

## SENEGAL

### CEDAW A/43/38 (1998)

548. The Committee considered the initial report of Senegal (CEDAW/C/5/Add. 42 and Amend.1) at its 122<sup>nd</sup> and 126<sup>th</sup> meetings, held on 29 February and 2 March 1988 (CEDAW/C/SR.122 and 126).

549. In her introduction, the representative of the State party said that equality between men and women had been incorporated in the Constitution and had been reflected in legislative, judiciary and administrative measures. She explained that 80 per cent of Senegal's population lived in rural areas and women accounted for 70 per cent of that rural population. Women contributed considerably in the development of rural areas, particularly in agriculture, fisheries and animal husbandry.

550. The country had been faced with serious economic and financial difficulties as a consequence of the international economic crisis. To those difficulties had to be added the scarcity of internal savings and severe drought. The Government had set up an economic and financial recovery plan and was striving to achieve the objective of health for all by the year 2000. Some of the health policy measures were education in health and food issues, maternity and child protection, vaccination campaigns against endemic and infectious diseases, medical care, including the setting up of village maternity clinics and pharmacies.

551. Women played an increasingly active role in that multipartite State. Women had the right to vote and to stand for elective office. Among 120 deputies to the National Assembly, there were 14 women, and among 25 ministers there were three women. At the community level, three women were chiefs of villages and three were presidents of rural councils. Women were very active in rural councils, which were the deliberating organs of the rural communities.

552. On the administrative level, several measures had been taken to allow women to take part fully in the development process, such as vocational training programmes for rural women. The Division for the Advancement of Women had been created in 1975 and later transferred to the State Secretariat for the Advancement of Women. In 1983, that Secretariat was merged with the Ministry for Social Action to become the Ministry for Social Development, which comprised among others a Directorate for the Advancement of Women. Its main mandate was to promote the situation of women and women's participation in economic, social and cultural development.

553. The Directorate had several divisions, which dealt with family economy, with the sensitization of public opinion towards women's place in the family and society and the elimination of de facto and de jure discrimination at work. A National Women's Committee was set up, and since 1980 a national fortnight for women was being held every year to mobilize public opinion, to give support to and promote women's participation in all walks of life, to fight against obstacles to equality and to raise the consciousness of Senegalese women with regard to their role in society.

554. Polygamy existed but the tendency was towards monogamy. Women and men had equal rights in the administration of property and shared in household duties. Repudiation was forbidden and only a judge could grant divorce. A woman could carry out a profession that was different from her

husband's, but the husband could oppose it if he thought that it was contrary to the family's interest.

555. Within the national planning commission a sub-commission for the integration of women in the development process had been created in order to carry out sectorial studies, which had culminated in several projects that were integrated into the sixth development plan. The Government had also adopted a National Plan of Action for Women in 1982. It was a kind of compendium of development projects and programmes at the local and regional levels. Seminars had been organized to educate women on a variety of topics. The most important measure was the organization of rural women into groups for the advancement of women, which in 1987 had led to the creation of the National Federation of Groups for the Advancement of Women, a vast communication network among many local, district and regional groupings.

556. With bilateral and multilateral assistance, a number of projects had been set up to provide water resources and material and instruments for alleviating work in rural areas. Food self-sufficiency programmes had also been launched, and women played a decisive role in the fight against desertification. She paid tribute to the assistance given by international organizations and said that a quarter of the budget of the Ministry for Social Development was allocated to the Directorate for the Advancement of Women.

557. The Convention was widely disseminated in her country and dossiers on each part of the Convention had been compiled in order to inform the public about its contents. The political will of the Government to advance the status of women and the consciousness-raising by women had created a favourable environment for the implementation of the Convention. However, the problems of survival faced by the country were putting a break on the efforts to enhance the progress of women.

558. The members of the Committee thanked the representative of the Government for her comprehensive introduction, which supplemented the written reports, and congratulated the Senegalese Government for having ratified the Convention. Whereas the initial report contained ample information on the legal measures and the administrative structure of the country, the oral introduction provided the lacking social framework. The endeavours of the Government and the efforts made by the national women's movement were all the more commendable as the country suffered under enormous economic problems, in particular as regards the economy, food, water supply and health.

