



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

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Committee on the Elimination of Discrimination  
against Women (CEDAW)

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 18 OF THE CONVENTION

Second periodic reports of States parties

SENEGAL\*

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\* For the initial report submitted by the Government of Senegal, see CEDAW/C/5/Add.42 and CEDAW/C/5/Add.42/Amend.1; for its consideration by the Committee, see CEDAW/C/SR.122 and CEDAW/C/SR.126, and Official Records of the General Assembly, forty-third session, Supplement No. 38 (A/43/38), paras. 548-609.

1. The United Nations Convention on the Elimination of All Forms of Discrimination against Women is part of that international institution's activities aimed at promoting the fundamental rights of the human person.
2. The Convention was adopted and opened to signature, ratification and accession by the United Nations General Assembly in resolution 34/180 of 18 December 1979.
3. It came into force on 3 September 1981 in accordance with the provisions of its article 27, paragraph 1.
4. Our country, the Republic of Senegal, acceded to the Convention following its ratification under Law No. 81-74, which was enacted on 10 December 1981, i.e., exactly three months and one week after it had entered into force.
5. It is in accordance with the provisions of article 18 of the Convention that this second periodic report has been prepared and submitted to the Committee for the Elimination of Discrimination against Women for its consideration.
6. An examination of the Convention reveals that it is part of the international community's just struggle to achieve the much-desired goal of equal rights for men and women.
7. Nevertheless, it should be remembered that this instrument of international law was forged in a particular socio-political context, at both the international and the national level, about which a few words should be said in order to better appreciate the nature of this struggle on the part of mankind as well as the specific efforts of the Republic of Senegal to advance the rights of women.

At the international level

8. It should, first of all, be remembered that the United Nations is not the first international and intergovernmental organization to concern itself with the subject of the status of women.
9. In fact, since the beginning of this century, several international conventions regarding conflicts of law in the areas of marriage, divorce and the custody of minors have been adopted (respectively, in 1902, 1904 and 1910 at the Hague).
  - Other international conventions were later signed with a view to eliminating the traffic in women and children.
  - During the years that followed the First World War, a number of international conferences, attended by representatives of Governments, dealt with the status of women, but without seeking to promote the principle of the equality of men and women.
  - In 1935, the League of Nations decided to examine the question of the status of women. The report published at that time clearly showed that women's position within society varied from country to country.

- In 1937 it was decided to publish a complete study on the status of women covering the areas of public, private and criminal law.
- The years 1923 to 1928 were marked by the advocacy on the part of the Regional Organization of American Republics of an unequivocal position against gender-based discrimination. This was the first intergovernmental organization to move in this direction.
- From 1933 to 1948, that same regional organization adopted three conventions - on the nationality of married women, the political rights of women, and the civil rights of women.
- In the United Nations Charter, the authors of this document enunciated, with unmistakable clarity, the principle of non-discrimination between men and women.
- The Charter speaks of the "equal rights of men and women and demands universal respect for, and observance of, human rights and fundamental freedoms for all, without distinction as to sex".
- The same principle was elaborated in the Universal Declaration of Human Rights of 10 December 1948, which proclaims that "all human beings are born free and equal in dignity and rights" (article 1) and that "everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction as to ... sex" (article 2).
- The Declaration on the Elimination of Discrimination against Women of 7 November 1967 takes up the same principle, establishing high standards so as to ensure the universal recognition, de jure and de facto, of the principle of the equality of men and women.
- In order to underscore the importance that it attaches to the status of women and to translate this principle into reality, the United Nations, in its resolution 11 (II) of 21 June 1946, created, within the Economic and Social Council, the commission known as the Commission on the Status of Women.
- The objectives of this Commission are:
  - To formulate recommendations and prepare reports for the Economic and Social Council on the advancement of women's rights in the political, economic, social and educational areas.
  - To make recommendations on problems of an urgent nature with regard to women's rights with a view to realizing in practice the proclaimed equality in principle between the rights of men and women.
  - To develop proposals aimed at giving effect to the recommendations.
- Initially, the Commission's efforts were aimed primarily at ensuring legal equality between men and women. However, after a few years, it added to its mission a whole range of issues that have a direct bearing on the rights of women. These include:

- The effects of apartheid on the status of women;
- The protection of women and children in emergencies and armed conflicts;
- The influence of the mass media on attitudes regarding the roles of women and men in contemporary society;
- The problems of women who both work and have family responsibilities;
- The specific problems of women in detention or prison.

10. Since its establishment, the Commission on the Status of Women can take credit for a number of conventions and declarations having to do with the advancement of women's rights. These include:

- The Convention on the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (2 December 1949);
- The Convention on the Political Rights of Women (20 December 1952);
- The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (7 September 1956);
- The Convention on the Nationality of Married Women (29 January 1957);
- The Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (7 November 1962);
- The Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1 November 1962);
- The Declaration on the Elimination of Discrimination against Women (7 November 1967);
- The Declaration on the Protection of Women and Children in Periods of Emergency and Armed Conflict (14 December 1974); and, finally
- The present Convention (18 December 1979).

11. In addition to these achievements, in recent years the Commission on the Status of Women, in coordination with other organizations of the United Nations system, has taken initiatives designed to implement the principle of the equality of men and women. These include:

- The proclamation of the United Nations Decade for Women: Equality - Development - Peace (1976-1985);
- The creation of voluntary contribution funds for this Decade;
- The establishment of the International Research and Training Institute for the Advancement of Women;

- The convening of the World Conference of the United Nations Decade for Women;
- The adoption of the Declaration of Mexico on the Equality of Women;
- The system-wide examination and evaluation by the United Nations of the achievement of the objectives of the International Women's Year;
- The adoption and proclamation of the Declaration on the Participation of Women in the Promotion of Peace and International Cooperation.

12. This introductory review of the socio-political background to the women's advancement issue at the international level is appropriate in the light of the fact that Senegal is a party to all the conventions mentioned, even those that predate its existence as a sovereign State, and that, since gaining its independence, our country has played an important role in the implementation of the measures referred to above.

At the national level

13. It should also be recalled that over a long period the status of women has evolved under the influence of a belief in their inferiority as members of the so-called "weaker sex".

14. There are a number of sources for this general view of the female sex.

- First of all, the revealed religions, in which, on the one hand, one finds the assertion of the power of the husband as a factor in relegating women to a position of subservience and, on the other, the role assigned to women in accordance with the rules of inheritance under Islamic law;
- Native African customs, which have instilled this concept of inferiority by regarding women as a production tool intended for purchase by men. This explains the high bride prices formerly charged by the woman's family as compensation for her leaving her parents' home;
- Colonization, which also encouraged this view by introducing forced labour, a factor that reduced women to the level of merchandise that was frequently pledged as a means of escaping from the burden of debt under the required "norm".
- These are among the factors that led, in 1937, to the enactment of the Mandel Decree, prohibiting forced marriages and limiting the amounts that might be paid in marriage settlements.

