and economic alternatives to prostitution and to introduce exit programmes and rehabilitation and reintegration measures for women leaving prostitution.

### **Participation in political and public life**

9. Reference is made to the adoption of Act No. 2007-40 of 13 November 2007 on equal access for men and women to elected office and Act No. 2010-11 of 28 May 2010 instituting full gender parity in all elected bodies (para. 58). Information before the Committee indicates that those acts have not been fully

implemented at the regional, municipal and local levels, that the Ministry of the Interior failed to invalidate a list comprising only men at the local elections in Touba in June 2014 and that the Autonomous National Electoral Commission lodged an appeal in respect of that list. Please comment on that information and indicate the measures taken and envisaged to ensure the effective implementation of the above-mentioned legislation for all elected offices, including through the application of sanctions. Please also provide information on the steps taken to achieve equal representation of women and men in appointed decision-making positions in the Government, the judiciary, the civil service at the national, provincial and municipal levels and the diplomatic service, including through the adoption of temporary special measures, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 on temporary special measures.

### **Education**

10. It is indicated that a large number of measures have been taken to increase access by girls to education (paras. 70-87). Please indicate whether the effectiveness of those measures has been assessed in order to take corrective measures where necessary. Please provide information on measures envisaged to: (a) allocate adequate funding to education; (b) effectively implement mandatory primary education; (c) integrate a gender perspective into the provision of school facilities, such as sanitary conveniences; (d) address the high level of illiteracy among women; (e) increase the enrolment and retention rate of girls in education, in particular in secondary, vocational and higher education; (f) overcome the economic, social and cultural obstacles to access by girls to education, including the direct and indirect costs of education, child marriage, adolescent pregnancy, long distances to school and domestic work; (g) curb violence against and sexual harassment of girls in schools, including by teachers; (h) increase the number of women teachers at all levels of education and the number of women in decision-making positions in the education system; and (i) integrate a gender perspective into teacher training. Please provide information on how circular No. 004379 of 11 October 2007 allowing access to education by pregnant pupils is being implemented. Please also indicate the percentage of schools and girls benefiting from the school canteen programme that provides food to preschools and primary schools in rural areas and indicate whether the programme will be continued in the long term (para. 118).

### **Employment**

11. Please provide data on the registration rate of cases of sexual harassment in the workplace and on the measures taken to prevent and punish such acts. Please also provide data on the existence of a wage gap between women and men and of occupational segregation of women in the public and private sectors, and indicate the measures taken to overcome that situation. Please indicate whether all formal sector employees are covered by the social protection system. Please also indicate whether the State party has taken measures to protect women working in the informal and the rural sectors, in particular measures to provide them with social benefits.

12. Please indicate whether the State party envisages repealing the discriminatory legal provisions concerning the allocation of child benefits to men only (art. 21 of the Social Security Code), the non-allocation of a pension to the children of a

deceased woman who was employed before her death (art. 87 of the Social Security Code) and discrimination in the allocation of the widow's pension (Law No. 73-37 of 31 July 1973).

### **Health**

13. In view of the contradictory information received by the Committee regarding the criteria for legal abortion, please indicate whether abortion is legally authorized when the physical and mental health of the mother is at risk and, if it is, please also indicate the relevant legal provisions. Please indicate whether the State party envisages legalizing abortion in cases of rape, incest and severe foetal impairment. Please provide data on the prevalence of unsafe abortion, disaggregated by region and the economic status of the women, and the number and proportion of women in detention after a conviction for illegal abortion. Please also provide information on the incidence of complications following unsafe abortion, including maternal mortality ratios.

14. Please indicate the measures envisaged to further address the lack of adequate budget allocations to health care, the persisting high ratio of maternal mortality, which stands at 410/100,000, and the persisting lack of access to basic health-care services, including essential obstetric care, in particular among disadvantaged groups of women, such as women living in poverty and rural women. Please provide information on the measures envisaged to further increase the availability and accessibility of comprehensive age-appropriate education on sexual and reproductive health and rights and family planning services and on the rate of use of modern contraceptives.

15. Please indicate whether, throughout the country, including in rural and remote areas, women living with HIV/AIDS have effective access to free antiretroviral medication, including medication to prevent mother-to-child transmission of HIV.

### **Economic and social benefits**

16. Reference is made to the child nutrition and social transfers programme, which provides an allowance to mothers of children in vulnerable situations (para. 118). Please provide information on the progress made in implementing that programme. Please also indicate the measures taken to increase access by women to microcredit.

### **Rural women**

17. It is indicated that the Agro-Sylvo-Pastoral Orientation Act provides for the definition and implementation of a social protection system for the agro-sylvo-pastoral sector (para. 133). Please provide details on the social protection offered by that system and on the progress made in that regard. Reference is also made to the Millennium Drinking Water and Sanitation Programme (para. 138). Please provide information on the budget allocated to that programme and on its impact, including the rate of access to safe drinking water and sanitation in urban and rural areas and the sustainability of the system. Please also provide information on the existing mechanisms to monitor the implementation of policies and programmes that have an impact on the living standards of rural women (para. 39). Please indicate whether the State party has systematically incorporated a gender perspective into the existing programmes to support rural women, provided targeted support to increase their access to health-care services, education, justice, employment, economic

development projects, credit and the ownership of land and promoted their participation in decision-making processes, including within the rural planning committees.

18. It is indicated that the practice of excluding women from inheriting land persists (para. 123). Please inform the Committee about measures taken to ensure the strict enforcement of its legislative framework enabling women to inherit land and measures taken or envisaged to introduce intervention mechanisms supporting access by women to land tenure.

#### **Disadvantaged groups of women**

19. Please provide information on the situation and conditions of women in detention facilities. Please indicate, in particular, whether women and girls in detention are separated and whether gender-sensitive measures are in place to ensure appropriate treatment, including the provision of sufficient food and adequate health-care facilities. Please provide information on the measures taken and envisaged to ensure that disadvantaged groups of women, including women with disabilities, older women, albino women and women refugees, have effective access to health-care services, education, water, food, housing and income-generating activities.

#### **Marriage and family relations**

20. Reference is made to a large number of discriminatory provisions contained in the Family Code and its coexistence with customary practices (paras. 33, 40 and 142-155). Please indicate the time frame envisaged to withdraw all discriminatory provisions in the Family Code, including those relating to the different minimum age of marriage for men and women (art. 11), the husband head of household (arts. 277 and 152), the choice of the place of residence by the husband (art. 153), polygamy (art. 116), the discriminatory provisions in respect of the termination of an engagement (art. 116), discrimination against Muslim women with regard to their right to inheritance (art. 637) and the unequal share of property in case of divorce (art. 381). Please also provide information on measures taken to eliminate the customary practices that discriminate against women with regard to their right to inherit land and indicate whether civil courts can provide redress for such cases.

#### **Amendment to article 20 (1) of the Convention**

21. Please indicate what progress has been made towards the acceptance of the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.