

Women's rights protection instruments ratified by Senegal:

- **CEDAW**: ratified in 1985
- **CEDAW Protocol**: ratified in 2000
- **Maputo Protocol**: ratified in 2005

Ratify! Although Senegal has ratified the main international and regional women's rights protection instruments, many of their provisions continue to be violated in law and practice.

The Coalition of the Campaign remains particularly concerned by the following violations of women's rights in Senegal: persistent discriminatory legislation, notably in family law, harmful traditional practices, such as early and forced marriage and female genital mutilation, widespread violence against women, limited access to education, employment, decision-making positions, health services and land.

/ Some positive developments...

The Coalition of the Campaign acknowledges the recent adoption of several laws and policies aimed at improving respect for women's rights, including:

- The appointment of women to decision-making positions, in particular within the legal profession. However, women remain widely under-represented in public and political affairs.
- The adoption of a law amending the Criminal Code and introducing tougher penalties for crimes of violence against women in 1999. The law defines and punishes previously unrecognised crimes - incest, rape, sexual harassment, excision and domestic violence. However, the Coalition of the Campaign is concerned that penalties include hard labour in violation of the International Covenant on Civil and Political Rights ratified by Senegal in 1978.
- The National Strategy for Gender Equality adopted up in 2005 for the period until 2015 which focuses on increasing women's social standing, enhancing their potential, raising their economic status in rural and urban areas and setting up workshops to exchange and raise awareness of these issues.

/ But discrimination and violence persist

IN LAW

Laws in Senegal remain deeply discriminatory, particular in matters relating to the family. There are numerous discriminatory provisions within the Family Code of 1972:

Marital and parental authority: According to article 152, the husband is head of the family with authority over the household and children. Article 277 states, "During the marriage [parental authority] is exercised by the father as head of the family". The husband has the choice of family residence; the wife is obliged to live there with him and he is obliged to take her in (art. 153). Moreover, article 3 provides: "Any legitimate

child carries the father's name. Where a child is disowned, he takes the mother's name". According to article 4, "A child born outside marriage takes the mother's name. Where a child is recognised by the father, he takes the latter's name".

Marriage: Within marriage, women are subject to many discriminatory measures. The minimum legal age for marriage is 18 years for men and 16 years for women (art. 111). Women may not remarry until a period of 300 days has elapsed from the date the previous marriage was dissolved (art. 112). The authorisation of payment of a dowry by the husband (art. 132) promotes the perception of the wife as the property of the husband. Although article 110 provides that marriage between a brother-in-law and sister-in-law is forbidden, it permits levirate and sororate (traditional practices where a man may marry his dead brother's widow or his dead wife's sister) where the marital union that led to the alliance was dissolved as a result of death. Article 133 authorises polygamy.

According to article 375, household expenses are the responsibility of the husband. Where the dowry system of marriage applies, under the terms of article 385, any property given to a woman when she marries by persons other than her husband and that are subject to the rules of dowry (property, assets deposited at the bank and animals) are handed over to the husband. For as long as the marriage lasts, he manages these as a "good husband and father".

IN PRACTICE

• Violence

Although article 320 of the Criminal Code of 1999 punishes rape, it is considered a minor offence and not a crime. Moreover, despite the law prohibiting the practice of excision in any form (Law N°99 05 of 1999), it remains prevalent (28% of women are estimated to have been victims of the practice during the period 2002-2007), in large part due to the absence of measures to raise awareness on the issue. Domestic violence has also been criminalised since 1999, but is still seen as socially acceptable. Many women remain unaware that such violence is prohibited.

Forced marriages, prohibited under article 108 of the Family Code, and early marriages are still practised in Senegal. In addition, religious marriages continue to be widely practised due to ignorance of and lack of access to civil marriage. Persistence of marriages concluded outside the legal framework intensifies discrimination against women, in particular in cases of divorce. Women are left without any rights to custody of children or maintenance.

• Obstacles to access to land

Although the Family Code 1972 grants men and women equal access to land, customs prevent them being treated equally in practice. According to tradition women cannot inherit land and husbands can oppose the acquisition of land by their wives.