15. The period immediately following the Second World War saw the first steps towards the recognition of women's rights in Senegal as women acquired French citizenship, conferring the right to vote and be elected, at the same time as men.

16. Thus, the socio-political movements that led to independence involved large numbers of women playing a major role alongside men.

17. It is for these reasons that the new national authorities included the issue of the advancement of women among the highest priorities of the Senegalese State. Mention may be made, in this connection, of Ordinance No. 60-14 of November 1960, which re-established the rights of women in Senegal, and of the Family Code of June 1972, which has also been called the Women's Code.

18. These brief remarks on how the status of women has historically evolved testifies to the resolve of the Senegalese authorities to promote the role and position of women within society.

19. Accordingly, our task will be to review the application of the 16 articles in Parts I to IV of the Convention in order to make clear the scope of the authorities' efforts to enhance the status of women, i.e., more concretely, to take stock of the progress achieved in the implementation of this Convention in Senegal.

A. Measures aimed at ensuring the full equality of men and women and non-discrimination against women

20. The general provisions of the Convention are directed at this objective.

21. For example, article 1, in defining what is meant by the term "discrimination against women", says that it means **any distinction, exclusion or restriction made on the basis of sex that has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.**

22. This definition of discrimination against women has not yet been incorporated into Senegalese national legislation but will soon be. Still, it should be pointed out that following Senegal's accession to the International Convention on the Elimination of All Forms of Racial Discrimination in February 1972, Law No. 81-77 of 1 December 1981 had the effect of adopting in the Criminal Code that Convention's definition of racial discrimination, which is nearly identical to the one with which we are concerned.

23. Article 2 calls for the States Parties to **condemn discrimination against women in all its forms and to agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women by legislative and other means.**

24. Senegal has moved in this direction by including this principle from the outset in articles 4 and 7 of its Constitution.

25. Another illustration of this political will is the fact that since 1977 article 332 of the Criminal Code, which originally provided punishment for the offence of abandonment of the conjugal home (an offence that applied exclusively to women at the time), has been repealed in favour of the introduction of the offence of **family abandonment**, which applies to either of the spouses.

26. Further illustrations of this principle can be found in the Family Code (family booklet, legal domicile of women, etc.). For more details, see below.

27. Article 3 provides for appropriate ways and means to ensure the full development and advancement of women in order that they may arrive at equality with men.

28. Definitions of these ways and means may be found, in particular, in the Constitution and the laws governing civic life (Electoral Code) or the establishment of the Ministry on the Status of Women and Children, to mention only a few examples.

29. Article 4 deals with the adoption of temporary special measures aimed at accelerating de facto equality between men and women, with these measures not to be considered discrimination as defined in the present Convention.

30. This is reflected in the establishment of training centres reserved exclusively for women, of which there are an impressive number in Senegal, and also in the establishment of the Ministry on the Status of Women.

31. Article 5 deals with the adoption of measures to modify social and cultural patterns of conduct that are based on the idea of the inferiority or superiority of either of the sexes.

32. This essentially involves the need to counter the influence of customs that have weighed very heavily on the status of women in Senegal. In line with this objective, the authorities, after having originally sought an accommodation with these customs, later decided to eliminate them altogether, replacing them with positive law as a reflection of the will of the people.

33. At the time these measures were adopted in 1972, there were some 77 customs in Senegal that gave rise to patterns of conduct based on this notion of the inferiority of either of the sexes.

34. One illustration of these custom-inspired ways of thinking can be seen in the traditional view of the maternal function of women, according to which the female used to be regarded as a kind of inexhaustible breeding animal.

35. In encouraging family planning, the authorities affirmed from the outset that maternity was a social function and that women had the right to space their pregnancies.

36. Article 6 prescribes the adoption of measures to suppress all forms of traffic in women and the exploitation of the prostitution of others.

37. In this connection, it should be noted that, since independence, Senegal has signed all the international conventions regarding slavery and similar institutions, including the prostitution of others.

38. More specifically, there are no cases of trafficking in women in Senegal, although the practice of prostitution does exist in some places in the country. For this reason, articles 323 et seq. of the Criminal Code provide for harsh penalties, including fines and imprisonment, for persons guilty of procuring.

39. Article 9 deals with the obligation to grant women equal rights to acquire, change or retain their nationality.

40. On this point, it might be recalled that nationality is a tie, of both a political and legal nature, that binds an individual to a specific State, and that its counterpart is citizenship, i.e., that individual's right to enjoy the civic rights associated with his or her status as a national of the State in question.

41. It should also be pointed out that Senegalese nationality is based both on the fact of an individual's having been born of Senegalese parents (jus sanguini) and on Senegalese soil (jus soli).

42. In any case, women play a major role in conferring Senegalese nationality.

- First of all, a woman can confer Senegalese nationality in her capacity as a first-degree ascendant born in Senegal.
- In the case of a male foreign national married to a Senegalese woman, his required period of residence for acquiring Senegalese nationality is reduced to five years.
- A female foreign national who marries a Senegalese man automatically acquires Senegalese nationality unless she renounces it.
- A Senegalese woman who marries a foreigner does not lose her Senegalese nationality unless she expressly declares her intention to renounce it before her marriage.
- This declaration is valid only if she can acquire her husband's nationality.

43. Accordingly, whether with regard to the conferral of Senegalese nationality or to its acquisition, change or preservation, Senegalese legislation is in perfect harmony with the Convention.

**44. Article 15 deals with the equality of women with men, the legal capacity of women and their freedom of movement.**

45. It should be remembered that the principle of the equality of men and women before the law is enshrined in the Constitution (article 7).

46. This principle has been taken up in all the procedural laws, in which no distinction is made as regards access to Senegalese courts.

47. The full legal capacity of women poses no problem in Senegal for the reason that women are entitled, without authorization, to perform all the legal acts required in civil society.

48. The restriction imposed under the Family Code on the exercise by a woman of an occupation separate from that of her husband was lifted in January 1989 (see below).

49. On the question of the administration of her goods, the woman has full capacity to manage them, whatever the system of marriage chosen. Regarding this latter point, it should be pointed out that the Family Code provides for three systems (separation of goods, the dowry system and the community property system).



50. As regards women's freedom of movement, this too is not a problem, for a woman may, in the same manner as a man, leave the national territory at any time and return to it without authorization.

51. The choice of the conjugal domicile rests with the husband, but the woman has a voice in the matter in that, if she is not in agreement with her husband's decision, she can bring the case to the attention of the departmental judge, who may authorize her to live apart.

- In addition, the restriction on the legal domicile of married women, provided for in article 7 of the Family Code, was rescinded in 1989.
- It should also be remembered that article 332 of the Civil Code, which punished abandonment of the conjugal residence (an offence limited under the law to women), was repealed as long ago as 1977.