559. Experts showed particular understanding for the situation of the country and were convinced of the country's commitment to the advancement of women. Concern was expressed, however, at the low quality of the first of the two initial reports, at the lack of statistical data and the late delivery of the additional written information, which was not available in all working languages of the Committee. It was noted that the country's report under the International Covenant on Civil and Political Rights was much more complete than the report under article 18 of the Convention, and doubts were expressed as to whether that was an indication of the low priority attached by the country to the issue of equality. The question was raised whether the Directorate for the Status of Women had been consulted in the preparation of the report.

560. The inclusion in the report of a project on pre-co-operative women's groups in rural areas was

considered a useful piece of information because of the high percentage of women living in rural areas.

561. More information was requested on the influence of women in policy-making and the distribution of resources and on the results obtained by the Directorate for the Advancement of Women. While the value and force of the Convention in the country was welcomed, it was asked whether women could take court actions in cases of discrimination, what the sanctions were, whether women were aware of whatever rights they had in that respect, whether they had access to legal aid and to what extent it was free.

562. Clarification was sought on the statement that “a person’s civil status could be governed by customary law” and that in the event of conflicting laws in matters concerning the wife in cases involving marriage or divorce “it was to be the woman’s customary law that would prevail”. Considering that the criminal law provisions relating to women were designed to protect their rights, it was found contradictory that the report stated that abortion was carried out whether or not the woman had consented. Clarification was requested in that respect.

563. It was asked why women’s matters were no longer dealt with by the State Secretariat for the Advancement of Women, but by the Ministry for Social Development instead. Questions were raised in connection with the concept that women were “the essential complement to men” and it was found that such a concept did not comply with the concept of the Convention.

564. Clarification was requested on article 3 of the Constitution which forbade the political parties to identify themselves with a particular sex. It was asked whether a political party would be considered illicit or contrary to the public order if it fought for the elimination of discrimination against women.

565. Questions were raised as to whether any temporary special measures had been taken to increase the political participation of women, to overcome sex segregation in the work-force and to increase the level of literacy of women. Other questions concerned measures taken by the Directorate for the Advancement of Women in order to change the social conditions of women.

566. Further information was requested on traditions and practices regarding mothers and children in general, on measures taken to eliminate old sex-stereotyped traditions and practices and on obstacles to overcoming them. The holding of an Intra-African Seminar in Senegal on traditional practices was commended.

567. It was asked which steps were being taken to intensify and modify discriminatory customs and practices in connection with polygamy, the repudiation of the wife, the dowry system, bride purchase, early marriage and early pregnancies, female circumcision and patriarchal attitudes and whether any education or guidance programmes existed to eliminate family stereotypes.

568. It was also commented that women’s position as workers was totally linked with their position in the family. They were never considered as independent elements of the work-force. Questions were raised as to whether men had started sharing with women the family responsibilities concerning the household and the upbringing of children and whether the situation of urban areas

differed from that of rural areas. It was hoped that, by the time the second periodic report was presented, progress would have been made with regard to changes in customs, traditions and attitudes having a negative impact on the advancement of women.

569. It was asked how information about their rights would reach women, specially rural women. One expert contested the authenticity of the idea in the report that the institution of the dowry had been introduced by Islam, taking into account what the report referred to on this issue of dowry, namely, “which for all practical purposes represented a purchase price for the women”. She further questioned the statement in the report that Islam adopted the concept of “woman as companion to man”, the definition of which, as mentioned in the report, is that for those who take this view “woman has no rights”. She also said that this idea was an example of what had happened during the previous session of the Committee and why a study on the status of women under Islamic law had been requested. Other experts requested more information on the Islamicized Wolof custom, the Islamicized Serer custom and the Christianized Diola custom in connection with civil life and it was asked what impact religious institutions had on the advancement of women. Information was sought as to whether women had access to institutions referred to as “brotherhoods”.

570. It was asked whether the reference to the incidence of violence against women referred to battery or sexual violence, and whether any traditions accepted such violence. Other questions referred to the incidence of rape and to the adequacy of existing laws to deal with it. It was asked whether any governmental or non-governmental institutions provided assistance to women in such cases, and whether wife battery constituted a punishable offence.

571. It was asked how women’s demands were formulated and translated into Government policy and action and to what extent women participated in political life and took part in the planning process. Questions were raised about the co-ordination of the activities of the many women’s organizations and the extent of their co-operation with the Government. It was asked whether the Government intended to initiate programmes for raising women’s interest in political activities.

572. Other experts asked whether illiterate women were allowed to vote and whether they were eligible and which “specific statutes” were referred to in article 8 of the law regarding the general statutes of public officials. It was also asked whether women had access to military careers.

