



**Ndèye Amy Ndiaye**

**Gender-Based Violence in West Africa:  
The Cases of Senegal, Mali, Burkina  
Faso and Niger**





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### **M. Philipp Manfred Goldberg**

Director of the FES Peace and Security Office  
Friedrich Ebert Stiftung Competence  
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## ACRONYMS AND ABBREVIATIONS

<b>ACHPR</b>	African Charter on Human and Peoples' Rights
<b>AFJ/BF</b>	Association of Women Lawyers of Burkina Faso
<b>AJS</b>	Association of Senegalese Lawyers
<b>ANSD</b>	National Statistics and Demographics Agency
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination against Women
<b>CEGID</b>	Child and family guidance centre, Dakar
<b>CEM</b>	Centre for Evaluation and Monitoring
<b>CIFDHA</b>	Centre for information and training on human rights in Africa
<b>CIFRAF</b>	Centre for Information, Training and Research on Women
<b>CNDIFE</b>	National Centre for Documentation and Information on Women and Children (Mali)
<b>CNVAF</b>	<i>Convergence Nationale pour la Valorisation des Activités des Femmes</i> (Senegalese CSO)
<b>CONAP</b>	National Council for the Promotion of Gender ( <i>Conseil National pour la Promotion du Genre</i> )
<b>COVID-19</b>	Coronavirus Disease 2019
<b>CRC</b>	Convention on the Rights of the Child
<b>CRDI/IDRC</b>	International Development Research Centre
<b>DGPPE</b>	General Directorate of Planning and Economic Policies (Senegal)
<b>DNPF</b>	National Directorate for the Advancement of Women (Mali)
<b>DPB</b>	Planning and Budget Directorate (Senegal)
<b>ECOWAS</b>	Economic Community of West African States
<b>EDSM</b>	Mali Demographic and Health Survey
<b>ESP</b>	Emerging Senegal Plan
<b>FC</b>	Family Code
<b>FGM</b>	Female Genital Mutilation
<b>GBV</b>	Gender-Based Violence
<b>GBVIMS</b>	Gender-Based Violence Information Management System
<b>GESTES</b>	Study and Research Group on Gender and Society ( <i>Groupe d'études et de Recherches sur les Sociétés et le Genre</i> )
<b>GII</b>	Gender Inequality Index
<b>GIR</b>	Gross Intake Rate
<b>HDI</b>	Human Development Index
<b>HIV</b>	Human Immunodeficiency Virus
<b>HTP</b>	Harmful Traditional Practices
<b>ICCPR</b>	International Covenant on Civil and Political Rights

<b>ICESCR</b>	International Covenant on Economic, Social and Cultural Rights
<b>IDPC</b>	International Programme for the Development of Communication
<b>IDPs</b>	Internally Displaced People
<b>IGA</b>	Income-Generating Activities
<b>ILO</b>	International Labour Organization
<b>IPV</b>	Intimate Partner Violence
<b>JDFS</b>	Justice and Dignity for the Women of Sahel (Mali)
<b>MFE</b>	Women's and Children's Centres <i>(Maisons de la Femme et de l'enfant – Mali)</i>
<b>MFFG</b>	Ministry of Women, Family and Gender (Senegal)
<b>MNE</b>	Ministry of National Education
<b>NGO</b>	Non-Governmental Organisation
<b>OECD</b>	Organisation for Economic Co-operation and Development
<b>OSIWA</b>	Open Society Initiative for West Africa
<b>PAP</b>	Priority Action Plan
<b>PNDES</b>	National Plan for Economic and Social Development (Burkina Faso)
<b>PNG</b>	National Gender Policy (Mali, Niger)
<b>PNLPE</b>	National programme on female genital mutilation (Mali)
<b>RADDHO</b>	<i>Rencontre Africaine pour la Défense des Droits de l'Homme</i> (Senegalese human rights NGO)
<b>SOPs</b>	Standard Operating Procedures
<b>SDGEA</b>	Solemn Declaration on Gender Equality in Africa
<b>SIGI</b>	Social Institutions and Gender Index
<b>SOGOBS</b>	Society of Gynaecologists and Obstetricians of Burkina Faso
<b>UDHR</b>	Universal Declaration of Human Rights
<b>UN</b>	United Nations
<b>UNAIDS</b>	Joint United Nations Programme on HIV/AIDS
<b>UNFPA</b>	United Nations Population Fund
<b>UNHCR</b>	United Nations Refugee Agency
<b>UNICEF</b>	United Nations International Children's Emergency Fund
<b>USAID</b>	United States Agency for International Development
<b>UN Women</b>	United Nations Entity for Gender Equality and Women's Empowerment
<b>VAW</b>	Violence Against Women and Girls
<b>WHO</b>	World Health Organization