52. Those discussed above exhaust the list of measures aimed at ensuring the full equality of men and women.

53. What is the situation with regard to other measures?

B. Measures aimed at promoting the role and status of women in today's society

54. The reference here is to those measures that, if applied, not only enable women to play their rightful role but also, and most importantly, make it possible to improve the general status of women in today's society.

55. For example, **article 7 deals with all the measures that the States Parties must take to eliminate discrimination against women in the political and public life of the country.**

56. On this subject, it should be pointed out that in Senegal the Constitution itself recognizes and guarantees the civil and civic rights connected with the fact of citizenship, with no distinction as to sex.

57. This flows from article 2 of the Constitution, which deals with national sovereignty (which belongs to the people alone) and with suffrage (which may be direct or indirect but is always universal), and which states that all citizens are entitled to participate in elections under the conditions laid down in the law.

58. The law in question is the Electoral Code, which in its first article provides that Senegalese citizens of both sexes who have completed 21 years of age and have not been deprived of their civil and civic rights or been declared incapable of managing their own affairs for any of the causes described in article 3 may vote.

59. As regards the right to participate in the formulation of government policy, this activity is generally carried out within the political parties, where women are always in the majority.

60. Furthermore, it should be recalled that political parties in Senegal are forbidden from identifying with one particular sex.

61. On the question of the right of women to hold public office and perform public functions, the answer, as in the previous cases, is found in the Constitution and in the laws governing the civil service, employment and labour.

62. Women of course frequently argue that pockets of resistance continue to exist in this area, citing by way of example the army, the customs service and other organizations. However, it is fair to say that these exceptions are only temporary and are certain to be overtaken by the tide of events.

63. Finally, there is no problem in Senegal as regards the participation of women in associations and non-governmental organizations, since it is they in fact who are the pillars of these structures.

64. **Article 8 speaks of the right of women to equal representation at the international level.**

65. On this point, it should be pointed out that in Senegal no distinction is made between the sexes in the training of diplomats, the objective criterion here being the applicant's academic background. It might also be noted that Senegal is represented at the United Nations by a woman, not to mention the fact that all the country's foreign missions, if not actually headed by a woman, always include women on their staffs.

66. **Article 10 refers to the right of women to education and vocational training on a basis of equality with men.**

67. On this point, the Constitution (articles 16 and 17) and the laws governing education and vocational training address these concerns of the Convention. This can be seen in the Educational Guidance Act and the law governing the allocation of training scholarships.

68. No gender-based distinctions are made in the case of sporting activities in Senegal.

69. Family well-being is one of the concerns of the Senegalese authorities, proof of which may be seen in the fact that there is a system to promote family welfare along with numerous non-governmental organizations with an interest in this question.

70. **Article 11 deals with the right of women to work, to employment and to social security without discrimination.**

71. This right is also anchored in the Constitution (article 20), which provides that everyone has the right to work and to seek employment.

72. This principle is reasserted in article 1 of the Labour Code, which defines a worker as a person who, whatever his or her sex or nationality, undertakes to perform occupational services for remuneration on behalf of another individual or public or private legal entity.

73. These laws address all the concerns of the Convention, specifically the prohibition of forced labour, the free choice of profession or employment, and the right to equal remuneration for equal conditions of work (article 104 of the Senegalese Labour Code).

74. In Senegal, the right to social security is open to all workers without distinction on the grounds of sex (article 1 of Law No. 73-37 of 31 July 1973, which contains the Social Security Code).

75. **Article 12 refers to women's equal right to health, maternal and child care.**

76. On this subject, it is worth while noting that until recent years the health system was organized according to the principle of free care, involving only a very modest contribution by patients for health-care services.

77. In no case is there any gender-based discrimination in Senegal with regard to access to medical care. Finally, the services of the mother-and-child health-care centres (PMI) are entirely free of charge.

78. **Article 13 speaks of the elimination of discrimination against women in other areas of economic and social life.**

79. Economic life in Senegal is organized according to liberal principles that allow every person to engage in the economic activity of his or her choice, provided that it is not in conflict with the laws and regulations governing such activities.

80. Relations between banking and financial organizations and their customers are determined by the laws of the market-place, namely, guarantees of solvency and commercial security as a requirement for eligibility for banking or financial support.

81. **Article 14 concerns the economic rights and social security of rural women.**

82. This problem is one of the authorities' major concerns. To deal with it, the Government very early on set up community development machinery that currently falls under the Ministry for Women's, Children's and Family Affairs.

83. All of the activities undertaken through this system are directed at the welfare of rural women, who, it should be remembered, are not currently covered by social security.

84. The Department for Literacy Training is responsible for raising the cultural level of rural women.

85. **Article 16 speaks of the right of women to marry, to choose their spouse and to establish a family.**

86. On this point, it should be noted that the Constitution (articles 14 and 15) refers to marriage and the family as the natural and moral basis of the human community, placing them under the protection of the State. This same fundamental law also recognizes the right of parents to raise their children.

87. On the basis of these constitutional provisions, Law No. 72-61 of 1 June 1972 containing the Family Code sets forth detailed regulations governing marriage, which, according to the law, is the basis of the family.

88. The institution of marriage rests on the principle of the freedom and consent of the spouses. This applies to every stage in the formation of the marriage bond. Accordingly, the absence of consent constitutes a defect for which there are no mitigating circumstances and which renders the marriage absolutely null and void.

89. The other foundation of marriage is concern for the children born of it, for whose welfare the parents, under the supervision of the State, bear the full responsibility.

90. The contraction of marriage is subject to very strict formal requirements ending with the recording of the marriage at the civil registry office.

91. The spouses are jointly responsible for the management of the household as regards the dependants. Each of the spouses is free to dispose of his or her own goods, and failure to meet the obligation of contributing to the support of the dependants is punishable by the placing of a distraint order on the income of the defaulting spouse.

92. A closer examination of the Senegalese Government's policy with regard to women over the last three decades will reveal that, since the country gained its national sovereignty, the authorities have directed unceasing attention to all these points raised in the Convention.

93. This is clear when one recalls how this policy has evolved and what concrete measures have been taken to implement it.

94. For example, immediately after independence, the Constitution, the fundamental law governing the organization of the country's public institutions, clearly and unequivocally established, in articles 1 and 7, the principle of the equality of men and women and the need to ensure the advancement of women in Senegal.

95. Article 1 indicates the secular, democratic and social character of the Republic of Senegal and asserts that the Republic guarantees the equality before the law of all citizens regardless of origin, race, sex or religion, and that it respects all beliefs.

96. Article 7, dealing more explicitly with this question, provides that "all persons are equal before the law. **Men and women have equal rights.** Place of birth, personal status or family are not concerns of law nor do they confer privilege in Senegal".

