



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

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## Committee on the Elimination of Discrimination against Women

### Concluding observations on the eighth periodic report of Senegal\*

1. The Committee considered the eighth periodic report of Senegal (CEDAW/C/SEN/8) at its 1856th and 1857th meetings (see CEDAW/C/SR.1856 and 1857), held online on 10 February 2022. The Committee's list of issues and questions raised by the pre-sessional working group is contained in CEDAW/C/SEN/Q/8, and the responses of Senegal are contained in CEDAW/C/SEN/RQ/8.

#### A. Introduction

2. The Committee appreciates the submission by the State party of its eighth periodic report. It also appreciates its written replies to the list of issues and questions raised by the pre-sessional working group, as well as the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its high-level delegation, participating remotely from Dakar, which was headed by the Minister for Women, Family, Gender and the Protection of Children, Ndèye Saly Diop Dieng. The delegation also included representatives of the Ministry of Agriculture and Rural Equipment; the Ministry of Employment, Vocational Training, Apprenticeship and Integration; the Ministry of Environment and Sustainable Development; the Ministry of Foreign Affairs; the Ministry of Justice; the Ministry of Health and Social Action; the Ministry of the Interior; the Ministry of Labour, Social Dialogue and Relations with Institutions; the Ministry of National Education; the Ministry of Women, Family, Gender and the Protection of Children; and the Permanent Mission of Senegal to the United Nations Office and other international organizations in Geneva.

#### B. Positive Aspects

4. The Committee welcomes the progress achieved since the consideration in 2015 of the State party's combined third to seventh periodic report (CEDAW/C/SEN/3-7) in undertaking legislative reforms, in particular the adoption of:

\* Adopted by the Committee at its eighty-first session (7–25 February 2022).



(a) Decree No. 2021-1469 of 3 November 2021 on the working conditions of pregnant women;

(b) Act No. 2020-05 of 10 January 2020 criminalizing all forms of rape and paedophilia;

(c) Circular No. 09-89 of 5 June 2018, that enshrines quotas on women's access to land, energy, water and other natural resources;

(d) Act No. 2016-32 of 8 November 2016 on the Mining Code, whose article 109 provides for equal employment opportunities and equal pay at equal qualification for women and men.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption or establishment of the following:

(a) The second Action Plan for the Implementation of United Nations Security Council resolution [1325 \(2000\)](#), covering the period 2022–2026;

(b) The National Strategy for the Economic Empowerment of Women and Girls, covering the period 2021–2025;

(c) The four-year Plan to Combat HIV/AIDS and Tuberculosis, covering the period 2021–2025;

(d) The National Strategy on the “School for Husbands”, in 2021 ([CEDAW/C/SEN/RQ/8](#), para. 179);

(e) The Agenda for Young Girls, covering the period 2020–2024, that includes, among its priorities, the elimination of child marriage (*ibid.*, para. 178);

(f) The Programme for Economic and Social Resilience, in 2020, in the context of the coronavirus disease (COVID-19) pandemic;

(g) The Sectoral Plan for Economic Resilience of Women, in 2020;

(h) The National Health and Social Development Plan, covering the period 2019–2028;

(i) The National Strategy and Action Plan for the Elimination of Female Circumcision, covering the period 2019–2023;

(j) The programme “Delegation of Rapid Entrepreneurship of Women and Youth”, in 2019;

(k) The fourth Strategic National Plan to Combat HIV/AIDS, covering the period 2018–2022;

(l) The second National Strategy for Gender Equity and Equality, covering the period 2016–2026;

(m) The Digital Strategy for Senegal, covering the period 2016–2025, that includes measures dedicated to women and girls;

(n) The committee for the review of laws and regulations that discriminate against women, in 2016.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party ratified the Maternity Protection Convention, 2000 (No. 183) of the International Labour Organization (ILO), on 18 April 2017.

## **C. Sustainable Development Goals**

7. The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of de jure (legal) and de facto (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of the State party and to adopt relevant policies and strategies to that effect.

## **D. Parliament**

8. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, annex VI to E/CN.6/2010/CRP.2). It invites the National Assembly, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.

