

Country	Senegal
SIGI 2019 Category	Medium
SIGI Value 2019	37%

Discrimination in the family		65%
	Legal framework on child marriage	100%
	Percentage of girls under 18 married	25%
	Legal framework on household responsibilities	100%
	Proportion of the population declaring that children will suffer if mothers are working outside home for a pay	-
	Female to male ratio of time spent on unpaid care work	-
	Legal framework on inheritance	50%
	Legal framework on divorce	25%

Restricted physical integrity		42%
	Legal framework on violence against women	50%
	Proportion of the female population justifying domestic violence	56%
	Prevalence of domestic violence against women (lifetime)	78%
	Legal framework on female genital mutilation (FGM)	25%
	Share of women who think FGM should continue	17%
	Share of women who have undergone FGM	23%
	Sex ratio at birth (natural =105)	105
	Legal framework on reproductive rights	100%
	Female population with unmet needs for family planning	24%

Restricted access to productive and financial resources		28%
	Legal framework on working rights	100%
	Proportion of the population declaring this is not acceptable for a woman in their family to work outside home for a pay	15%
	Share of managers (male)	77%
	Legal framework on access to non-land assets	0%
	Share of house owners (male)	92%
	Legal framework on access to land assets	25%
	Share of agricultural land holders (male)	91%
	Legal framework on access to financial services	0%
	Share of account holders (male)	61%

Restricted civil liberties		4%
	Legal framework on civil rights	0%
	Legal framework on freedom of movement	0%
	Percentage of women in the total number of persons not feeling safe walking alone at night	55%
	Legal framework on political participation	0%
	Share of the population that believes men are better political leaders than women	-
	Percentage of male MP's	58%
	Legal framework on access to justice	0%
	Share of women declaring lack of confidence in the justice system	38%

Note: Higher values indicate higher inequality. Percentages range from 0 to 100, while legal variables are categorised as 0%, 25%, 50%, 75% or 100%. See data source [here](#).

Source: OECD (2019), Gender, Institutions and Development Database, <https://oe.cd/ds/GIDDB2019>.

Senegal

There are several institutions in charge of monitoring gender equality, in particular the National Observatory of Women's Rights (established by Decree No. 2008-1047 of 15 September 2008), which monitors all violations of women's rights. However, this body cannot receive complaints directly. There is also the National Parity Observatory (established by Decree No. 2011-819 of 7 March 2011), which is tasked with monitoring, evaluating and making proposals for promoting parity between men and women in public policy. Other initiatives for the advancement of women have been taken through the collection and processing of gender-sensitive statistics in accordance with the National Strategy for Gender Equality and Equity (CEDAW, 2013).

1. Discrimination in the family

a) Overarching legal framework for marriage

Prior to the enactment of the Family Code in 1972, family relations were governed by Christian, Islamic and customary laws, or under the civil code (An-na'im, nd). A year after Senegal became a sovereign state in 1960, a Commission was set up to write a new Family Code, with the aim of unifying the legal framework. This process took 11 years (Camara, 2007).

Women have the same rights as men to enter into marriage. Moreover, forced marriage is prohibited not only by the constitution of Senegal (Constitution, Art. 18) but also by the family code (Family Code, Art. 108). According to the family code, "each of the future spouses, even if the spouse is a minor, must personally consent to the marriage". In addition, the Criminal code stipulates a fine of 25,000 to 60,000 Francs CFA and a term of six to twelve months' imprisonment for a civil status officer who has not ensured the consent of "the fathers, mothers or other persons" at the time of marriage (Criminal Code, Art. 173). However, the CEDAW committee noted that there are certain cultural practices detrimental to the advancement of women which stem from social norms, rather than laws and regulations and forced marriage is an example of it (CEDAW, 2013).

Under the 1963 Constitution, Senegal is a secular state and does recognize religious and customary marriage if the parties inform the officer of civil status one month prior to the marriage (An-na'im, n.d.). Informal unions are not regulated by law.