97. This general constitutional provision has been the basis of the Government's policy with regard to women, which in turn has taken the form of specific measures of a legislative or regulatory nature.

98. In the period following 1960, the first statutory measure taken was the enactment of Ordinance No. 60-14, which re-established the rights of women with regard to the application of customary law.

99. Until that time, the customary courts had in fact applied the customs of the husband in family disputes.

100. The first legal instrument to recognize the importance of custom asserted as a principle that, in cases of disputes between spouses, only the customary law of the wife was to be applied.

101. It should be remembered that in 1961, with the drafting of the Code of Senegalese Nationality, the authorities also expressed their intention, in that document, to promote the advancement of women.

102. For example, women are able to confer Senegalese nationality as first-degree ascendants.

- The required period of residence for a male foreign national applying for naturalization is shortened from 10 to five years if he is married to a Senegalese woman.
- A female foreign national married to a Senegalese man automatically acquires Senegalese nationality unless she renounces it.
- A Senegalese woman who marries a foreign national does not lose her nationality unless she expressly declares her intention to do so before the marriage is concluded.

103. This declaration is valid only if she can acquire the nationality of her husband.

104. In 1961, this determination was once again expressed by the lawmakers during the preparation of the general statutes governing civil servants and of the Labour Code.

105. For example, Law No. 61-33 of 16 June 1961 containing these general statutes provides, in article 8, that in applying the statutes no distinction may be made on the basis of sex, subject to special provisions to be introduced in the form of special statutes.

106. It is this last reservation that women currently have in mind when referring to pockets of discriminatory resistance (the army, civil aviation, the customs service, and other organizations).

107. Similarly, article 1 of Law No. 61-34 of 15 June 1961 containing the Labour Code provides that a worker is a person who, regardless of his or her sex or nationality, performs an occupational service for remuneration on behalf of another, and that payment for equal work is to be the same for all, regardless of sex.

108. In 1965, this resolve was reflected in the formulation of the Senegalese Criminal Code by providing that cases of rape were to be referred to a court of summary jurisdiction, while at the same time retaining criminal prosecution and severe punishment (10 years of imprisonment) for those who engage in procuring and the prostitution of others.

109. In 1967, the law on family ceremonies took up the question of the dowry, formerly the bride's purchase or sales price, by establishing a permissible rate, which, although not often respected, nevertheless represents a reference figure, which is the only one to appear in the marriage document.

110. In 1971, the National Education Guidance Act stated, in article 1, that, under the terms of that law, national education was intended:

1. ...
2. To train free men and women capable of creating the conditions for their self-fulfilment at all levels.

111. In 1972, the Family Code took its place as one of the most important, if not the most important, elements in the policy on behalf of women. The effect of this instrument, in its major provisions, was to:

- Establish a status of equality in a conjugal bond based on the consent of both spouses;
- Require the recording of marriages at civil registry offices, without which the fact of a marriage cannot be invoked before the State and its agencies;
- Regulate the management of the spouses' personal and joint property under the three types of marriage systems allowed;
- Put an end to the shameful practice of repudiation, under which the man alone had the right to initiate a divorce, and institute the practice of consensual divorce, thereby re-establishing the dignity of the woman;
- Eliminate those customs that would no longer be applied to family disputes.

112. In 1973, the Social Security Code established health and social protection for mothers and children, on the one hand, and for fathers on the other.

113. In 1976, the Electoral Code explicitly defined the civic rights of men and women.

114. In 1977, the lawmakers once again amended the Criminal Code so as to eliminate a provision that was clearly discriminatory. The reference is to the offence of abandonment of the conjugal domicile, which at the time applied exclusively to women. This provision (article 332) was rescinded and a new offence, known as family abandonment (article 350), which provides for responsibility on the part of the man as well as the woman in cases of abandonment, was introduced.

115. In 1978, the Office of the Secretary of State for the Status of Women was established. This Office was later elevated to the level of Ministry for Social Development, with a Deputy Minister for the Status of Women and Children, having the following responsibilities:

- Family well-being;
- Community development for women;
- Vocational training for women.

116. These are a few of the concrete measures that were taken before the advent of the Convention on the Elimination of All Forms of Discrimination against Women.

117. Senegal's accession to this international instrument imparted a fresh impulse to the policy with regard to women that had been initiated in the country immediately following independence.

118. Thus, when President Abdou Diouf took office in 1981, the Ministry for the Status of Women became the Ministry for Social Development, with responsibility for pursuing the policy on behalf of women.

119. That same year, the Pension Code for Civilian and Military Retired Persons extended identical rights to men and women retirees.

120. Also in 1981, Law No. 81-77, pursuant to the International Convention on the Elimination of All Forms of Racial Discrimination, introduced into our Criminal Code (article 283 bis) the definition of racism laid down in that international document.

121. In their concern to further this policy with regard to women, Senegalese lawmakers amended a number of the provisions of the Family Code with a view to attacking the last vestiges of resistance in the area of gender-based discrimination. One example can be seen in the case of Law No. 89-01 of January 1989.

122. Article 13 of that law, for example, referred to a woman's legal domicile, which she was not permitted to leave without her husband's authorization and which figured in the offence of abandonment of the conjugal domicile as contemplated and punished by the Criminal Code. This concept of a legal domicile in respect of a married woman was eliminated from the Family Code.

123. It should also be remembered that that same offence had been abolished with the deletion of article 332 from the Criminal Code, and that, as a consequence, there was a similar need to remove this discriminatory provision from the Family Code as well.

124. Article 19 of the Family Code deals with the procedure for having a spouse declared absent from the home and with the provisions to be taken for the management of the household. This text made no allowance for the possibility of the woman's being designated provisional administrator in the absence of her husband.

125. A provision to this effect was introduced into the amended text, once again reaffirming the equality of men and women.

126. Under article 80, regarding the "family booklet" ("livret de famille"), the husband alone received this document following the celebration of a marriage. As a result, women had no access to this document, especially during divorce proceedings.

127. The revised text now provides that at the time of marriage a certified copy of the family booklet, corresponding to the original, is to be turned over to the wife.

128. With the lawmaker drawing a lesson from what has just been said regarding the handing over of the family booklet to the wife, **article 82** was rescinded by the new law since the original provision permitted a copy to be turned over to the woman only when her husband deposited the original, something that was not always obvious.

129. **Article 147** of the Family Code imposed on newly-married couples a strict two-month time-limit for the late declaration of their marriage. Because this period was occasionally too brief, the new law extended it to six months in order to save the couple from having to resort to the excessively complicated procedure of obtaining a judgement authorizing the registration of their marriage.

130. **Article 154** provided for the possibility, if not the right, of the husband to oppose his wife's engaging in an occupation of her own outside the home. This opposition was, however, subject to review by a judge, who could overrule it if he found it unjustified.