573. The presence of Senegalese women in international forums was commended.

574. Concerning women’s rights with respect to nationality, it was asked whether an alien man who married a Senegalese woman could acquire Senegalese nationality, just as an alien woman who married a Senegalese man could become a Senegalese citizen.

575. Questions were raised as to whether positive measures had been contemplated or initiated to reduce the high illiteracy rate among women, what the percentage of illiterate women was and whether education about family planning existed. Concerning the high school drop-out rates of girls it was asked whether any programmes existed to keep women in formal education.

576. More information on the different forms of economic activity carried out by women was requested. Data on the percentage of women doing paid work were asked for, as were data on the

job distribution between men and women and on the percentages of women in higher level posts and in the lower paid jobs. Questions were raised as to whether all professions were open to women and whether steps had been taken to open up new sectors for them. Information was sought on the rate of participation of women in trade unions and on the role of trade unions with respect to the elimination of discrimination. It was asked whether collective agreements existed, what the social security and health protection measures were, why certain types of protective legislation, such as the prohibition of night work, existed only for women, and what the normal working hours were. Members of the Committee asked how many women were heads of enterprises and how many were employed for short terms. A comparative table for salaries of women and men was requested. It was asked whether the principle of equal pay for work of equal value existed and was implemented in practice. Clarification was sought on statistical tables 1 and 2 in the first of the initial reports, and on the reasons for the low percentage of women in public works (0.04 per cent).

577. It was asked whether the high infant mortality rate could be related to early marriage and early pregnancies, and whether female circumcision was still practised in Senegal and could be a reason for the high rate. Information was requested on the sex education and family planning policy, the average age for a woman's first pregnancy and on how many mothers were under 16 years old.

578. It was asked what the rural development projects were that had been specifically set up for women, what advantages women had gained from them and how they affected the female unemployment rate. Questions were raised about the obstacles for rural women to reach equality, the type of social security coverage of rural women, their access to health care and maternity benefits. It was asked whether rural women had a lower status than rural men and, if so, whether that was related to the farming system in Senegal.

579. It was asked whether land in Senegal was mainly family, private or State property and whether women could own the land which they farmed. Experts also inquired what the most frequent family relationship in rural areas was. It was also asked why fishing was reserved for women. Considering the large percentage of rural women, questions were raised as to whether the Directorate for the Advancement of Women gave priority to rural women and provided them with the services required. It was inquired how the women's groups in rural areas were organized and what was the co-ordinating mechanism used there.

580. Concerning the administration of property, it was asked under which circumstances the husband could be entrusted with the wife's property and to whom the administration of property was entrusted if the husband was relieved from his function. Experts inquired who administered the property on the dissolution of marriage by divorce or death and what the situation in case of cohabitation was. It was asked whether imprisonment or fines for matrimonial offences were applied often, who cared for the family during the term of imprisonment and whether those punishments were an appropriate way of dealing with matrimonial offences and were found satisfactory by women's organizations. It was asked whether any marriage-counselling services existed.

581. Questions were raised as to whether a woman could accept paid work outside her home without the consent to her husband, as to how the difference in marriageable age for men and women of 20 years for men and 16 years for women could be justified and how it could be dispensed with.

It was asked what was being done to end that system and how many women were actually married under the age of 16. It was further inquired whether the legal prohibition of repudiation was implemented in practice. Experts wanted to know how engagement contracts were enforced through the courts, whether the system of legally enforceable engagements was maintained for reasonable traditional reasons and whether women favoured that system. In case of cohabiting unions it was asked what the legal responsibilities of the parties towards each other and towards the children were.

582. Specific questions referred to the status of married women under the régime of polygamy, as it was described by the Senegalese writer Marianna Bâ. It was asked what the attitude of women in general was towards polygamy and how the younger generation reacted to it, and whether any attempts were being made to change the system. It was asked in what respect the family law was referred to as being revolutionary since men were still the heads of households.

583. Before replying the representative of the Government thanked the Committee for the objectivity and relevance of the questions asked and repeated the Government's determination to present better reports in the future.

584. The representative said that nationwide action had been taken in order to change the mentality of the population and implement in practice the concept of equality as contained in the Constitution.

