

**QUICK GUIDE TO ADDRESS WOMEN'S ISSUES
DURING THE UNIVERSAL PERIODIC REVIEW ON SENEGAL^[1]**

These Guides include:

- A list of issues mentioned in the National Report, the Compilation of official UN Documents and the Summary of Other Stakeholders Submissions, with references to the particular paragraphs in which they can be found.
- The full text of those paragraphs
- A reference to "gaps", that is, issues on which the National Report should/could have applied a gender perspective but failed to do so.
- In those cases in which the Sexual Rights Initiative has submitted reports, we have included an Annex with our recommendations.
- In all cases we have included suggested questions and recommendations

References in the two working languages of the Council (English and French) have been kept in their original language.

Issues are highlighted, while **recommendations** are in bold and underlined. References from the National Report are *in Italics*.

All women's rights issues (included sexual rights' issues related specifically to women) are referred to in this Guide. Other sexual rights issues are referred to in the Sexual Rights Guides for each state under review

CEDAW ratified. OP-CEDAW ratified. Rome Statute ratified. Palermo Protocol ratified__

Gaps

The National Report should/could have applied a gender perspective –that is, make reference to how the issue affects women and men in particular ways- but failed to do so in the following sections: La liberté d'opinion et d'expression et la liberté de presse (59-67), La traite des personnes (68-71), La peine de mort (72-74), La Torture (75-79), Les droits des travailleurs migrants (80-83), La liberté de conscience et de culte et les droits culturels (84-89), Le droit à l'alimentation (99-101), Prévention du racisme, discrimination raciale, xénophobie (102-108), La protection sociale (109-110), Le droit de la santé (111-115), Le droit à l'éducation (116-122), Les droits de l'enfant (123-130).

Use of gender-inclusive language: Few sections of the report use a gender-inclusive language.

Issue	National Report	Compilation	Summary
Early / forced marriage		Persistence of the practice (18)	

Economic rights/ Right to development	Positive discrimination in poverty reduction programmes (97, 91, 141). Equal right to own land (133). Equality in fiscal treatment (139)		
Equality and Non-discrimination		Constitutional provisions. Discrimination still remains at legislative level and in practice (13)	
Female Genital Mutilation		Criminalization (6), persistence; figures; need for awareness-raising and implementation of the law (18)	
Girl Children		As domestic servants (23); minimum legal age for employment: 15 (5); infanticide (18); implementation of law criminalizing sex with girls younger than 12 (22); Discrimination (16). Girls detained in adult prisons (28)	
Public and political participation	Senate at near parity. Women in high political positions: Prime Minister (132)	Increase in Parliament representation (32)	
Right to education		Free primary education (5). Figures; poverty	

		causing gender disparities (42); Urban-rural disparities, drop-out rate, pregnant girls prevented from attending school (41)	
Right to health	Free access to prenatal care, nutrition programme (113)	Disparities in access; high rates of child and maternal mortality, child malnutrition and malaria; fees imposed (35). Need to ensure universal access to services (rural areas) and prevention of malnutrition and malaria (36); low educational level in women as aggravating malnutrition (37); national programme for HIV vertical transmission. (40)	
Right to work	Young women joining the Army, Police and Customs services (135-137).	Discrimination in access to employment. Need to monitor implementation of law on maternity leave (13) legal equality in wages (14)	
Sexual violence		Sexual harassment criminalized (6)	
State Institutions/ Plans of Actions	L'Observatoire national des Droits de la Femme (140)		
Trafficking of women/ Forced prostitution		Criminalization through Law No. 2005-02 (68), (5); need to ensure its application (22)	
Violence against Women		Domestic violence criminalized (6); need	

		for measures (21); incidence (20); no state mechanisms, or shelters (21)	
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Early/Forced Marriages

In 2006, the Committee on the Rights of the Child (CRC) remained concerned at the **persistence** of practices harmful to girls, including early and forced marriages (Para 18, Compilation)