131. The lawmaker found that this provision was excessively discriminatory against women and infringed their dignity. Accordingly, in the revised text this article 154 has quite simply been deleted.

132. **Article 176** of the Family Code required of women that they no longer use their husband's name once the marriage was terminated in a divorce. This provision was potentially harmful to the woman, especially when she was professionally known by that name. Accordingly, the new law permits a woman to continue using her former husband's name, except when he has a valid reason for objecting to her doing so.

133. **Article 200** of the Code required that a woman be able to produce a marriage licence in order to establish the civil status of her child in respect of its real father. This posed serious problems for some women, especially when the father was unwilling to marry the child's mother.

134. Responding to this fact, the lawmaker saw fit to eliminate this provision from article 200.

135. **Article 261** (new) replaces the term "**work**" by the term "**income**". The fact is that under the original wording a man required to make support payments might seek to evade this obligation on the grounds that he was not working, even though he in fact had another source of income. It was to address this inequity that the terminology was changed.

136. **Article 262** (new) deals with the question of the support that a woman divorced for reasons of incompatibility of character may claim. Under the law as originally written, these support payments were limited to a period of three months, whereas under the new provisions this period has been extended so that it is now six months to a year at the discretion of the judge.

137. **Article 371** (new), inspired by the repeal of article 154, reaffirms women's full civil capacity under Senegalese law.

138. **Article 375** (new) introduced a correction by substituting the term "household dependants" for the term "marriage dependants". The latter is



misleading since the objective envisaged was to ensure the support of the household dependants principally by the husband, with the wife contributing through her presence in the home.

139. This new legislative intervention has been rightly welcomed as a fresh signal that no efforts will be spared to eliminate all the discriminatory practices against women that have taken root throughout the history of women in Africa in general and in Senegal in particular.

140. By way of concluding this report, it must be acknowledged - and this is our view - society was wrong in the past to relegate women to a secondary status in the human community, mankind, through the initiatives of the international community, has more recently been moving in the opposite direction by working to re-establish, for the present and the future, a balance between the rights of men and those of women, recognizing that both sexes must once again be equals.

141. It is these considerations that have unquestionably inspired the Senegalese authorities in the formulation and implementation of their policy with respect to women.

## PART TWO

142. The purpose of this document is to take stock of the progress achieved in the application of the United Nations Convention on the Elimination of All Forms of Discrimination against Women.

143. In February 1988, Senegal submitted its first report to the Committee on the Elimination of Discrimination against Women.

144. Our country acceded to the Convention following its ratification under Law No. 81-74, which was enacted on 10 December 1981, i.e., exactly three months and one week after it had entered into force. Moreover, a comparative study of our legislative and regulatory provisions will show that Senegal was well ahead of the recommendations contained in that Convention.

145. For example, immediately after national independence, the Constitution, the fundamental law governing the organization of the country's public institutions, clearly and unequivocally established, in articles 1 and 7, the principle of the equality of men and women and the need to ensure the advancement of women in Senegal.

146. This general constitutional provision has been the basis of the Government's policy with regard to women. It has been translated into legal measures that have made it possible to achieve very significant progress towards the elimination of discrimination against women.

147. In this document, we shall take up the following points:

1. Origin of the measures taken up to 1987;
2. The new provisions and their impact on the advancement of women;
3. The current obstacles to the advancement of women.

## I. ORIGIN OF THE MEASURES TAKEN UP TO 1987

148. The determination to ensure the de jure and de facto equality between men and women has prompted the Senegalese authorities to adopt a number of provisions aimed at assuring the full participation of women in development.

149. For example, article 1 of the Constitution refers to the secular and democratic character of the Republic of Senegal and asserts that the Republic guarantees the equality of all citizens before the law, regardless of origin, race, sex or religion, and that it respects all beliefs.

150. Article 7 provides that "all persons are equal before the law. Men and women have equal rights. Place of birth, personal status or family are not concerns of law nor do they confer privilege in Senegal".

151. These principles have been given effect in the form of specific measures.

152. For example, with regard to family relations, the first measure taken was Ordinance No. 60-14, which re-established the rights of women with regard to the application of customary law. Until that time, the customary courts had in fact applied the customs of the husband in family disputes. The first legal instrument to recognize the importance of custom established as a principle that, in cases of disputes between spouses, only the customary law of the wife was to be applied.

153. With regard to Senegalese nationality, women can confer it as first-degree ascendants.

154. A Senegalese woman who marries a foreign national does not lose her nationality unless she expressly declares her intention to do so before the marriage is concluded.

155. Marriage to a foreign national has no effect on the nationality of the Senegalese woman.

156. In 1972, Senegalese lawmakers enacted a revolutionary code protecting the rights of women.

157. The effect of this Family Code, in its major provisions, was to:

- Establish a status of equality in a conjugal bond based on the consent of both spouses;
- Require the recording of the marriage;
- Regulate the management of the spouses' personal and common goods under the three types of marriage systems (community property, separation of goods, dowry system);
- Put an end to the shameful practice of repudiation, under which the husband alone had the right to initiate a divorce, and institute the practice of consensual divorce;
- Eliminate those customs that would no longer be applied to family disputes.

158. **With regard to the civil service and employment**, on 15 June 1961 the legislature enacted Law No. 61-33 containing the general civil service statutes. Article 8 of these statutes provides that, subject to special provisions to be introduced in the form of particular regulations, in applying these statutes no distinction is to be made on the basis of sex.

159. Similarly, article 1 of Law No. 61-34 of 15 June 1961 containing the **Labour Code** defines a worker as a "person who, whatever his or her sex or nationality, undertakes to perform occupational services for remuneration ...".

160. The Labour Code also prohibits night work by women. Nevertheless, the regulations provide for a number of exceptions in the case of night work by women in industry. These exceptions refer essentially to the nature of the work carried out (industries involving the processing of substances subject to rapid deterioration, work requiring the maintenance of a continuous fire, etc.).

161. **At the political level**, the Constitution guarantees women rights equal to those of men. They may vote for candidates to all elective offices and may be elected to these offices themselves.

162. On the question of the violation of human rights on political grounds, women enjoy all the legal guarantees. No woman in Senegal has ever been tortured or imprisoned for political reasons.

163. **In the area of education**, the Educational Guidance Act (1971) guarantees equality. It specifies, in article 1, that "for the purposes of this law, the aim of national education is understood to be the training of free men and women, capable of creating the conditions for their self-fulfilment at all levels".

164. **With regard to economic rights, specifically the access of rural women to land**, the National Domain Act No. 64-44 of 17 July 1964 provides that land belonging to the State may be made available to those who wish to work it, without distinction as to sex.

165. Further, under the law, women have the same rights as men to all forms of financial and land bank credits.

166. **Regarding the rights of women to health, maternal and child care**, all the country's health establishments (hospitals, clinics, health-care centres, etc.) accept all citizens regardless of their sex.