While men are permitted to have multiple spouses, women are not. However, there are certain rules restricting the practice of polygamy. Firstly, the husband and first wife have to agree to that prior to the marriage. Moreover, the groom must register his option for a monogamous, limited polygamous or polygamous (up to four wives) regime upon the registration of his first marriage, and the option is for life. It may only be altered to lower the number of wives further. Wives are entitled to equal treatment in polygamous unions (An-na'im, n.d.). According to a 2016 study, 23% of married men and 35% of married women are engaged in polygamous unions. Most of these comprise a husband and two wives (only 20% of polygamous unions have more than two wives) and 31% of polygamous men have non-cohabiting wives (De Vreyer and Lambert, 2016).

Moreover, another customary practice is levirate and sororate (traditional practices where a man may marry his dead brother's widow or his dead wife's sister) where the marital union that led to the alliance was dissolved as a result of death (CEDAW, 2013). This practice is authorized by law.

b) Child marriage

While Art. 276 of the Family Code establishes that minors cannot get married without the consent of their parents (a minor is considered as a person under 18 years according to the Family Code), Art. 111 of the same code permits marriage at the age of 16 years for girls, and 18 years for boys. This has been consistently raised by the Committee on the Rights of the Child in its recommendations to the government of Senegal (Girls not Brides, n.d.). Furthermore, child marriage is penalized only under civil law, by annulment of the marriage. However, there is no penalty under criminal law, unless the husband consummates a customary marriage with a minor under 13 years of age (Criminal Code, Art. 300).

c) Household responsibilities

The husband is identified as the head of the household (Family Code, Art. 152) and as such, he also exercises the parental authority over the children (Art. 277). Women only exercise parental authority when the father cannot (Art. 277), which is an issue that has been raised by the UN Committee on the Rights of the Child (Committee on the Rights of the Child, 2016). The decision as to where the household live lies exclusively with the husband (Family Code, Art. 153), and household expenses are mainly the responsibility of the husband (Family Code, Art. 375). In addition, the wife is required to live with him unless she is authorized by a judge to reside elsewhere.

d) Divorce

The Family Code does not discriminate against women in terms of divorce rights. Both women and men have the same rights to initiate divorce (Code de la Famille, art 157). After divorce, and in the interest of the child, a judge can decide to give parental authority to one of the parents (Code de la Famille, Art 278).

In practice, however, divorces often happen in informal ways that involves various traditional and religious norms. Under a Muslim tradition of "*talaq*", men are permitted to unilaterally divorce their wives and have stronger rights to children after a divorce. Women, in contrast, must take their claims for divorce to court (Cultural Practice LLC, 2010).

Furthermore, religious marriages continue to be widely practiced due to lack of access to civil marriage. Persistence of religious marriages that are not legally recognized, intensifies discrimination against women, in particular in cases of divorce. Women are left without any rights to custody of children or maintenance given that the marriage was initially concluded without the frame of the legal framework (Africa for women's rights, n.d.).

In addition, although it is legally regulated, there is still a very strong social stigma attached to divorce. Indeed, in the West African region, marriage is regarded as a social necessity and divorce as a disaster for the spouses, their family and the community. Therefore, divorce is often a "difficult, shameful and taboo subject" (Danish Institute for Human Rights, 2014).

e) Inheritance

There is a complex environment surrounding widows' position. The complexity comes from religious and customary inheritance practices which co-exist in a plural legal framework alongside civil law (Ruth Evans, 2015). The Family Code regulates succession with two different and coexisting legal systems: the civil law system and a separate section with special provision for Muslims to opt for Islamic law regarding the division of inherited assets. The civil law system is based on French law (Code de la Famille, Art. 407) and provides for the spouse and his/her male and female children to inherit equal shares of the inheritance.

In cases of inheritance disputes, Muslims may choose either the civil law system or Muslim succession law to adjudicate it. Under Islamic law, women have unequal rights in inheritance (Family Code, Art. 637, paragraph 1). Under this system, daughters receive half the amount that sons receive, while wives receive a quarter of the inheritance, or an eighth of their husband's property if there are children.

Several initiatives were established to help widows in pursuing inheritance claims and navigating the legal framework. Some women's rights organizations provided free legal advice, support, and advocacy enabled widows and others to access legal consultations and assistance with inheritance disputes (Ruth Evans, 2015).