Economic rights/Right to development

*Sur le plan socio-économique, les femmes occupent une place prioritaire dans la lutte contre la **pauvreté**, en ce sens qu'elles constituent un **groupe vulnérable** (Para 141, NR). Le Gouvernement a mis en place le **Programme d'Appui à la Réduction de la Pauvreté** (PAREP) financé entre 2003 et 2005 pour un montant de 1,3 milliards FCFA en faveur des catégories marginalisées et des groupes vulnérables, femmes -parmi l'autres-, à travers leurs organisations ; et le **Programme de Lutte contre la Pauvreté** (PLCP) pour un coût global de 15 Milliards avec 75 236 bénéficiaires de micro crédits dont 80 pourcent de femmes (91, NR). Aujourd'hui, le **DSRP II** a enregistré des engagements en vue de son financement depuis le mois d'octobre 2007 par le Club de Paris. Ce document élaboré dans le prolongement du premier programme a la même ambition de résorber la pauvreté en renforçant les capacités des populations vulnérables, notamment les femmes. Par conséquent, dans son volet création de richesses et croissance, tous les secteurs prioritaires précédemment identifiés dans le **DSRPI** sont maintenus (Para 97, NR)*

*L'article 15 de la **Constitution** dispose que : « L'homme et la **femme** ont (...) le **droit d'accéder à la possession et à la propriété de la terre** ». Cette disposition est matérialisée par l'assistance multiforme apportée par le Gouvernement, en particulier aux femmes évoluant dans le monde rural à travers le financement de projets agricoles (Para 133, NR)*

*Aujourd'hui, **l'égalité de traitement fiscal** entre hommes et femmes est devenue une réalité au Sénégal grâce à l'adoption de la loi n° 2008-01 du 08 janvier 2008 portant modification des dispositions pertinentes du Code Général des impôts (Para 139, NR)*

Equality and No discrimination

The 2006 Common Country Assessment (CCA) noted that the Constitution of 2001 enshrines the principle of **equality between sexes** and refers expressly to the Convention on the Elimination of All Forms of Discrimination against Women. It also informed that, at the legislative level, in spite of **significant efforts** carried out in order to restore equity and gender equality, there are still **discriminatory provisions** with regard to women. In 2001, the Committee on Economic, Social and Cultural Rights (CESCR) expressed its concern about the **de jure and de facto inequality** that exists between men and women in Senegalese society (Para 13, Compilation).

Female Genital Mutilation

In 2001, CESCR noted the enactment of the **Law No. 99-03** of January 1999 which **criminalizes**, inter alia, **female genital mutilation** (Para 6, Compilation). In 2006, CRC noted with appreciation the efforts made by Senegal in combating **female genital mutilation**. However, it remained

concerned at the persistence of practices harmful to girls, including female genital mutilation. (Para 18, Compilation). UNICEF estimated that, in 2006, 28 percent of women between the ages of 15 and 49 had undergone genital mutilations. CRC recommended that Senegal **continue with awareness-raising campaigns to combat and eradicate female genital mutilation and other traditional practices harmful to the health, survival and development of children.** It also recommended introducing **education and awareness-raising programmes for practitioners and the general public to encourage change in traditional attitudes and discourage harmful practices.** Furthermore, CRC recommended that Senegal **ensure the implementation of the Law No. 99-05 regarding, inter alia, the prohibition of all forms of sexual mutilation, and ensure that perpetrators are brought to justice** (Para 18, Compilation)

Girl children

In 2006, CRC expressed its concern at the fact that **discrimination** against certain groups of children still exists in practice, particularly toward **girls** (among others). It urged Senegal **to adopt a comprehensive strategy to eliminate discrimination on any grounds and against all vulnerable groups of children** (Para 16, Compilation)

In 2006, CRC remained concerned at the persistence of practices harmful to girls and other **emerging forms of violence such as infanticide** (Para 18, Compilation). In 2006, CRC recommended that Senegal **ensure the implementation of the Penal Code law prohibiting sexual intercourse with a girl under the age of 12.** (Para 22, Compilation)

In 2006, CRC noted the **measures taken by Senegal to prevent girls from being used as domestic servants** (*petites bonnes*) and subjected to economic exploitation and sexual abuse. It recommended **taking all necessary measures to raise awareness on the threats a girl child is facing by being used as a domestic servant, and enacting laws to protect girls from economic exploitation** (Para 23, Compilation). In 2006, CRC welcomed the enactment of the **Labor Code of 1997**, which fixes the **minimum age of employment at 15** (Para 5, Compilation).