## **E. Principal areas of concern and recommendations**

### **Legislative framework and discriminatory laws**

9. The Committee takes note of article 98 of the Constitution of Senegal, which establishes the primacy of international treaties over domestic legislation. The Committee is concerned, however, that the State party has not yet fully incorporated the Convention into national legislation and that discriminatory provisions against women still exist in national legislation, in particular concerning women's rights in the private sphere. It recalls that the Convention covers women's rights in both the private and public spheres and that discrimination against women cannot be justified on religious and/or cultural grounds.

10. The Committee recommends that the State party:

(a) In line with article 98 of the Constitution, fully integrate the provisions of the Convention into its national legislation, including by amending or repealing all legislation that is incompatible with the principle of equality and non-discrimination, as enshrined in the Convention, such as discriminatory provisions of the Family Code (2000), the Penal Code (1965) and the Labour Code (1997);

(b) Undertake a thorough gender analysis of all laws in the State party and identify those that are in conflict with the Convention, with a view to harmonizing them with the Convention, on the basis of the work started by the committee for the review of laws and regulations that discriminate against women that was established in 2016 and with full participation of civil society organizations;

(c) Undertake inclusive consultations, including on the basis of the present concluding observations, in particular with traditional and religious leaders, civil society organizations and young people, on the revision and implementation of relevant laws to prevent and eliminate all forms of de facto discrimination against women and girls.

**Definition of discrimination against women**

11. The Committee welcomes that article 7 of the Constitution enshrines gender equality. It is nevertheless concerned about the absence of a comprehensive definition of discrimination against women in line with article 1 of the Convention.

**12. Recalling its general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention, and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, the Committee recommends that the State party:**

**(a) Incorporate into its legislation a comprehensive definition of discrimination against women and girls in line with article 1 of the Convention that covers all prohibited grounds of discrimination, including direct and indirect discrimination in the public and private spheres, and intersecting forms of discrimination;**

**(b) Ensure the effective implementation of the prohibition of discrimination against women through appropriate enforcement mechanisms and sanctions.**

**Women's access to justice**

13. The Committee appreciates the increase in the budgetary allocation for the provision of judicial aid and the efforts made to provide such aid through decentralized legal support centres ("justice houses"). It also welcomes the translation of the Convention into six national languages and its dissemination at the local level. The Committee is concerned, however, that women continue to face multiple barriers to obtaining access to justice, owing to the following:

(a) The limited access to legal aid and support of disadvantaged groups of women, including rural women, women living in poverty, women with disabilities, lesbian, bisexual, transgender and intersex women, and women who are victims of sexual violence;

(b) Sociocultural barriers, such as legal illiteracy, stigmatization of victims and stigmatization of women fighting for their rights, that women may face in gaining access to justice;

(c) The limited number of court proceedings in which provisions of the Convention have been invoked or directly applied;

(d) The inability of civil society organizations to lodge complaints on behalf of victims of human rights violations.

**14. In line with its general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party:**

**(a) Ensure access to effective legal aid services for all women and girls in all parts of the State party and expedite the adoption of the law on legal aid to ensure that legal aid is available, affordable and accessible to all women in all settings, especially marginalized groups of women;**

**(b) Enhance women's awareness of their rights and the means to enforce them through, inter alia, legal literacy programmes, and raise awareness among traditional and religious leaders, police officers and the general public on women's rights and gender equality;**

**(c) Accelerate capacity-building programmes for judges, prosecutors, lawyers and other legal professionals and the appointment of women to the**

judiciary and ensure that the Convention and the Optional Protocol thereto, as well as the Committee's general recommendations and its views on individual communications and inquiries, are made an integral part of their professional training, so as to enable them to apply, invoke and/or refer to the provisions of the Convention directly and to interpret national legislation in line with the Convention;

(d) Give legal standing to civil society organizations to enable them to lodge complaints on behalf of victims of human rights violations.

#### **National machinery for the advancement of women**

15. The Committee commends the State party for having established a Directorate for Gender Equity and Equality and 21 gender units within Ministries. Nevertheless, the Committee is concerned about reports that:

(a) The national machinery for the advancement of women has limited capacity to adequately ensure the coordination of gender mainstreaming in all areas covered by the Convention and that the Directorate for Gender Equity and Equality and the National Observatory on Parity have limited human and financial resources;

(b) Some of the gender units within Ministries lack the mandate and capacity to influence policy design and gender mainstreaming in the area of work of the respective Ministry;

(c) The National Index for Gender Equality has not yet been validated.