2. Restricted Physical integrity

a) Violence against women

Senegal ratified the Maputo Protocol in 2005. This Convention takes precedence over domestic legislation (Constitution, Art 98). There is currently no law on violence against women (VAW), domestic violence or sexual harassment in Senegal. Consequently, women are not fully protected against the various forms of violence they may be victims of. In the absence of a law specifically targeting VAW, clauses within the Penal Code are used to criminalize various forms of violence, but with no recognition of the violence as gender-based.

b) Domestic violence

In the absence of a law specifically targeting VAW or domestic violence, the Criminal Code addresses physical violence (but not sexual, psychological or economical) against a spouse with applicable criminal penalties (Criminal Code, Art. 297 bis). If an act of domestic violence causes death, the law prescribes life imprisonment.

As part of the efforts to combat all forms of violence against women and girls, there are a number of shelter and accommodation facilities for victims of domestic violence but also other kind of gender-based violence. In particular, the government-run Ginddi Center provided shelter to women and girls who were victims of rape or early marriage, and to street children as well as psychological and medical assistance. This Centre has a toll-free number, 116, which is used to report and respond to emergencies. Another accommodation facility is the National Women's Assistance and Training Centre, which is dedicated to training women and providing them with support in the form of advice or counselling through its branches at the regional level. Other facilities that serve as shelters include the Association of Senegalese Women Jurists (AJS), le Comité de Lutte Contre les Violences faites aux

Femmes et aux Enfants (CLVF), Réseau africain pour le développement intégré (RADI), Rencontre africaine pour la défense des droits de l'homme (RADDHO), Organisation nationale des droits de l'homme (ONDH), Maison Rose, La Palabre (CEDAW, 2013).

However, even though domestic violence has been criminalized since 1999, it is still seen as socially acceptable and many women remain unaware that such violence is prohibited (Africa for women's rights, n.d.). In addition it has been reported that the judges and the police did not properly enforce the law. Indeed, several NGOs criticized the failure of some judges to apply domestic violence laws, citing cases in which judges claimed lack of adequate evidence as a reason to issue lenient sentences. Moreover, the police usually did not intervene in domestic disputes. As a consequence, most victims were reluctant to go outside the family for redress (US Department of State, 2016).

c) Rape

The law prohibits rape (Criminal Code, Art 320), which is punishable by five to 10 years' imprisonment. Rape is defined in Art. 320 as "any kind of sexual penetration committed by violence, coercion, threat or surprise". The law also provides for stringent sanctions in case of aggravated circumstances such as gang rapes or sequestration of the victim. Marital rape is not covered in the Criminal code, but a wife may still issue a complaint under Art. 320 of it. However, there is currently no national plan to support the implementation of the law.

d) Sexual harassment

Sexual harassment is covered under Art. 319 bis of the Criminal Code. The Criminal Code defines sexual harassment as the abusive use of authority to "harass a person through orders, threats, coercion or any other means, in order to obtain sexual favours" It is punishable of prison terms of six months to three years and a fine of 50,000 to 500,000 Francs CFA.

There are not explicit references to spaces where sexual harassment is barred (e.g. public spaces, sports facilities etc.). The Labour Code did not address sexual harassment either, despite of the fact discrimination was widespread and laws regarding discrimination were rarely, if ever, enforced. For women, this creates a particularly hostile work environment as sexual harassment and violence against women are particularly common in the workplace (Front Line Defenders, 2015).

e) Female genital mutilation

Senegal criminalized female genital mutilation in 1999, and knowledge of this law is now widespread (28 Too many, 2015). The Criminal Code, Art. 299 bis, sets out punishment for any person who performs female genital mutilation (six months and up to five years of imprisonment). The act of inciting someone to undergo female genital mutilation in return for an offer, promise, gift, present or other benefit or through the application of pressure or coercion is also criminalized.

Several initiatives were launched by the government to combat female genital mutilation. More particularly, the Government launched a national action plan which is in line with the Millennium Development Goals aimed to eradicate FGM by 2030 (UNFPA, 2016). Programmes to ensure the proper enforcement of the law as well as awareness raising campaigns were also established by the government. In collaboration with key stakeholders such as NGO the Ministry of Justice developed a work plan to enforce the law against FGM and to monitor compliance with anti-FGM programs. In

addition, the Ministry of Women, Family, Social Development, and Women's Entrepreneurship organized workshops across the country to encourage application of the law. Administrative authorities, local elected officials, and representatives of community-based organizations attended such workshops (UNFPA, 2016). There are also numerous NGOs working to eradicate FGM using a variety of strategies, including addressing health risks of FGM, promoting girls' education, and using media. For instance, the Comité Sénégalais sur les Pratiques Traditionnelles (COSEPRAT) works to offer alternative sources of income to excisors (28 Too many, 2015). However, certain social norms still encourage the practice of FGM. More particularly, the cultural belief that not undergoing the operation could spiritually endanger both the individual and the community she is part of (Research Gate, 2014).