585. Regarding the living conditions of rural women, she said that the Government, with the assistance of the United Nations agencies, had established income-generating projects and health facilities. Technical equipment was put at their disposal and women in rural areas were organized in groups and federations. Educational programmes were being carried out to increase the rate of literacy. During the national fortnights women at the grass-roots level could be reached with the help of the media. Women also had access to vocational training and grants and fellowships were offered to needy young women. The representative said that nationwide action had been taken in order to change the mentality of the population and put into practice the concept of equality as contained in the Constitution.

586. She further added that women in her country had always played a decisive role in agriculture. They participated in all stages of production in addition to doing household work. In the rural areas women had to fetch water and firewood from sometimes many kilometres away. They were responsible for processing milk and leather products and involved in fishing industry, crafts, textiles and marketing. Women traders could easily obtain credits. They worked individually or in trade associations and participated in national and international forums. A decree of 1972 had established equality between men and women in the allocation and use of land.

587. Since the administrative reform in 1972, rural women had been able to programme their needs and the health situation had greatly improved. Maternity clinics, pharmacies and health centres were set up with the help of the United Nations Children's Fund (UNICEF) and local women should later take over their management. She also said that many women were also the keepers of old traditional methods used for curing illnesses.

588. Rural women were disadvantaged in the field of education because girls were often prevented from going to school or dropped out from school prematurely because of household and related

commitments. Rural women had no retirement benefits, but were taken care of by the community.

589. The representative further explained that the Directorate for the Advancement of Women had opened up dialogue and co-operation with all women's organizations in the country and the National Women's Committee, which incorporated representatives of women's groups, ministries, political parties and trade unions, was the best place for consultations among women. Regrettably it had not been consulted when the reports under review had been drafted.

590. Regarding women's involvement in decision making she said that women could influence policy through complaints addressed to the relevant authorities, trade unions, women's groups, or even the head of State himself.

591. When the State Secretariat for the Advancement of Women was discontinued, it did not indicate a decrease in the Government's commitment to the equality between women and men; it was done in an effort of decentralization.

592. She said that victims of sex discrimination could resort to competent courts with the assistance of the Directorate for the Advancement of Women. They could get free legal advice.

593. All political parties had programmes for the advancement of women. She further said that unlike former days, presently both spouses were responsible for the raising of the children and further education was provided by schools. Sharing of household duties was becoming more frequent, however, still less so in rural areas. The teaching of home economics had become part of school curricula for men and women.

594. Women were increasingly working outside the home and could carry out professions without the consent of their spouses. The husband could object if he thought that the interests of the family were endangered. If the objection was not justified, the woman could get court authorization to carry out her job.

595. As regards the role played by religious institutions on the advancement of women she said that some religious institutions, which had the status of non-governmental organizations, helped in raising the living standards specially in rural areas. Religious education was optional.

596. As regards violence against women, she said that no tradition approved of or tolerated it and that it was punished by severe court sentences.

597. As the Constitution gave women equal rights with men to vote and to be elected, illiterate women were not excluded from these rights. She said that two illiterate women were members of the National Assembly.

598. Senegalese law made no distinction between the sexes with regards to nationality.

599. The representative said that women were mostly found in the fields of education, health, in the hotel business, in food industry and in office work as secretaries. The only exception to the principle of equality in employment was the ban on night work. Women were given 14 weeks

maternity leave with full pay and lactating mothers were entitled to rest periods at work. Women were active in trade unions. Certain professions were forbidden for women because they were considered too dangerous, or detrimental to women's health or morality. Military schools were also open to women, and one woman had the rank of major. She also pointed out that the woman who was head of the Senegalese delegation at the Copenhagen World Conference was responsible for the restructuring of the national machinery for the integration of women in development.

600. The representative could not provide any statistics in the field of employment and said that even if statistics existed they would not have been analysed yet. She hoped that the next report would contain statistical data. She also said that she would try to see to it that during the next census specific information on women was included in the questionnaires. The representative enumerated a certain number of posts in management and decision making held by women.

601. As regards the principle of equal pay for equal work she said that the principle was not disputed, but the reality lagged far behind.

602. Abortion was only allowed if the health of the mother was in danger and if carried out by a medical doctor. Family planning and sex education were of primary concern to the Government. The goal was the well-being of the mother and child and the family, and efforts were being made to equip women with a minimum of information.

603. The revolutionary character of the Family Code consisted in giving the partners in a marriage free choice and free consent as a pre-condition to the marriage and in creating a new concept of the family. Women could freely dispose of the dowry irrespective of whether it was given by her parents or by her husband. Often it was given in kind, sometimes it had a mere symbolic value.