16. **The Committee recommends that the State party:**

(a) **Strengthen mechanisms to ensure cooperation among gender equality bodies and with all governmental, non-governmental and international partners, and provide the gender equality bodies with adequate human and financial resources to allow them to fulfil their mandates and to effectively implement the second phase of the National Strategy for Gender Equity and Equality for the period 2016–2026;**

(b) **Address the challenges to the effectiveness of the gender focal points, ensuring that they have the authority, capacity and resources required to fulfil their role;**

(c) **Urgently develop the planned national index for gender equality, which should serve as a gender-indicator system to improve the collection of data, disaggregated by sex, with a view to assessing the impact and effectiveness of policies and programmes aimed at mainstreaming gender equality and enhancing women's enjoyment of their human rights.**

#### **National human rights institution**

17. The Committee welcomes the efforts undertaken, including the drafting of the bill currently under review, to ensure that the Senegalese Human Rights Committee complies with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), so as to regain its "A"-status accreditation by the Global Alliance of National Human Rights Institutions. It remains concerned, however, about the lack of independence of the Senegalese Human Rights Committee, of its impartiality in the appointment of its members and of adequate human and financial resources allocated to it.

18. **The Committee recommends that the State party strengthen the independence, effectiveness and visibility of the national human rights institution, in line with the Paris Principles, provide it with sufficient human and**

**financial resources and consider establishing a subcommission on women's rights.**

#### **Temporary special measures**

19. The Committee refers to the Act No. 2010–11 of 28 May 2010 on parity between women and men in entirely or partially elective bodies, and to other temporary special measures taken by the State party in the area of access to land, education, credit and entrepreneurship, including through Circular No. 09-89 of 5 June 2018. Nevertheless, it notes the need to take further temporary special measures to accelerate the advancement of women who are underrepresented or disadvantaged.

**20. In line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party:**

(a) **Adopt legislative measures and regulatory frameworks to effectively implement existing temporary special measures, such as by amending Law No. 96-06 of 22 March 1996 on Local Authorities and by harmonizing it with Law No. 2017-12 of 18 January 2017 on the Election Code, and establish accountability mechanisms to monitor compliance;**

(b) **Take further legal measures, including quotas and other proactive measures, accompanied by time-bound targets, sufficient resources and sanctions for non-compliance, to accelerate the realization of the rights of all women under the Convention, in particular in the areas of access to land, credit, entrepreneurship, employment in the formal sector and professional occupations in the judiciary and in science, technology, engineering, mathematics and information technology, especially with respect to access to decision-making positions in those areas, and to elected and appointed decision-making positions at the provincial and local levels.**

#### **Discriminatory stereotypes and harmful practices**

21. The Committee appreciates the measures taken by the State party to eliminate female genital mutilation and other harmful practices, particularly through awareness-raising targeting young people. It is concerned, however, about the following:

(a) The persistent patriarchal norms that are discriminatory towards women and legitimize harmful practices, including child marriage, polygamous, levirate and sororate marriages, and female genital mutilation;

(b) Article 111 of the Family Code that allows for the marriage of girls at the age of 16 years;

(c) The low number of investigations and prosecutions of and sanctions for female genital mutilation.

**22. In line with joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices, as well as target 5.3 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Prohibit all harmful practices, including child marriage, polygamous, levirate and sororate marriages, and female genital mutilation, strengthen coordination, information-sharing and the transparent use of budgetary resources to eliminate such practices and discriminatory gender stereotypes, and reinforce public consultations and education programmes on the negative impact**

that those practices have on the enjoyment by women and girls of their rights, targeting traditional and religious leaders, the media and populations in regions where harmful practices are most prevalent;

(b) Amend or repeal article 111 of the Family Code, accelerate the adoption of a child protection act to increase the minimum age of marriage for girls to 18 years, and continue to raise awareness on the detrimental effects of child marriage on girls' enjoyment of their rights under the Convention;

(c) Enforce legislation prohibiting female genital mutilation by investigating, prosecuting and punishing perpetrators with sentences that are commensurate with the gravity of the crimes, extend the statute of limitations to the victim's age of majority to allow her to file a complaint, as recommended by magistrates (CEDAW/C/SEN/8, para. 66), protect potential victims from perpetrators and increase collaboration among national actors and with neighbouring States.