167. Pregnant, confined or nursing women enjoy special protection:

- Pregnant women may be assigned to other employment if their physical condition makes this necessary for medical reasons. This job change must not entail any reduction in wages or salary.
- Women are entitled to a nursing break (one hour/day) and to 14 consecutive weeks of maternity leave.

168. Regarding violence, Senegalese law protects women against all forms of conjugal violence. This is also true of such traditional practices as excision and infibulation.

169. The measures referred to above have been strengthened since Senegal's accession to the Convention.

## II. THE NEW PROVISIONS INTRODUCED SINCE 1987 AND THEIR IMPACT ON THE ADVANCEMENT OF WOMEN

### II.1 The legal measures

170. The concern to strengthen the Government's policy for the advancement of women was expressed in Law No. 89-01, which amended the Family Code. The objective of the changes introduced was to grapple with a number of provisions in the Code that constituted discrimination against women.

171. Article 13 makes it possible for a married woman to challenge her husband's choice of domicile if she believes that it will result in physical or moral danger to the family.

172. Article 19 recognizes the right of a woman to take over the management of household affairs in the event of the presumed absence of her husband.

173. Article 80 provides that a copy of the "family booklet" is to be turned over to the wife at the time of the marriage ceremony by an official of the Civil Registry Office.

174. Article 154, under which a husband was entitled to oppose his wife's pursuit of an occupation of her own, was rescinded. Accordingly, the husband and wife are now recognized as having the same rights to engage in a profession or occupation.

175. Article 262 comes to the aid of women who have been divorced by their husband on the grounds of incompatibility of character or because of a grave or incurable illness on the part of the wife.

176. In the first case, the obligation to pay support for a period of from three to six months has now been extended to one year.

177. In the second case, the duration of the support obligation has now been set at three years.

178. Article 371, inspired by the repeal of article 154, reaffirms the full legal capacity of women.

### II.2 Strategy applied by the authorities

179. The political determination to single out women as a group for advancement has led to the establishment of a number of national institutions with responsibility for formulating and applying the Government's policy with regard to women in all areas of concern to them.

180. Since the last cabinet reshuffle in April 1991, one of these national institutions has been given the name of Ministry for Women's, Children's and Family Affairs. Operating under the authority of the Prime Minister, this department is responsible for:

- Formulating and implementing, in coordination with the other ministerial departments concerned, the policy laid down by the President of the Republic for encouraging the economic and social advancement of women;
- Seeing to it that the rights of women and children are respected;
- Contributing to the development of women's groups;
- Designing development projects initiated by women and women's groups, and monitoring their implementation;
- Supporting activities that make it possible to improve the conditions of family life through development at the community level;
- Promoting improvements in the health of mothers and children through information and education.

181. In addition, the existence, under the Ministry for Women's, Children's and Family Affairs, of an Interministerial Committee charged with following up on programmes and projects on behalf of women, and of a National Consultative Commission on Women and Children, which are the focal points for the Government's various technical ministries, represents graphic proof of the Government's determination to bring about better integration of women in development.

### II.3 Actions taken in various areas of activity

#### II.3.1 Education and training

182. Education represents a priority sector, and considerable efforts have been made to raise the level of schooling for girls and to eradicate illiteracy among this group.

183. Analysis of the current situation reveals that there has been progress in increasing school attendance by girls (of from seven to 15 years of age).

184. The proportion of girls attending school, as a percentage of the total number of pupils and students in the country, rose from 40.2 per cent in 1987-1988 to 48 per cent in 1989-1990. This increase is the result of a number of factors, in particular the information and consciousness-raising campaigns undertaken by the Ministry for Women's, Children's and Family Affairs in all the rural and urban areas through its grass-roots agents.

185. Our objective is to achieve and maintain parity in the number of males and females at all levels of education, while seeking to reduce the number of school drop-outs, most of whom, because of early marriage and socio-economic constraints, are girls and young women.

186. The following table indicates school attendance by females at the various educational levels.

Level	Girls as a percentage of the total number attending	
	1988-1989	1989-1990
Pre-school education	50	50.5
Elementary education	44.5	41.8
Intermediate education	33.9	34.4
Secondary education	30.4	31.4
Technical education	30.6	31.7

Source: Ministry of National Education, 1991.

187. All told, there has been an increase in the percentage of girls at all levels except that of elementary education, where attendance has been affected by the cuts in social outlays associated with the Structural Adjustment Policies (PAS).

188. This drop in attendance by girls has prompted the Ministry for Women's, Children's and Family Affairs to launch consciousness-raising campaigns aimed at eliminating all the traditional forms of resistance to women's advancement and at providing alternative responses designed to cushion the economic and social impact of the aforementioned structural adjustment policies on vulnerable groups, specifically girls and young women.

189. Still, it has to be admitted that despite the efforts that have been undertaken to this end by the Government, young women continue to drop out of school for many different reasons. As a means of countering this phenomenon, what are known as Economic Interest Groups (GIE) have been set up for the purpose of helping girls who have dropped out of school or have left the Women's Regional Technical Training Centres and the Women's Technical Training Centres to find jobs.

190. In the area of **higher education**, women are represented as follows:

University of Dakar

Faculties	Years	
	1987/1988	1988/1989
Legal and Economic Sciences	16.2%	18.4%
Science and Technology	11.7%	11.6%
Medicine and Pharmacy	36.6%	34.9%
Literature and the Humanities	23.2%	22.6%

Source: Ministry of National Education, 1991.

University Institutes

(Percentage of the total number of students)

	Years	
	1987/1988	1988/1989
Advanced National College of Technology (ENSUT)	27	34
Advanced Teachers' Training College	13.4	12.9
College of Librarians and Archivists	25.6	35.5
Centre for Advanced Studies in Information Techniques	14	20
Inter-State College of Veterinary Sciences and Medicine	12	13.1

Source: Ministry of National Education, 1991.

191. The data on higher education indicate higher attendance figures for girls along with clear advances in the technical disciplines.

192. The situation, however, with regard to the majority of young women, who continue to be outside the system of formal education, remains a matter of concern.

193. The most recent national census (1988) points to an illiteracy rate among females of 82 per cent, the trend here being downward since the same indicator has been estimated at 79 per cent in 1991.

194. This alarming fact has led the Ministry for Women's, Children's and Family Affairs to introduce a functional literacy-training aspect in all development projects directed at women. In addition, we are conducting a vast programme of basic education, relying on functional literacy training provided by women's promotion groups for adults and young persons.

195. In addition, the Ministry for Women's, Children's and Family Affairs has, together with UNICEF, been experimenting since 1988 with an informal education project, which is to be strengthened by other measures in the form of:

- The Human Resources Development Project;
- The Project for the Economic Encouragement of Women's Groups in Rural Areas;
- The BAD Project for the Support of Women's Promotion Groups.