604. On the issue of polygamy, she said that the book by Marianna Bâ "Letter to my close friend", which had been translated into more than 10 languages, described all the negative consequences of polygamy from the point of view of an intellectual woman. Women from other strata of the society considered polygamy as something positive as it allowed them to share their manifold tasks with their peers. Many women, however, were fighting against the institution.

605. On the issue of female circumcision she said that the Government and women's groups were conscious of its detrimental effects on women's health and a growing number of women were fighting against it. But she said that traditions died hard, but with education and time the practice would be stopped. Presently female circumcision was practised only by a small minority.

606. The representative said that there were three categories of matrimonial property régimes, the separation of property, joint property and the dowry system. On the dissolution of marriages by divorce, death or separation, the property that belonged to either spouse before the marriage was not touched. A judge had to decide on the disposal of property acquired in marriage. If one of the spouses entrusted to the other the administration of the personal goods, that spouse could be held responsible under common law. If one of the spouses interfered with the administration of the goods, he was responsible for the consequence of the interference.

607. Marriage could be contracted without prior engagement and an engagement did not oblige the



partners to get married. Repudiation was forbidden and divorce could only be sanctioned by a judge based on mutual consent or at the request of either spouse.

608. Experts congratulated the Government's representative on the sincere and well prepared replies and expressed admiration for the way by which Senegalese women had faced all the social problems. It reflected their determination and alertness. Members of the Committee felt sure that the goals would be achieved in respect of the dignity of women.

609. An expert commented that unless the Government took formal action to combat the practice of female circumcision, we could assure that women's dignity was not respected. Even if it was practised only by a minority, it was a barbarity that could not be condoned. The representative responded that there was no justification for that practice and African Governments undertook many efforts to make it disappear, in particular through education of the population and training of medical personnel.

## **CEDAW A/49/38 (1994)**

666. The Committee considered the second periodic report of Senegal (CEDAW/C/SEN/2 and Amend.1) at its 247<sup>th</sup> meeting, on 27 January (see CEDAW/C/SR.247).

667. In introducing the report, the representative of the Government of Senegal noted that the socio-economic situation of the country had remained influenced by the unfavourable exchange rate for national products, external debt, climatic conditions, structural adjustment measures, high inflation and other negative factors affecting the country.

668. He emphasized that the status of women in his country had evolved since the colonial period. He stated that the colonial aim had been to concentrate on women in their reproductive role. They had no access to education, and there was no intention of abolishing traditional practices.

669. The representative noted that, since independence and following the adoption of appropriate legislation, efforts had been made to raise awareness among the population regarding improvements in the areas of health and education. He also emphasized the issues related to women's role in the family, development, food, self-sufficiency and work in the informal sector.

670. The representative also informed the Committee that recently there had been significant progress in women's education and that the enrolment of women in schools was on the rise, including in higher education. Employment among women had also increased, with most women working in the agricultural sector, while the remainder worked largely in fisheries. However, access to credit remained a problem, though efforts were being made to redress it.

671. Regarding the inclusion of women in the labour force, the representative stated that women represented 8 per cent of all workers in the private sector and 15 per cent in the public sector. In the private sector, women were paid by piece-work, while men were paid by the hour, manifesting serious inequalities.

672. In respect to female circumcision, the representative stated that some 20 per cent of the population still practiced genital excision without anaesthesia or psychological counseling, leading to severe health problems among women, including hemorrhage. He noted that the authorities did not approve of the practice, but it was not prohibited under the country's Penal Code.

673. Regarding prostitution, the representative indicated that although prostitution was not illegal, it had been pointed out as the source of the transmittal of sexual diseases. He indicated that prostitutes were required by the Ministry of Health to be registered, and failure to do so resulted in penal measures such as imprisonment. He also said that HIV/AIDS was linked to prostitution, with 30 per cent of all cases of HIV/AIDS being women.

674. The representative indicated that violence against women remained a problem although the Penal Code provided for legal redress. Rape was also frequent in spite of the severe penalties, and sexual harassment, which was sometimes confused with men's advances towards women, was an issue not dealt with under the Code.