#### **Gender-based violence against women**

23. The Committee commends the measures taken by the State party to raise awareness about Act No. 2020-05 of 10 January 2020 and the launch of a pilot project on anonymous reporting of cases of gender-based violence against women in November 2021. It is nevertheless concerned about the following:

(a) The high prevalence of sexual harassment and gender-based violence against women, such as domestic and sexual violence, including in the public sphere;

(b) The failure to comprehensively prohibit all forms of gender-based violence against women and girls in the public and private spheres;

(c) The inadequate protection of victims and the lack of shelters or adequate support services for women and girls who are victims of gender-based violence against women.

24. **Recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and in line with target 5.2 of the Sustainable Development Goals, to eliminate all forms of violence against women and girls in the public and private spheres, the Committee recommends that the State party:**

(a) Take steps to encourage the reporting of sexual harassment and gender-based violence against women and girls, ensure that allegations are effectively investigated and perpetrators are adequately punished with sentences that are commensurate with the gravity of the crimes, and take measures to increase the safety of women and girls in public spaces, including through the Programme to Modernize Cities ("promovilles");

(b) Ensure the effective application of existing laws prohibiting forms of gender-based violence against women and adopt a comprehensive law to prevent, combat and punish all forms of violence against women, including economic, psychological and physical violence, sexual violence, marital rape and sexual harassment, in the public and private spheres, as well as all contemporary forms of violence occurring online and in other digital environments;

(c) Provide protection orders and redress to women and girls who are victims of gender-based violence or at risk of becoming victims, establish shelters in all parts of the State party that are fully accessible and ensure that such victims receive counselling, rehabilitation and support services for their reintegration into society.

**Trafficking and exploitation of prostitution**

25. The Committee welcomes the implementation of a national action plan to combat trafficking in persons, the conduct of awareness-raising activities and the measures taken to identify victims of trafficking during regular health checks of women exploited in prostitution. It is, however, concerned that the State party is a country of origin, transit and destination for trafficking in persons and that internal trafficking for purposes of sexual exploitation is equally prevalent. It is particularly concerned about the following:

(a) The absence of data on the number of victims, investigations, prosecutions and convictions relating to trafficking in persons, particularly for purposes of sexual exploitation, forced labour and forced begging in the State party and for purposes of domestic servitude in foreign countries;

(b) The low rate of prosecutions and convictions and the lack of adequate mechanisms to identify victims of trafficking and to refer them to appropriate services, particularly among women exploited in prostitution who are not registered;

(c) Reports of harassment by the police of women exploited in prostitution.

26. **With reference to the Committee's general recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration, the Committee recommends that the State party:**

(a) **Enforce Act No. 2005-06 of 10 May 2005 on combatting human trafficking and similar practices, systematically collect disaggregated data on the number of victims, investigations, prosecutions and convictions relating to trafficking in persons and strengthen the databases of the anti-trafficking unit of the Ministry of Justice;**

(b) **Identify, screen, protect and assist women and girls who are victims of trafficking, investigate, prosecute and adequately punish perpetrators of trafficking in persons under anti-trafficking legislation (and not under prostitution-related charges), and enhance bilateral, regional and international cooperation to prevent trafficking by exchanging information and harmonizing legal procedures to prosecute traffickers;**

(c) **Effectively protect women exploited in prostitution in all cases of abuse, harassment and violations of their rights, particularly women who are at risk of exploitation in prostitution, by investigating, prosecuting and adequately punishing perpetrators in all cases, introduce measures to reduce the demand for prostitution and provide exit programmes and alternative income-generating opportunities to women wishing to exit prostitution.**

**Equal participation in political and public life**

27. The Committee notes with appreciation the positive impact of Act No. 2010-11 of 28 May 2010 on parity between women and men in entirely or partially elective bodies, in particular concerning the representation of women at the national level, and the measures taken to increase the capacities of women parliamentarians and electoral candidates. Nevertheless, it remains concerned about the low representation of women in decision-making positions at the provincial and local levels, and their underrepresentation in the public sector, including in high-level positions at the international level. The Committee is also concerned about reports that Act No. 2010-11 is not fully implemented and supported in all parts of the State party.