• Obstacles to access to education

Although the law makes schooling compulsory for children aged 6 to 16 years at free state-run establishments (Law 2004-37 of 2004), statistics show that this provision is not fully implemented. It is estimated that half of all adults (57%) are illiterate, the majority of them women. Financial reasons are partly to blame for non-attendance at school, as young girls are often obliged to work to help support the family.

• Obstacles to access to health

Access to healthcare, particularly pre- and post-natal care, remains inadequate, partly because of the high costs, as demonstrated by high infant mortality rates (i.e. among children under 5 years), that reached almost 12% in 2007.

• Obstacles to access to employment and under-representation in political and public life

During the legislative elections in June 2007, 33 women were elected to parliament out of a total of 150 representatives (i.e. 22%). Following elections to the Senate in August 2007, there are 40 women of a total of 100 senators (only 3 women were elected by indirect ballot and the remaining 37 were appointed by the President of the Republic). In addition, despite the police force and customs service being open to women since 2007, recruitment of women to the latter remains ineffective.

The Coalition of the Campaign calls on the authorities of Senegal to:

- **Reform all discriminatory legislative provisions**, in conformity with CEDAW and the Maputo Protocol, in particular the provisions of the Family Code concerning marital authority, parental authority, choice of residence, property, divorce, minimum age for marriage, levirate, sororate and polygamy.
- **Strengthen laws and policies to combat violence against women and to support victims**, in particular by: adopting a specific law criminalising all forms of violence; ensuring the effective enforcement of laws prohibiting female genital mutilation and early and forced marriages; strengthening services to support women victims of violence; facilitating access to justice (free help-lines, training of legal personnel, police services and specialist medical staff, provision of legal aid); and implementing awareness-raising programmes for the general population.
- **Strengthen measures aimed at improving women's access to education and training** including establishing a rigorous mechanism for monitoring girls' education at primary level to ensure attendance, particularly in rural areas.
- **Strengthen measures aimed at improving women's access to healthcare** focusing, in particular, on the situation of women in rural areas.
- **Increase women's access to decision-making posts**, in particular by adopting special temporary measures, such as a quota system.
- **Adopt all necessary measures to reform or eliminate discriminatory cultural practices and stereotypes**, through awareness-raising programmes targeting the general population.
- **Implement all recommendations issued by the CEDAW Committee** in 1994 that remain unimplemented and submit the 3rd periodic report to the CEDAW Committee which is more than 10 years overdue.

PRINCIPAL SOURCES

- Focal Points: ONDH, RADDHO, SWAA Senegal and WILDAF Senegal
- UNICEF, The State of the World's Children 2009, www.unicef.org
- UNICEF, L'excision au Sénégal, August 2008, www.unicef.org

For more information on women's rights and the actions of the campaign in Senegal, see: www.africa4womensrights.org

THE CAMPAIGN FOCAL POINTS IN SENEGAL

Organisation nationale des droits de l'Homme (ONDH)



ONDH is a human rights NGO created in 1987. It is independent of all political, religious or economic groups. ONDH's activities on women's rights focus include: providing legal assistance and support to women victims of violence; advocacy and regular training sessions on human rights.
www.ondh-radiab.org

WILDAF Sénégal



WILDAF-Senegal is a member of WILDAF, a Pan African network whose objective is to promote and enforce human rights in general and those of women in particular. Based in Dakar it was created in 1992. Its main activities include: awareness-raising programmes; campaigns for equal representation of men and women in decision making bodies; and support and assistance to victims of violence.
wildafsen@hotmail.com

Society for Women against AIDS in Africa (SWAA Senegal)



SWAA, created in 1988 in Harare (Zimbabwe), is an NGO bringing together representatives from 33 African countries in the fight against AIDS. SWAA Senegal was founded in 1989. Its activities include: information, education, training, research and advocacy.
www.swaainternational.org

Rencontre africaine pour la défense des droits de l'Homme (RADDHO)



RADDHO is an NGO with no religious or political affiliations, established in Dakar in 1990. It aims to promote and protect human rights in Senegal and across Africa. RADDHO monitors respect for human life and dignity, promotes the full exercise of citizenship rights, in particular effective implementation of equal rights of all citizens, and contributes to the emergence and consolidation of the rule of law and democracy in Africa.
www.raddho.africa-web.org