675. With respect to family planning, the representative observed that the rising demographic trend (2.8 per cent yearly) and high maternal mortality had led the authorities to start a policy for the establishment of family planning centres, which had multiplied since 1970, partly with the assistance of UNFPA. Awareness of contraceptive methods had increased (89.8 per cent for all methods), but their use remained low owing to cultural traditions. On the other hand, abortion was a crime as well as taboo. Finally, he observed that social benefits included medical care, maternal assistance and full pay during maternity leave.

676. In respect of the political participation of women, the representative noted that the place women occupied in the political arena was very restricted. Only three women had become members of the Government, while in Parliament, of 120 members, only 15 were women. There was only one female Mayor, and no women headed any political party, not even the Socialist Party, where women represented 600,000 of the 800,000 members.

677. Regarding the legislative measures taken by the Government, the representative stated that obsolete measures in the family law that granted certain powers to the husband, such as in the legal domicile and the right to oppose the practice of a professional activity, had been revoked.

678. The representative observed that the Ministry of Justice, in collaboration with all relevant ministries, was responsible for the preparation of the periodic report on the implementation of the international instruments. The report to the Committee had been prepared in consultation with non-governmental organizations, which offered their comments and suggestions. Those organizations had also contributed to the distribution of the present report.

#### General observations

679. The Committee noted the political will of the Government to change the status of women, but also that there was still discrimination against women and that their potential contribution was not fully acknowledged. It was felt that the report should have addressed the actual situation of women to determine their progress, and it was suggested that the next report should provide information on rural women, prostitution and disabled women, and should include more statistical data on the de jure and de facto situations.

#### General questions

680. In response to the comments made by members of the Committee with respect to statistics, female circumcision and structural adjustments in the economic and social fields, the representative stated that his introductory statement contained the answers to those issues.

681. In his reply to the question whether the Ministry of Social Development had replaced the former Ministry for the Status of Women, and what impact that would have on the Inter-ministerial Committee and the National Consultative Commission, the representative stated that it was an evolution of the feminist policy of the Government. The intent was to group the various political components under one ministry, which would also be responsible for the implementation of that policy.

682. With respect to the Inter-ministerial Committee, the representative observed that its role was to ensure follow-up action to the feminist and family policies defined by the Government. All relevant ministries were represented on the Committee.

683. The role of the National Consultative Commission was to assist the Head of State in defining feminist and family policies. In relation to the budgetary provisions for the Ministry of Women's, Children's and Family Affairs, the representative observed that it received an allocation similar to that of other ministries, as provided under the Finance Law approved by the Parliament.

#### Questions related to specific articles

##### Article 1

684. Asked about the definition of discrimination in the national law, the representative indicated that a working group had been established in 1993 with the task of adapting the national legislation to the international instruments ratified by the country.

##### Article 2

685. With respect to the offence of family abandonment, the representative explained that originally article 332 of the Penal Code had penalized abandonment of the domicile by married women, and that, since that text was considered discriminatory, it had been replaced by a new one condemning the abandonment of the domicile by either spouse, although it still required that charges for legal action be filed by the wife.

686. Regarding the social, cultural or religious customs having an impact on the lives of women and the role of the Ministry of Women's, Children's and Family Affairs, the National Consultative Commission and the Inter-ministerial Committee, the representative noted that the customs were deeply rooted in the society. The authorities concerned were aware of the need for changing mentalities and had devised a plan of action to address those customs that had stymied the advancement of women.

##### Article 3

687. It was noted that although legal measures had been taken, freedom and equality remained fragile in a retrograde social context and that the Government must make a greater effort to develop women's rights.

##### Article 4

688. With respect to the functioning of the training centres and the programmes offered to women, the representative observed that, bearing in mind the high number of drop-out students and the low capacity of the educational system to absorb the rapidly growing school-age population, the State Secretariat and the different ministries relevant to women's issues had decided to establish a system of vocational training for women in all administrative departments in charge of absorbing female drop-out students from the traditional system. In those centres, which numbered about 60, the staff

included trainers and monitors to train the girls in home economics, etc.

#### Article 5

689. In replying to questions on the Family Code and the provisions granting a woman the right to take over the management of household affairs in the event of the absence of the husband, the representative noted that in the absence of the husband the wife became the provisional administrator of the properties.

690. It was stated that customs could only be changed gradually and that polygamy was just one form of marriage in Africa. In some cases, it was a choice that women decided to make. Furthermore, it was pointed out that many educated women chose a polygamous marriage because it was easy to enter into and easy to get out of; consequently, it would be difficult to abolish such a practice.