28. **In line with its general recommendation No. 23 (1997) on women in political and public life and target 5.5 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Establish a mechanism to monitor the implementation of Act No. 2010–11, particularly at the local level;**

(b) **Further conduct capacity-building programmes and awareness raising, to increase the meaningful participation of women in decision-making at all levels of political and public life, including in elected positions at the provincial and local levels, the judiciary, the territorial and local administration and the foreign service;**

(c) **Introduce measures to combat harmful attitudes and stereotypes associated with the participation of women in political and public life, including comprehensive training, awareness raising and education-based campaigns that target key at-risk groups.**

### **Education**

29. The Committee commends the programmes put in place by the State party to promote girls' education, to retain girls in school and to increase their representation in non-traditional fields of study, including through awareness-raising campaigns and stipends for girls from low-income families. It is concerned, however, about the following:

(a) The disproportionately high levels of illiteracy among women, in particular among older and rural women;

(b) Incidences of violence against children, including girls, in school, in particular sexual violence;

(c) The high dropout rates of girls in higher levels of education and in rural areas, partly due to middle and secondary school fees, the persistence of patriarchal attitudes and discriminatory gender stereotypes regarding their roles and responsibilities in the family and in society, and child labour, child marriage and early pregnancy;

(d) The underrepresentation of girls and women in traditionally male-dominated areas of education, including technical and vocational education;

(e) The shortages of qualified teachers and adequate sanitary facilities and the continuing low number of female teachers and of women in decision-making positions in the education system.

30. **The Committee recommends that the State party, in line with its general recommendation No. 36 (2017) on the right of girls and women to education, as well as target 4.1 of the Sustainable Development Goals, promote the importance of the education of girls at all levels as a basis for their empowerment and:**

(a) **Strengthen inclusive and targeted adult literacy programmes for women, ensuring access to such programmes particularly for older and rural women;**

(b) **Implement a zero-tolerance policy with regard to violence, including sexual violence, at school, ensure that perpetrators are punished appropriately, and collect statistical data on such incidences, disaggregated by sex and other relevant factors;**

(c) **Increase its efforts to ensure the enrolment and retention of girls in school, in particular at the secondary and tertiary level and in rural areas, by**

**eliminating middle and secondary school fees and the specific barriers faced by girls, including pregnant girls and young mothers, for example by providing them with financial support and affordable care for their children;**

**(d) Continue programmes to encourage women and girls to choose non-traditional fields of education and careers, including in traditionally male-dominated areas, such as science, technology, engineering and mathematics, and information and communication technology, and ensure their access to technical and vocational education and training;**

**(e) Increase the budget allocated to the education sector, equip all schools with adequate sanitary facilities and continue measures to increase the number of female teachers.**

### **Employment**

31. The Committee welcomes the measures taken by the State party to encourage women and girls to pursue vocational training and increase their technical and managerial capacities, including in non-traditional fields. It is nevertheless concerned about the following:

(a) Article L.146 of the Labour Code that may limit women's access to occupations deemed "inappropriate";

(b) The continuing horizontal and vertical occupational segregation, the concentration of women in the informal labour market and in low-paying jobs, the persistent gender pay gap and the high rate of unemployment among women;

(c) The lack of measures to address sexual harassment in the workplace.

32. **The Committee recommends that the State party:**

**(a) Repeal or amend article L.146 of the Labour Code and facilitate access for women to any occupation they choose;**

**(b) Ensure the respect of the principle of equal pay for work of equal value in all sectors, which is enshrined in article L.105 of the Labour Code, eliminate occupational segregation, both horizontal and vertical, in line with article 25 of the Constitution, including by introducing flexible working arrangements and investing in childcare services and a public transportation system, and consider ratifying the ILO Workers with Family Responsibilities Convention, 1981 (No. 156) and the Domestic Workers Convention, 2011 (No. 189);**

**(c) Enforce article 319 bis of the Labour Code, strengthen labour-related complaint and dispute resolution mechanisms to address discrimination on the basis of sex, including sexual harassment, in the workplace, impose appropriate sanctions on perpetrators, and consider ratifying the ILO Violence and Harassment Convention, 2019 (No. 190).**