In 2006, CRC was concerned by the fact that **girls** were **detained in adult prisons**. CRC recommended that Senegal **ensure that persons below 18 years of age are detained in separate facilities from those of adults, and that they have access to appropriate legal aid.** (Para 28, Compilation).

Public and political participation

Au niveau national, l'approche genre est une question majeure dans la vie politique qui a enregistré au cours de ces dernières années l'accession des femmes aux plus hautes fonctions, notamment de Premier ministre. Le Sénat, nouvelle institution parlementaire mise en place en vue d'approfondir la démocratie sénégalaise est caractérisée par une situation de quasi-parité entre hommes et femmes dont le Chef de l'Etat est le promoteur (Para 132, NR). A 2008 United Nations Statistics Division source indicated that the **proportion of seats** held by women in the **national parliament** increased from 19.2 per cent in 2005 to 22 per cent in 2008 (Para 32, Compilation)

Right to education

In 2006, CRC welcomed the 2004 amendments to the Law No. 91-92 making **education free and compulsory** for children aged 6-16; (Para 5, Compilation). According to UNESCO, 70 percent of girls and 71 percent of boys attend primary school, while 18 percent of girls and 23 percent of boys attend secondary school. **Poverty plays a role in gender disparity** in education: parents will often show a preference for sending boys to school, or girls who begin school are forced to drop out to work, get married or care for other siblings. (Para 42, Compilation). In 2006, CRC recommended

that Senegal, while taking into account its General comment No. 1 (2001) on the aims of education, **continue to take all necessary measures to ensure that girls and boys of urban, rural and least developed areas have equal access to educational opportunities.** CRC also **recommended that the Government strengthen its efforts to significantly increase the enrolment in primary education, pay special attention to urban and rural disparities, implement measures to reduce dropout rates, and cancel the administrative circular preventing pregnant girls to continue with their education** on the basis of their individual ability, in accordance with article 11 (6) of the 1990 African Charter on the Rights and Welfare of the Children (Para 41, Compilation)

Right to health

La couverture en postes de santé (1 poste pour 11 000 habitants) a été renforcée par des mesures complémentaires qui ont permis l'accès gratuit ou allégé à des prestations de santé, exécutées dans le cadre de programmes et de plans d'action parmi lesquels : la Consultation prénatale (CPN); le Programme de prise en charge des épidémies ; le Programme de Renforcement de la Nutrition (PRN) (Para 113, NR). In 2006, CRC remained concerned at the **disparities of access to health services** between different regions and departments and the **persistence of the high maternal and child mortality rate**, the high rate of child malnutrition and prevalence of malaria. CRC was further concerned at the **fees** (tickets modérateurs) **imposed**, which may limit access to appropriate health services (Para 35, Compilation). CRC **recommended that Senegal strengthen its efforts to ensure universal access to maternal and child health-care services and facilities, in particular in rural and remote areas, and take all the necessary measures to prevent malnutrition and malaria.** (Para 36, Compilation)

The 2006 CCA report informed that the **low level of schooling** of women is one of the **aggravating factors of malnutrition**. Indeed, the malnutrition is much more frequent in the case of children born of non-educated women (21 per cent in contrast to less than 10 per cent among children born of educated women) (Para 37, Compilation).

A 2004 World Health (WHO) report noted that Senegal organizes participation in the **national programme for the reduction of mother-to-child HIV transmission**, and provision of nutritional advice and other psychosocial support (Para 40, Compilation).

Right to work

L'Armée sénégalaise a procédé au recrutement de femmes au sein de ses troupes avec l'enrôlement, entre septembre 2007 et janvier 2008, de 300 jeunes filles, âgées de 18 à 23 ans. Tous les secteurs de l'Armée enregistrent la présence des femmes. La gendarmerie nationale, en particulier, a également intégré des femmes au sein de ses services (Para 135, NR). La Police sénégalaise a recruté très tôt, des femmes qui sont devenues aujourd'hui des Commissaires divisionnaires de classe exceptionnelle, le grade le plus élevé au sein du corps des fonctionnaires de police. La Police vient de confirmer un tel statut, en le renforçant, par le recrutement récent de nombreuses jeunes filles (Para 136, NR). La Douane sénégalaise n'est pas en reste avec le recrutement, en 2004, de la première femme inspectrice des douanes qui, comme ses collègues hommes, a rang de lieutenant (Para 137, NR).