## INTRODUCTION

For decades, gender-based violence (GBV) has been recognised as a manifestation of the historically unequal power relations between men and women, often resulting in domination and discrimination by the former over the latter. Such violence has a particularly negative impact on women’s full advancement and on their fundamental freedoms. For women and girls who are victims of such violence, it impairs or nullifies their enjoyment of their rights when they are not adequately protected. GBV is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men. It is also a form of sexist violence, since it is perpetrated against a person due to their sex and the place given to them by a given society or culture. It is rooted in the inequality between men and women around the world.<sup>1</sup> Due to the historical domination and discrimination of women by men and the disproportionate number of women and girls who are victims of violence,<sup>2</sup> the term “violence against women and girls” (VAW) is widely used, although men and boys may to some extent experience gender-based violence, including sexual violence.<sup>3</sup>

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), often described as an “international bill of rights for women”, comprises 30 articles<sup>4</sup> that explicitly define the different forms of discrimination against women and outlines national policy guidelines to combat them. It focuses on cultural and traditional aspects that influence the role of women in society and in the home.

According to the United Nations Population Fund, “*Gender-based violence [...] stems from*

*unequal power relations between men and women. It targets women because they are women, or it affects women disproportionately. It includes, but is not limited to, physical, sexual and emotional abuse. It also includes violence perpetrated or condoned by the state.*”<sup>5</sup>

The Istanbul Convention recognises violence against women as one of the social mechanisms by which women are kept in a position of subordination to men.<sup>6</sup>

For decades, violence in general, and violence based on socio-cultural differentiation between women and men in the division of gender roles in particular has often focused on women and girls. This is contrary to the gender equality proclaimed in the Universal Declaration of Human Rights and in subsequent instruments

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- 1 Centre for Children and Families in the Justice System, 2005, available at: <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/about-bc-justice-system/justice-services-branch/fjsd/final-05-05.pdf>, accessed 4 August 2020.
  - 2 WHO, “Global and regional estimates of violence against women: prevalence and health effects of intimate partner violence and non-partner sexual violence: Executive summary”, Geneva, 2013.
  - 3 UN Women. Mid-term programme report, “Femmes, Paix et Sécurité”, Mali, 2015.
  - 4 “Gender equality”, The unfinished business of our time, available at <https://www.un.org/en/global-issues/gender-equality>, accessed 21 October 2020.
  - 5 UNFPA, 2018, quoted by Fatimata Kane Sar, Etude exploratoire sur la prévention et l’élimination des violences basées sur le genre au Sénégal : régions de Kolda, Kédougou et Tambacounda, 2019, available at: [https://media.africaportal.org/documents/Etude\\_exploratoire\\_sur\\_la\\_prevention\\_et\\_l\\_elimination.pdf](https://media.africaportal.org/documents/Etude_exploratoire_sur_la_prevention_et_l_elimination.pdf)
  - 6 Allwood, Gill, “Gender-based violence against women in contemporary France: domestic violence and forced marriage policy since the Istanbul Convention”, 2017, available at: <https://www.tandfonline.com/doi/full/10.1080/09639489.2016.1203886>, accessed 5 October 2020.

and forms a significant and alarming obstacle to economic and social development and to peace. According to UN Secretary-General António Guterres, gender equality and the empowerment of women and girls are the unfinished business of our time and the greatest fundamental rights challenge facing the world.<sup>7</sup>