### **Health**

33. The Committee commends the State party's efforts to increase access to universal health care and to health services, including reproductive health services and family planning, particularly in rural areas, such as through roving health posts. It also noted the measures taken to reduce early pregnancies, for instance through the "zero early pregnancies" project, and to prevent HIV/AIDS and to treat any such infections. It is concerned, however, about:

(a) The criminalization of abortion and the fact that exceptions are made only in cases of threat to the life of the pregnant woman;

(b) The persistently high rate of maternal mortality, which may be attributed to, inter alia, early pregnancy and unsafe abortion, and the equally high rate of malnutrition among women and girls;

(c) The prevalence of early pregnancies and the low awareness and use of methods of contraception among adolescent girls;

(d) The lack of access to health care and to sexual and reproductive health education and services, in particular owing to stigma, of women, adolescent girls, victims of female genital mutilation and sexual violence, and women and girls living with HIV/AIDS;

(e) The disparities in access to health services in urban and rural areas and the difficulties women suffering from obstetric fistula face in gaining access to specialized services, particularly in regions with high prevalence.

**34. The Committee recommends that the State party, in line with general recommendation No. 24 (1999) on women and health and targets of 3.1 and 3.7 of the Sustainable Development Goals:**

(a) **Amend article 305 of the Penal Code and Act No. 2005-18 of 5 August 2005 to decriminalize abortion in all cases and to legalize it, at a minimum, in cases of rape, incest, severe foetal impairment and risk to the health or life of the pregnant woman, recognizing that the criminalization of abortion is a form of gender-based violence against women, in line with general recommendation No. 35 (2017) on gender-based violence against women;**

(b) **Intensify efforts to reduce the incidence of maternal mortality and malnutrition, including by improving access to basic prenatal and postnatal care and emergency obstetric services provided by skilled birth attendants throughout the territory of the State party;**

(c) **Ensure that all women and girls, in particular those in rural areas, have access to affordable and modern forms of contraception and intensify efforts to raise awareness of contraceptives and of sexual and reproductive health and rights, including through age-appropriate education;**

(d) **Accelerate awareness-raising campaigns on the health implications of harmful practices, such as early pregnancy and female genital mutilation, ensure access to trained health professionals for victims of such practices and of sexual violence, and continue efforts to prevent HIV/AIDS infections and mother-to-child transmission;**

(e) **Strengthen efforts to enhance access for women to inclusive health-care services and affordable medical assistance provided by trained personnel, in particular in rural areas and for women suffering from obstetric fistula, and taking into account the specific health concerns exacerbated by the COVID-19 pandemic, such as the reduced availability of quality food, mental health concerns and the increase in domestic violence.**

#### **Economic empowerment of women**

35. The Committee notes with concern the difficulties faced by women in their economic empowerment, in particular their access to credit, and the large number of women employed in the informal sector.

**36. The Committee recommends that the State party:**

(a) **Expand the access of women to credit at low interest rates, including through existing programmes, such as the programme “delegation of rapid entrepreneurship of women and young people”, the national credit fund for**

women, the national fund for women's entrepreneurship and the national programme for the promotion of Islamic microfinance; strengthen capacity-building programmes available to women and the empowerment of women in line with the Sustainable Development Goals, especially in the area of climate change; and enable women to engage in income-generating activities and start their own businesses, such as through the project to reduce the gender digital gap and the programme to accompany girls in technological innovation in agriculture;

(b) Conduct a study to assess the participation of women in the informal sector of the economy, including with regard to access to social security coverage and retirement schemes, and on the basis of the results of that study, continue to review the current employment legislation and policy from a gender perspective, with a view to ensuring social protections for all women, including those employed in the informal sector of the economy and women with low income and/or self-employed women.

### **Rural women**

37. The Committee notes with appreciation article 15 of the Constitution and article 54 of Act No. 2004-16 of 4 June 2004 on agriculture, forestry and animal husbandry policy that enshrines the equal rights of women and men in their possession and ownership of land, particularly for farming. It equally welcomes the quotas in place for women's access to land, energy, water and other natural resources, the existence of programmes to facilitate women's access to credit and the participation of women in decision-making on forest development. The Committee is, however, concerned about the continued unequal access of rural women to land, production resources and credit, in the context of persistent customary practices and sociocultural barriers, and their underrepresentation in decision-making positions.