In 2001 CESCR was particularly concerned about the lack of progress in eradicating **discriminatory practices** against women and girls and urged Senegal **to take immediate measures to address the problem of discrimination against women in access to employment, and to monitor closely, both in the private and public sectors, the implementation of the law on maternity leave** (Para 13, Compilation).

In 2008, an ILO Committee of Experts recalled that section 105 of the Labour Code provides that, in equal working conditions, professional qualifications and output, the **salary** shall be **equal** for all

workers irrespective of sex. The ILO Committee **asked the Government to provide information on the practical application of section 105 of the Labour Code** (Para 14, Compilation)

Sexual violence

In 2001, the Committee on Economic, Social and Cultural Rights (CESCR) noted the enactment of the **Law No. 99-03** of January 1999 which **criminalizes inter alia sexual harassment** (Para 6, Compilation)

State Institutions/Plans of Actions

Le Décret 2008-1047 du 15 septembre 2008 a institué l'Observatoire national des Droits de la Femme (ONDF). Ce mécanisme national de veille et d'alerte a pour mission d'attirer l'attention des pouvoirs publics sur les cas de violation des droits des femmes et d'émettre des propositions pour y remédier (Para 140, NR).

Trafficking of women/Forced prostitution

La Convention pour la répression de la traite des êtres humains et de l'exploitation de la prostitution, ratifiée par le Sénégal le 19 juillet 1979, a été renforcée par la Loi n°2005-06 du 10 mai 2005 qui, en son article premier, prévoit et punit la traite des personnes à des fins sexuelles, de travail ou services forcés ou d'esclavage. Cette loi s'applique à la fois aux formes internes et transnationales de traite de personnes (Para 68, NR). In 2006, CRC welcomed the adoption in 2005 of the Law No. 2005-02 **against human trafficking and for the protection of victims**. (Para 5, Compilation) In 2006, CRC **recommended that Senegal ensure the application of the Law No. 2005-02 against human trafficking and other forms of exploitation**. In 2008, an ILO Committee of Experts indicated that, in its previous comments, **it asked the Government to provide information on the application in practice of Law No. 2005-02**. It also **requested the Government to provide information on the measures taken or envisaged to combat trafficking, in terms of both prevention and repression** (Para 22, Compilation).

Violence against Women/Gender Violence

In 2001, CESCR noted the enactment of the **Law No. 99-03** of January 1999 which **criminalizes, inter alia, domestic violence against women** (Para 6, Compilation) In 2001, CESCR called upon Senegal **to take all effective measures, including the enforcement of existing legislation and the adoption of national awareness campaigns, to eliminate all forms of violence against women**. (Para 21, Compilation).

In 2008, the Integrated Regional Information Networks (IRIN) stated that **one in four women suffers domestic assault and battery**. It noted that despite awareness of the problem and commitment in the form of a national campaign a few years ago, **no Government structure was in place** to address these violent incidents and **no shelter** has yet been created for women who fled their homes (Para 20, Compilation).

Suggested Questions and Recommendations

- While congratulating Senegal for its success in combating FGM with rates that are among the lowest in the region, recommend that the efforts be maintained and strengthened –including enforcing the law and bringing perpetrators to justice- until full eradication of this practice is achieved.

- Recommend that Senegal develops an strategy for girls deprived of their liberty that includes separating them from adult inmates and providing them with legal assistance, along CRC recommendations.

- Recommend that Senegal cancels the administrative circular preventing pregnant girls to continue with their education on the basis of their individual ability, in accordance with the African Charter on the Rights and Welfare of the Children and CRC recommendations.

- Ask if the *tickets modérateurs* imposed on health care services have been removed as part of the measures indicated in Para 113 of the National Report and recommend their removal -if they still remain in place- as a key element to lower high maternal and infant mortality rates.

- While congratulating Senegal for its legislative actions to eliminate violence against women, recommend that more attention be paid to the need for assistance to victims, including setting up a national programme and building shelters.

[1] These Guides were produced by the Sexual Rights Initiative, a coalition of organizations based in Africa, Asia, Eastern Europe, Latin America and North America whose mandate is to advance women's issues broadly and sexual rights issues in the Human Rights Council. For questions, comments, suggestions please contact Alejandra Sardá-Chandiramani at alejandra@mulabi.org