#### Article 6

691. In response to the request for additional information regarding prostitution, procurement, the penalties provided for under article 323 of the Penal Code and the action taken for the social and economic reintegration of prostitutes, the representative noted that prostitution was not prohibited by law, but was subject to control by the Ministry of Health, which registered all prostitutes for medical check-ups on a bi-monthly basis. If prostitutes did not register themselves, they were subject to a penalty of imprisonment. Furthermore, procurement was a criminal offence under article 323 of the Penal Code and was linked to prostitution and the unemployment of young destitute women.

#### Article 7

692. In replying to a question on the conditions and circumstances by which women could be deprived of their civil and civic rights or be declared incapable of managing their own affairs and lose the right to vote, the representative noted the provision of article 2 of the Constitution relative to the electoral law, which outlined the ineligibility of electors to vote, in the case of a prison conviction or civic degradation owing to crimes committed. However, those conditions were applicable to both sexes. The women in Senegal enjoyed legal capacity and could exercise it without any authorization.

693. Regarding the question of the participation of women in the public service, for example, in the army and in customs, the representative admitted the existence of discriminatory provisions; however, such provisions could be removed as a result of action aimed at the adoption in the national legislation of provisions of international instruments.

694. Regarding the role played by trade unions in encouraging women to participate in the political and commercial spheres, the representative referred to the Constitution, which allowed no discrimination in the enjoyment of that freedom, or in active participation in trade unions. He added that women were very active in this field.

## Article 9

695. Asked about the apparent discriminatory provision in relation to women who married non-Senegalese men, the representative stated that the five-year requirement did not have a discriminatory connotation, but that it was aimed at verifying that the applicant was well integrated into Senegalese society. That provision was also intended to discourage arranged marriages for the purpose of acquiring Senegalese nationality.

## Article 10

696. In answering a question on the reasons for young women dropping out of school and why emphasis was placed on finding jobs and technical training rather than on encouraging them to return to school, the representative referred to the reasons given under other relevant articles and the perception that the place of women was at home. That tendency might disappear in view of the focus of the State and women's organizations on the issue.

## Article 11

697. In response to a question about the possibility of women competing for jobs in the civil service and other areas of the public sector on equal terms with men, the representative referred to Law 61-33 of 1967, which set out the rules and conditions pertaining to health, nationality and other requirements applicable to interested candidates. There was no discrimination in the distribution of posts, but there was a hierarchy and there were categories in the allocation of salaries. If there were discrepancies in salary, it could be in the private sector, where women were usually paid by piece-work while men were paid by the hour.

## Article 12

698. In respect of the equal access of women to health services, the representative stated that all medical facilities were available to all those living in the country.

699. In respect of spouses infected with AIDS, he stated that they were alerted early on by the service that discovered the disease, with a view to avoiding its spread.

700. In respect of family planning, he added that methods were available in all the medical centres for the protection of the child and mother and for family planning. However, the rural areas had fewer centres than did the urban areas.

## Article 14

701. Regarding the de facto discrimination in rural areas with respect to women's access to land and their voice in decisions affecting life in the community, the representative noted that the de facto situation resulted from the African perception that the owner of the land was the head of the family, while the women were only cultivators.

## Article 15

702. The representative noted in clarifying article 13 of the Family Code that the wife could not leave the domicile unless authorized by the husband. However, that provision had been revoked in article 332 of the Penal Code, which originally had dealt only with abandonment by the wife. The provision had been revoked in the Penal Code in 1977, but the provision of article 13 of the Family Code had not been modified until 1989.

703. The representative reaffirmed that women could fully enjoy their legal capacities without the authorization of their husbands.

#### Article 16

704. In respect of the several questions raised regarding the age of marriage, arranged marriages, consent of the husband or other members of the family, the representative observed that the minimum age for marriage was 16 for women and 20 for men. He added that although marriage in the country was considered a social phenomenon, the prospective bride or groom, even if a minor, had to express consent first in front of the parents in the presence of two witnesses, then subsequently in front of the relevant civil authority when filling out the papers for the contract of marriage and, finally, in front of the civil official during the actual marriage ceremony, where both bride and groom had to give their oral consent.

705. In reference to the three matrimonial property systems provided for under the law, and in replying to the questions which of the systems (community of property, separation of property, endowment system) women selected more often, which of them women had access to for the administration of their property and how property was distributed upon the break-up of the marriage, the representative noted that the most common system chosen was the separation of property based upon the black African perception of marriage as a family issue, contrary to the Greco-Roman conception, which viewed marriage as the choice of the individual. Furthermore, the community of property system was reserved for spouses who chose monogamous marriages. The dowry system was unknown.