196. In addition to their other medium-term objectives, these different programmes are designed to contribute to the gradual eradication of illiteracy.

197. In the case of the Human Resources Development Project (PDRH), which represents the most advanced programme, the objectives are:

- The initiation of 45 monitors to literacy training techniques;
- The training and retraining of 840 literacy training agents;
- Literacy training and post-literacy training for 5,460 women, including:
  - 360 women who are members of the local chapters of the Federation of Women's Promotion Groups, and 3,000 alternates;
  - 3,000 women who are members of the Management Committees of the Women's Promotion Groups.

We have decided on a strategy of functional literacy training for the reason that this approach makes it possible to tie in the training the women receive with their actual concerns.

#### II.3.2 Participation in politics and decision-making

198. Women participate on an equal basis with men in the political life of the State, and in fact Senegalese women have for a long time distinguished themselves through their active defence of the interests of their political parties. However, women play only a minor role in all high-level political and economic functions. They are poorly represented at the top echelons of the trade unions, the political parties and government, the public and semi-public sector, commercial enterprises, etc.

199. At present, Senegal has three women ministers, namely:

- The Minister for Women's, Children's and Family Affairs;
- The Deputy Minister under the President of the Republic in charge of Emigré Affairs;
- The Deputy Minister under the Minister of National Education in charge of Literacy Training.

200. Women hold 13 out of 120 seats in the National Assembly, where, as the figures show, they are clearly under-represented.

201. There are currently 17 political parties in Senegal, each with its own national women's movement. The most dynamic of these parties is the Socialist Party, whose women candidates, during the most recent legislative and municipal elections in 1991, succeeded in winning 600 seats as municipal and rural council members.



202. By providing flexible institutional arrangements, the Government has taken the initiative of encouraging the setting up of women's organizations. The most dynamic of these, from the point of view of their capacity for involvement in development, are the Federation of Women's Associations of Senegal (FAFS), which groups together 162 associations located in all the regions of the country, and the National Federation of Women's Promotion Groups (FNGPF), which is the umbrella organization for some 3,614 groups with more than 400,000 members and structures that extend down to the local level.

203. The National Federation of Women's Promotion Groups (FNGPF) currently represents an economic and political force that cannot be ignored. Its representatives have, since 1991, been active as permanent members of community-based development agencies. They hold seats in the municipal and rural councils and participate in the work of the regional, departmental and local development committees.

204. The Government's efforts at organizing women has enabled this Federation to develop effective structures and to establish itself first as an Economic Interest Group (GIE) and later as a non-governmental organization with the aim of involving Senegalese women in political life and the development process on a basis of equality with men.

#### II.3.3 The situation of women in employment

205. Women account for 51 per cent of the total Senegalese population but their importance in demographic terms is not reflected in the employment area.

206. Rural women are involved in all forms of agricultural work (where they account for some 75 per cent of the workforce) as well as in pastoral and fishery activities. They are nearly alone in performing the operations involved in adding value to agricultural products, from their processing to their marketing.

207. In the towns, women not only perform housework but are employed, in particular, in factories, offices, hospitals and schools.

208. In 1989, women accounted for 26 per cent of the 68,539 salaried civil servants.

209. Within the administration, women hold:

- 14.1 per cent of the posts at the A level, which represents the top of the hierarchical pyramid;
- 18 per cent of the posts at the B level;
- 20.6 per cent of the posts at the C level;
- 16 per cent of the posts at the D level;
- 8 per cent of the other posts.

210. For 1990, although the figures are not available, it is possible to speak of a downward trend in comparison with 1989. This is due to the

country's economic and financial difficulties (brought about, in particular, by the structural adjustment policies), which have been reflected in voluntary resignations from government service and by a contraction of the private sector workforce.

211. The majority of women today are employed in the informal sector, where more than half of them directly earn all or part of their income.

212. Our objective is to acquire the kind of detailed data of a quantifying nature that will enable us to gain a precise understanding of the role of women in this sector, while at the same time endeavouring to organize them.

213. It is true that in March 1990 a survey was conducted on a sample of 279 women in the Dakar Region and that the information obtained on the vitality of these women and their numerical strength in the informal sector is of considerable interest. Nevertheless, it remains true that a study should be carried out in greater depth in order to better assess the function and place of women in the informal sector. For this reason, the Ministry for Women's, Children's and Family Affairs has found financial backers for a study on the establishment of a computerized data bank to provide information on women in the urban informal sector.

214. To this end, the same Ministry selected the role of women in the informal sector as the special theme of the Eleventh National Fortnight of Women (1990).

#### II.3.4 Access to resources and technology

215. The desire to lessen the difficulties that women face in obtaining loans from conventional banking institutions because of their inability to put up adequate guarantees has led to the establishment of alternative credit systems. The development of the savings and credit banks for low-income people and of joint tontine arrangements between the Women's Promotion Groups has made it possible to create a large variety of income-generating activities.

216. Another way that access to credit is being promoted is by encouraging an awareness of this problem on the part of banks and financial establishments. Since 1988, the National Agricultural Credit Bank (CNCA) of Senegal has been granting more loans to women. In 1990, it had already financed 29 projects submitted by women's groups.

217. Women represent a major source of rural savings for the banks.

218. In 1990, the Economic Interest Groups and the women's groups deposited more than 150 million CFA francs with the National Savings Bank, while the National Federation of Women's Promotion Groups holds 13 million francs in the country's banks.

219. Mention should be made of the creation of the Senegalese Company for Women's Guarantees and Assistance (SOSECAF). The capital of this financial institution, established thanks to the support of Women's World Banking, will consist exclusively of shares held by these women and for them (each share is valued at 10,000 CFA francs).

220. In the very near future, SOSEGAF is to begin supporting all the projects submitted by its shareholders to local banks.

221. With regard to the primary sector, the Ministry of Rural Development, the extension services and the training institutions have been called upon to involve women in their programmes. A study entitled "GRANT Model" and conducted by the ministerial department has used a simulation technique to demonstrate the very positive effect that would result from taking account of the "women" factor in the new agricultural policy.

222. The territorial administration (regional governor, prefects and sub-prefects) has received from the ministry in charge of women's affairs guidelines regarding respect for the principle of equality that is laid down in the National Domain Act, where its purpose is to ensure that the needs of women are taken into account in the allocation of land.

223. In 1990, the ministries concerned, specifically the Ministry of Rural Development and Water Management, were instructed by the President of the Republic to ensure women access to resources, inputs and technology (including agricultural extension services, training, etc.).

224. In addition, thanks to the efforts of the Government and its partners, it was possible, between 1987 and 1990, to make available throughout the national territory more than 500 equipment units (mills, threshers, decorticators, etc.) designed to lighten the work of women.