f) Abortion

According to the country's Criminal Code, it is a crime to have an abortion, to perform an abortion (Criminal Code, Art. 305) and to distribute any printed materials mentioning it (Criminal Code, Art 305 bis). Women who undertake clandestine abortions risk up to five years' imprisonment. Medical staff practicing abortion also expose themselves to the risk of imprisonment. Health care providers who do not report an abortion are also at risk of being charged with the same sentence as their patient, plus a license suspension of at least five years. Nevertheless, if the mother's life is at risk, access to a safe abortion is authorized (Deontological Medical Code, Art. 35).

Despite these legal restrictions, approximately 51,000 abortions occur annually in Senegal. Indeed, because of the criminalization of abortion, "women usually try to get rid of their pregnancies on their own through traditional methods," according to a lawyer from l'Association des Juristes Sénégalaises. 38 % of incarcerated women are in jail for pregnancy-related crimes, which include abortions, miscarriages and infanticide. For incarcerated women in Senegal, the effects of being imprisoned on abortion-related charges are particularly disastrous for family ties as social norms consider prison to be a highly shameful place (Planned Parenthood Global, 2017).

In its report of March 2016 on Senegal, the United Nations Committee on the Rights of the Child expressed its concern about the criminalization of abortion and the fact this procedure is authorized only in very few conditions, thus obliging young girls to endanger their life by obtaining abortions illegally (Convention on the Rights of the Child, 2016).

3. Restricted Access to productive and financial resources

a) Secure access to land and assets

The Constitution of 22 January 2001 marked a crucial turning point, since it recognizes that women have a number of rights regarding land and non-land assets, some of which, although they had previously existed, were specifically described therein for the first time (CEDAW, 2013) such as the right of women to purchase and own land (Constitution, Art. 15, paragraph 2) as well as the right to own property, as their husbands do, and to manage their property themselves (Constitution, Art. 19; Family Code, Art. 371). The law also provides for equal rights to married and unmarried women over the ownership, use, decision-making power, and use as collateral over land and non-land assets (Family Code, Art. 371). The default marital regime is separation of property (Civil Code, Art. 368) and

each partner administers its original property.

However, despite efforts to protect women's rights, socio-cultural barriers persist. Although the Family Code 1972 grants men and women equal access to land, customs prevent them from being treated equally in practice. According to tradition, women cannot inherit land and husbands can oppose the acquisition of land by their wives (Africa for women's rights, n.d.). However, in certain cases, custom practices do protect women. For instance, in case of divorce or if the woman is a widow, she is entitled to claim to the village's chief a small parcel of land to cultivate in order to subsist (FAO, n.d.).

b) Secure access to formal financial resources

Married and unmarried women have equal rights as men to open a bank account at a formal institution (Civil Code, Art. 371). They similarly have equal rights as men to obtain credit.

In addition, Art. 54 of the Agro-Sylvo-Pastoral Orientation Act provides for the facilitation of access to credit by women and young people which means that women are granted special conditions for access loans. Furthermore, several projects and programmes held by the government have had an impact on women's access to formal financial resources including the National Women's Credit Fund and the National Fund for the Promotion of Female Entrepreneurship (CEDAW, 2013)

c) Workplace rights

Senegal has ratified ILO Conventions 100, 111, but not 156 or 189. Convention 183 was ratified on April, 18th 2017 but will only enter into force on April 18th, 2018. The Constitution prohibits all employment, wage or tax discrimination between men and women (Constitution, Art. 25, paragraph 2) but does not specifically covers job advertisements, selection criteria, recruitment, hiring, terms and conditions, promotions, training, assignments and termination. The law mandates equal remuneration for work of equal value (Labour Code, Art. 105). Women can work the same night hours as men and they do not need permission from their husband or legal guardian to either choose a profession or register a business. However, the law prohibits women from entering certain professions such as mining (Arrêté Relatif au Travail des Femmes et des Femmes Enceintes).