706. In the case of dissolution of a marriage based on the separate property system, the spouses retained their respective property, as indicated initially. In the case of the community of property system, the community was dissolved by an official designated by a judge, who would divide the property into equal parts between the spouses.

707. In respect of the support for changes in the law and in practice concerning discrimination against women in the family in relation to the dowry and succession and equally shared parental authority rights, the representative observed the active participation of women's organizations and the political will of the relevant offices to adopt national legislation according to the provisions of the international instruments and to make changes in the texts and in practices which were discriminatory against women. Furthermore, succession and shared parental authority rights were included in the package of reform under consideration. Regarding the abolition of polygamy, the representative stated that polygamy was not encouraged and that all provisions relevant to the family were usually aimed at restricting it, as in the case of the irrevocable option of monogamy. However, polygamy was a phenomenon which could not be abolished merely by the passing of laws.

708. Regarding the legal position of parties cohabiting and children born out of wedlock, the representative stated that concubinage was not recognized in Senegalese law, although the law in certain cases could be flexible by establishing legal facts. However, in the case of cohabitation, there was the benefit of being able to skip some procedures, such as the official publication to be made before contracting marriage. Furthermore, children born during cohabitation could not be repudiated or disowned. The representative added that children born out of wedlock would take the name of the mother but, if they were recognized, they could then take their father's name. The forced recognition of children was forbidden; it had to be done by their father on a voluntary basis.

#### Additional questions

709. It was also noted that the rate of illiteracy was too high and that all women had to have a knowledge of the laws to be able to invoke them. The question was raised whether education was compulsory.

710. With respect to political participation, as it was another avenue for women to express their rights, it was asked what women thought of their representation in this field.

711. A question was asked about the reason for the limited opportunities for women in employment, and it was suggested that facilities for credit and the development of strategies for women in the informal sector should be pursued.

712. Another question raised was whether Senegalese law could become more effective in dealing with the issue of violence against women.

713. With respect to the two forms of marriage, information was needed with which to determine the basis for the choice between polygamy and monogamy, as it was thought that the law which intended to promote monogamy could have unintentionally had the reverse effect.

714. An analysis of the effects of the legislative changes on the lives of women was suggested for the next report.

715. Another question referred to children born out of wedlock, and what could be done to improve their situation.

#### Concluding comments of the Committee

##### Introduction

716. The Committee commended Senegal on the presentation of its second periodic report, which provided essential information on the laws relating to the implementation of the Convention.

717. The Committee was satisfied with the information provided by the Government representative, which made it possible to gain a better understanding of the real situation of women.

718. The Committee regretted, however, the absence of information regarding the factors and



difficulties which were impeding implementation of the Convention.

#### Positive aspects

719. The Committee noted with satisfaction the political will of the State party, which was endeavoring to continue its efforts to improve the status of women.

720. Indeed, it acknowledged that various public information campaigns undertaken by the Government would promote public awareness of the rights of women under international conventions and national laws with a view to enhancing their status.

#### Principal subjects of concern

721. Despite the efforts of the Government to guarantee equal rights for women, certain discriminatory practices persisted, including female circumcision and polygamy, which gravely offended the dignity of women.

722. The Committee noted with concern that the situation of women was still precarious in the fields of health and education, especially in rural areas.

723. The Committee also noted the fact that a large number of women were being absorbed by the informal sector without effective steps being taken to protect their interests.

724. On the question of constraints imposed by structural adjustment programmes, the Committee believed that those constraints did not absolve the State party of its obligation to provide social protection to the most vulnerable groups; namely, women, the poor and the disabled.

#### Suggestions and recommendations

725. The Committee encouraged the State party to step up its public information campaigns on behalf of women and to expand its programmes to combat traditional practices which affect women's health and advancement in order to eliminate persistent forms of discrimination against women.

726. The Committee recommended that the Government of Senegal should monitor the effective application of the laws guaranteeing equality of the sexes in order to enable women to utilize and benefit from those laws.

727. It was also of the view that special measures should be taken to reduce the adverse effects of structural adjustment policies that generally affect women.

728. Lastly, the Committee recommended that the third periodic report should provide complete information regarding the legal and practical steps taken to implement the provisions of the Convention.