38. **Recalling its general recommendation No. 34 (2016) on the rights of rural women, the Committee recommends that the State party:**

(a) **Ensure and monitor the application of the quotas enshrined in circular No. 09-89 of 5 June 2018 and take any other measures necessary to accelerate equal access of women to land, production resources, capital and technologies, including for small-scale businesses and climate change-resilient agriculture;**

(b) **Continue measures to empower rural women, including by increasing their access to land, income-generating activities, credit, basic services, health care and nutrition, such as through the emergency community development programme launched in 2015 and the emergency programme to modernize border areas;**

(c) **Ensure the equal participation of rural women and girls in policymaking processes, including concerning land allocation and public investment management in rural areas.**

### **Women facing intersecting forms of discrimination**

39. The Committee is concerned about the following:

(a) The limited access of women deprived of their liberty to health care, nutrition, education and professional training that takes their specific needs into account, and the limited information on the use of alternative measures to detention, particularly for pregnant women, women with children and women charged with offences concerning sexual and reproductive rights;

(b) Reports of acts of violence, including sexual violence, committed against women and girls with disabilities and women and girls with albinism, such as in the context of erroneous traditional beliefs, and the obstacles they face in gaining access to health services, including services related to sexual and reproductive health and HIV/AIDS, education, employment and social services;

(c) The prevalence of hate speech and discourse inciting violence against lesbian, bisexual, transgender and intersex women, as well as reports of acts of violence, abuse, arbitrary detention and violence of the right to privacy, particularly by law enforcement personnel;

(d) The lack of statistical data on the situation of disadvantaged groups of women, including women and girls with disabilities, lesbian, bisexual, transgender and intersex women and older women.

**40. The Committee recommends that the State party:**

**(a) Ensure women deprived of their liberty are given access to justice, health care, nutrition, education and professional training, encourage the use of alternative measures to detention, especially for pregnant women, women with children and women accused of offences related to sexual and reproductive rights, and increase the resources and independence of the National Observatory for Places of Deprivation of Liberty;**

**(b) Efficiently protect women and girls with disabilities and women and girls with albinism against any form of violence, ensuring that strict penalties are imposed on perpetrators of violations against them; continue awareness-raising campaigns; ensure access to health services, including services related to sexual and reproductive health and HIV/AIDS; and collect data, disaggregated by sex, disability and other relevant factors;**

**(c) Adopt the legislative and policy measures necessary to combat hate speech against lesbian, bisexual, transgender and intersex women, increase the level of their protection, provide them with access to shelters and fully investigate and, if appropriate, prosecute all cases of violations of their rights;**

**(d) Improve the collection, dissemination and analysis of up-to-date data, disaggregated by relevant factors, on the enjoyment by disadvantaged groups of women, including women and girls with disabilities, lesbian, bisexual, transgender and intersex women and older women, of their rights and on the measures taken to address the intersecting forms of discrimination and violence that such persons face.**

**Marriage and family relations**

41. The Committee welcomes the development of a child protect act, the piloting of “schools for husbands”, the national consultations on questions of marriage and family relations undertaken in 2018 and 2019 and the awareness-raising measures conducted to encourage the registration of marriages. However, it is deeply concerned that:

(a) Child marriages and polygamous, levirate and sororate marriages persist in the State party and are justified on the basis of religion and cultural norms;

(b) Numerous provisions that are discriminatory towards women exist in the Family Code, and that no time frame exists to adopt the proposals made by the technical committee established in 2016 to review legislative and regulatory provisions that discriminate against women;

(c) Polygamy is permitted under the article 133 of the Family Code and referred to in its article 116 and that the State party considers that “the legislation on polygamy is not a discrimination against women, or a violation of their rights, as the spouses agree freely to this option during the celebration of their union” (CEDAW/C/SEN/RQ/8, para. 174);

(d) Levirate and sororate marriages are legal;

(e) There are no legislative measures in place to protect the economic and other rights of women in unregistered marriages and in polygamous marriages;

(f) There is a lack of comprehensive data, disaggregated by sex, age, disability, ethnicity, location and socioeconomic status, on the numbers of child marriages, unregistered marriages and polygamous, levirate and sororate marriages.