Senegalese law mandates paid maternity leave of 14 weeks paid by the government through the Social Security Regime (Labour Code, Art. 143; Social Security Code, Art. 123) and paid paternity leave of one day paid by the employer (Art 18, Convention collective nationale inter-professionnelle). In addition, in order to protect maternity, the law provides that all pregnant women are entitled to a prenatal allowance (Social Security Code, Art. 15 and 17) and mothers cannot be laid off during the whole length of the maternity leave (Labour Code, Art. 143). There is currently no parental leave in Senegal.

4. Restricted Civil liberties

a) Citizenship rights

In 2013, Senegal amended its Nationality Code in order to remove all the existing discriminatory provisions in it. Act No. 03/2013 Art. 7 and 5, now allow women to give their nationality to their children and spouse. The amended law sets out in clear terms that: "A direct descendant to a

Senegalese national is Senegalese”. Women can also acquire the nationality in the same way than men. Before the reform, the Nationality Code stated that “a foreign woman who marries a Senegalese man acquires Senegalese nationality upon marriage or the recognition thereof, provided that the Government does not oppose the same by decree within a period of one year”.

Married and unmarried women have equal rights as men to register the birth of their children (Family Code, Art. 30). Indeed, a birth can be registered by “the father or mother, a close relative, the midwife, doctor, hospital matron or any other person who attended the birth” (Family Code, Art. 51). The deadline for declaring births is one month. If a birth hasn’t been declared within a month, village chiefs (*chefs de village*) or neighbouring representatives are required to do so within two weeks. In addition to normal birth registration, there is also delayed registration, or authorization to register. Despite these provisions, the problem of unregistered children remains: many of the parents are ignorant of the procedures and of the law and lack birth certificates themselves, especially in rural areas where illiteracy and lack of information are common (Humanium, 2017).

Married and unmarried women have equal rights as men to apply for identity cards and passports. The law does not discriminate against women with respect to the passports and other travel documents of minor children (Décret n° 2005-787 du 6 septembre 2005, Passport application procedure) and both unmarried and married women have the same rights as men to travel outside the country. To apply for a national identity card, individuals must fill out the appropriate form; provide identification and a photo (Identity card procedures).

b) Voting

Women received the right to vote and stand for election on February, 19th, 1945 (Women suffrage and beyond, n.d.). In addition, Senegal recently amended article 7 of its Constitution which mentions men and women’s equal access to be elected and to hold political office. However, at present, sex- and age-disaggregated data on the percentage of women voters are not available. Today, women’s participation in political parties is very high and this has been the case since independence. However, few women occupy strategic positions in the decision-making bodies of political organizations (CEDAW, 2013).

c) Political voice

In 2010, Senegal introduced a ground-breaking law instituting full gender parity in all fully or partially elected bodies (Act No. 2010-11 of 28 May 2010). The electoral law mandates parity for all candidate lists for the regional, municipal and rural elections, with the provisions that candidates lists must be composed of alternating candidates of both sexes (Arts 229, 263, 294 Electoral Law). The law on parity has ensured a major step forward in female political participation in the country: Senegal is ranking 7th in the world in terms of number of parliamentarian women in 2017. However, the 2014 local elections showed that the political marginalization of women is still not fully resolved. The country only has 13 women mayor out of a total of 557 municipalities (United Nations, 2015). In addition, while the parity law has started changing stereotypes about women and created a space for them to enter politics, some issues remained as the culture has habituated women to place themselves behind men and to occupy second role (Salima Etoke, 2015).

d) Access to justice

Married and unmarried women have equal capacity to men to be sued. Married and unmarried women's testimony also carries the same evidentiary weight as a man's in civil, criminal, family court, and tribunals.

Regarding access to legal services, the percentage of women accessing legal services is still low, especially in rural and peri-urban areas, because of the economic, social and cultural barriers that exist. This trend is being reversed with the development of a policy for local, more accessible justice, including community justice centres (Ministry of Justice), and the establishment of centres providing counselling, support and guidance (Ministry of Women, Children and Female Entrepreneurs) (CEDAW, 2013).

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