#### II.3.5 Health

225. The primary health-care system adopted by Senegal has brought health care to women at the lowest possible cost.

226. The essential components of the health-care system are operated by the State, and the system itself is so organized that, from the top to the bottom, there are health services that (although insufficient in number) assist women during pregnancy, confinement and even after birth.

227. There is an active private health-care sector, but most of its facilities are concentrated in the Dakar region.

228. Alongside the health-care services, there exist in all the administrative districts family planning centres whose work is supported by the Association for Family Well-Being, by the women's associations, and by two family planning projects (Family Health and Population, and Family Well-Being), which are financed by the United Nations Fund for Population Activities (UNFPA) and USAID, respectively.

229. These centres provide counselling and free contraceptive assistance to all women requesting it.

230. In recent years, the Senegalese Government has turned its attention towards a policy of family planning through spaced births, measures against sexually transmissible diseases, and the detection and prevention of AIDS.

231. Particular attention is directed at the protection of the health of mothers and children.

232. Health centres for mothers and children exist in all the departments, providing women with care during pregnancy and advising them on the nutritional needs of their children.

233. The measures described above will be strengthened thanks to a study, which has been in preparation since 1990, on the formulation of a National Policy for the Advancement of Women to the Year 2015.

234. Over the medium term, this study is aimed at bringing the role and status of women into conformity with the country's economic, social and cultural evolution.

235. Over the short term, the purpose of the study is to provide Senegal with:

- An exhaustive survey of the measures undertaken for the advancement of women since independence;
- A reference document outlining the thrust, principal options and basic elements of a National Policy for the Advancement of Women to the Year 2015, based on a genuine commitment to the involvement of women in the overall development of the country.

236. The ideas drawn from this study will serve as the basis for the design of strategies and policies on behalf of women over the short and medium term.

237. The findings of this study, which are to be available in October 1991, will, without doubt, make it possible to design strategies that will contribute to eliminating all the obstacles to the genuine integration of women in the development process.

### III. OBSTACLES TO THE ADVANCEMENT OF WOMEN

238. The need to identify, through a participatory approach, the obstacles to the advancement of women prompted the Ministry for Women's, Children's and Family Affairs to devote the Twelfth National Fortnight of Women (1991) to an assessment of the implementation of the United Nations Convention on the Elimination of All Forms of Discrimination against Women.

239. This event, which is instituted by decree, takes place every year throughout the territory of the country from 15 to 31 March. Its objectives are:

- To arouse a public awareness of the need for the full integration of women in the national development process;
- To trigger off a wave of national encouragement and support for women with a view to promoting their social, economic and cultural advancement;
- To combat the obstacles of all kinds inhibiting progress by women and limiting their participation in the development effort;
- To see to it that the Senegalese woman, as a citizen, is fully aware of her responsibilities.

240. The Ministry for Women's, Children's and Family Affairs has organized meetings all over the country at which it has developed this theme. The focus of its work has been on the generation of an awareness on the part of women of their need to inform themselves of their rights and to avail themselves of all the avenues available to them under the law for pursuing their self-development.

241. Through working meetings, talks and round-table discussions, the Fortnight has provided a means of identifying the obstacles to the advancement of women. The United Nations anti-discrimination convention has been studied and analysed in all its aspects and the feedback from the women of our country has been recorded.

#### III.1.1 De jure discrimination

242. A number of disparities have been noted between the principles proclaimed and particular provisions of our law that continue to legitimize a status of inferiority on the part of women within the family and as regards their access to certain professions and occupations.

243. Women enjoy the same rights and bear the same responsibilities as men in all areas having to do with their children during marriage and after its dissolution. Parental authority rests with both parents but is exercised by the father during the marriage. This authority may be transferred by the judge to the mother if the father is absent or incapacitated.

244. Acting consistently with this provision (contrary though it is to the Constitution, which guarantees women rights equal to those of men), the authorities deny women the full range of advantages associated with parental authority and with the title of head of family (a prerogative reserved to the husband). This last fact is also the basis of the discrimination to which women are subject in the calculation of income tax: working women are equated for tax purposes with single women without children or family dependants.

245. The Government does not, for example, recognize the right of a working woman to claim her children's medical-care or hospitalization expenses.

246. It is also true that while the husband may claim expenses for his wife, the inverse is not allowed.

247. Another obstacle to the full development of women is polygamy. The law still permits a man to have as many as two to four wives simultaneously.

248. The provisions of the Islamic law of succession, which have been made a part of the Family Code, assign to the daughter one half of the inheritance made over to the son.

249. These particular instances of discrimination, which are rooted in socio-cultural, traditional, economic or religious factors, are sharply criticized by Senegalese women as perpetuating inequality and preventing women from more effectively insuring and safeguarding the interests of their children.

250. Still on the subject of de jure discrimination, it will be noted that the regulations governing civil service employment, although they guarantee women equal access to all bodies, are nevertheless subject to special provisions.

251. The result is that women are excluded from certain militarized services and, accordingly, from the training schools that provide access to them. These professions and occupations have been identified and measures designed to eliminate all instances of gender-based discrimination will be made the subject of an official memorandum and submitted to the authorities for appropriate action.

#### III.1.2 De facto discrimination

252. Instances of de facto discrimination are numerous and accompany women throughout their employment careers (in the private sector). This discrimination occurs at several levels and is linked to:

- The preference accorded to men at the time of recruitment;
- Career management:
  - Assignment to responsible positions (in effect, whereas there is an increasing number of women capable of holding decision-making positions, women performing executive functions are still rare);
  - Professional advancement for women is very slow, with female employees reaching their career peak at a very early stage;
- Vocational counselling for women;
- On-the-job training for women.

253. In the political arena, women do not yet occupy the position that is rightfully theirs, given their commitment and numerical strength in the political parties.

254. The same kinds of de facto discrimination can be found in rural areas with regard to women's access to land and their voice in decisions affecting the life of their communities. Still, it should be stressed that de facto discrimination and the major constraints inhibiting the advancement of women continue to be linked to adverse cultural realities in combination with the economic difficulties that our country is currently experiencing.

#### Conclusion

255. Climatic factors, coupled with the effects of the structural adjustment policies that have been pursued in Senegal since 1980, represent the principal constraints on the achievement of the objectives set in the policy for the advancement of women.

256. Nevertheless, a reading of the status report prepared by the Ministry for Women's, Children's and Family Affairs will reveal that, despite the financial obstacles facing the Government, Senegalese women have achieved a number of accomplishments.

257. The improvement in the legal status of women may be regarded as one of the most significant changes in recent years. Senegalese lawmakers have responded to the recommendations of the Convention by tackling nearly all forms of discrimination.

258. The Women's Affairs Ministry will continue its efforts to involve women in development by attacking inequality in whatever form it occurs: economic inequality, social inequality and cultural inequality.

259. It remains for us to strengthen the rights of women and, above all, to translate them into reality at a time of deep economic crisis.