**42. The Committee, recalling its general recommendation No. 21 (1994) on equality in marriage and family relations and its general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution, recommends that the State party:**

**(a) Encourage open and inclusive public debates and undertake extensive consultations, particularly with traditional and religious leaders and young people, regarding the diversity of interpretation with regard to Muslim family laws and practices, in order to combat the justification of discrimination against women in the name of religion and/or culture and to develop consensus on the harmful nature of practices, such as child marriage and polygamous, levirate and sororate marriages, and undertake and disseminate an assessment of best practices of countries with similar cultural backgrounds;**

**(b) Repeal all discriminatory provisions of the Family Code, including those for which the technical committee had proposed amendments, in particular the age of marriage (article 111), the head of family (article 152), causes of divorce (article 166), residence of the household (article 153), responsibility for the household (article 375) and prohibition of inquiries into paternity (article 196), as well as all other discriminatory provisions, such as relating to the father’s name being granted to the child (art. 3), polygamy (arts. 116 and 133), paternal authority (art. 277), administration of matrimonial property by the husband (art. 385) and discrimination against Muslim women with regard to their right to inheritance (art. 637);**

**(c) Repeal or amend articles 116 and 133 of the Family Code, undertake a study on the prevalence of polygamy in the State party, with a view to addressing its root causes, and effectively prevent all forms of polygamous marriages;**

**(d) Explicitly prohibit levirate and sororate marriages, raise awareness that these are forms of forced marriage, provide for adequate sanctions, ensure protection, support and access to justice for women in levirate and sororate marriages and protect the economic rights of women and girls in such marriages and upon their dissolution;**

**(e) Take measures, including through legislation, to facilitate the registration of marriages and to ensure that women enjoy adequate legal protection during non-registered and polygamous marriages and upon their dissolution;**

**(f) Ensure the collection, analysis and dissemination of comprehensive and up-to-date data, disaggregated by sex, age, disability, ethnicity, location and socioeconomic status, on child marriages, unregistered marriages and polygamous, levirate and sororate marriages.**

### **Data collection and analysis**

43. The Committee commends the efforts made by the State party to develop a national gender equality index and to build capacity in gender units to collect and disseminate data disaggregated by sex. It is concerned, however, that disaggregated data is available in some, but not all areas of relevance to the realization of the rights of women, in particular regarding harmful practices, gender stereotypes, child marriage, polygamous, levirate and sororate marriages, violence against women, trafficking, education, employment, economic empowerment and health.

44. **The Committee recommends that the State party strengthen its efforts to enhance the systematic collection, dissemination and analysis of data related to women's rights, disaggregated by sex, age, ethnicity, religion, geographical location, disability and socioeconomic context, in all spheres, and use those data as a basis for designing policies to implement the Convention and assessing progress achieved towards that objective. It also calls upon the State party to accelerate the development of measurable indicators on gender-related issues and to continue capacity-building measures to improve the collection of data.**

### **Amendment to article 20 (1) of the Convention**

45. **The Committee encourages the State party to accept, as soon as possible, the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.**

### **Beijing Declaration and Platform for Action**

46. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action and to further evaluate the implementation of the Convention in the context of the 25-year review of the implementation of the Beijing Declaration and Platform for Action to achieve substantive equality of women and men.**

### **Dissemination**

47. **The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official languages of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, Parliament and the judiciary, to enable their full implementation.**

### **Ratification of other treaties**

48. **The Committee notes that the adherence of the State party to the nine major international human rights instruments<sup>1</sup> would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, the Second Optional Protocol to the International Covenant on Civil and Political**

<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.

**Rights, aiming at the abolition of the death penalty, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure and the Optional Protocol to the Convention on the Rights of Persons with Disabilities, to which it is not yet a party.**

**Follow-up to concluding observations**

**49. The Committee regrets the State party's failure to submit information on the measures taken to implement the specific recommendations identified for immediate action in its previous concluding observations and requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 14 (a) and (d), 22 (b) and 34 (a) above.**

**Preparation of the next report**

**50. The Committee invites the State party to submit its tenth periodic report, which is due in February 2026. The report should be submitted on time and cover the entire period up to the time of its submission.**

**51. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see [HRI/GEN/2/Rev.6](#), chap. I).**

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