An analysis of scientific data on the prevalence of violence against women has shown that approximately 35% of women worldwide have experienced physical and/or sexual violence at the hands of an intimate partner, or sexual violence by other individuals.<sup>8</sup> The main victims are younger women and girls. Most of the research conducted in this area has shown that nearly 50% of sexual violence is perpetrated against girls under the age of 16 and 60% on minor women under the age of 18.<sup>9</sup>

In Africa, violence against women is maintained by the differentiated socialisation of boys and girls. From an early age, girls are taught to tolerate and sometimes even accept domestic violence. In other words, social norms and stereotypes are at the root of the cases of violence recorded in the sub-region. In many countries, especially in West Africa, GBV reflects inequalities and disparities between men and women, which are rooted in a social system based on the patriarchy. This system generates and sustains negative social stereotypes and prejudices against women. West Africa is still marked by persistent socio-cultural pressures and harmful traditional and customary practices, thus contributing to increased violence against women in their communities.

Since 2008, the UN Secretary-General has launched a pluri-annual global campaign on the theme: *“Unite to End Violence Against Women”*.<sup>10</sup> West African countries such as Senegal, Mali, Burkina Faso and Niger have

embraced concerns about gender equality and effective compliance with and implementation of the rights of women and girls, as well as those of boys, people living with disabilities, and other vulnerable groups.<sup>11</sup>

This study aims to assess the GBV situation in West Africa, particularly in countries such as Senegal, Mali, Burkina Faso and Niger. Its purpose is to conduct a literature review on the governance of gender-based violence (GBV) in these target countries. It will specifically provide: (i) background on the GBV situation in those countries; (ii) an examination of the legal framework for the fight against GBV; and (iii) a list of good practices and recommendations. The study was based on a literature review focusing on the legal, institutional and policy frameworks related to GBV in the target countries. Reports and other existing data were also used, and interviews were conducted with experts on gender issues and/or women’s rights in the target countries.

The paper begins with background information on the GBV situation in the target countries. In chapter two, the legal framework for the fight against GBV in the different target countries is presented and analysed, and constraints on implementation are discussed.

<sup>7</sup> *“Gender equality, the unfinished business of our time”*, available at <https://www.un.org/en/global-issues/gender-equality>, accessed 21 October 2020.

<sup>8</sup> WHO, *“Global and regional estimates of violence against women: prevalence and health effects of intimate partner violence and non-partner sexual violence: Executive summary”*, op. cit.

<sup>9</sup> L’Observatoire national des violences faites aux femmes, *“Mission interministérielle pour la protection des femmes contre les violences et la lutte contre la traite des êtres humains”*, Lettre n° 6, Paris, MIPROF, May 2015.

<sup>10</sup> Ministère de la Femme, de la Famille et de l’enfance, *“Plan d’action national de lutte contre les violences basées sur le genre et la promotion des droits humains du Sénégal”*, Senegal, 2015.

<sup>11</sup> Ibid.

Chapter three covers existing good practices in the different countries. Finally, chapter four focuses on the formulation of key recommendations for a better orientation of strategies aimed at eradicating GBV in West Africa, particularly in the target countries.

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## CHAPTER I: CONTEXTUAL ANALYSIS OF GBV IN BURKINA FASO, MALI, NIGER AND SENEGAL

Gender-based violence (GBV) is increasingly reported around the world every year. It occurs mostly in developing countries. Inequalities have reached a high crisis level in West Africa.<sup>12</sup> With regard to gender, the region experiences one of the highest levels of male dominance on the continent; according to the 2017 UNDP Gender Inequality Index (GII), all West African countries are at the bottom of the global GI rankings, between 131<sup>st</sup> and 158<sup>th</sup> out of 158 countries classified.<sup>13</sup>

In 2018, out of 162 countries, Senegal ranked 125<sup>th</sup>, Burkina Faso 147<sup>th</sup>, Niger 154<sup>th</sup>, and Mali 158<sup>th</sup>.<sup>14</sup>

Gender inequalities are also reflected in the human development gap between men and women, as measured by the UNDP Human Development Index (HDI). All but three countries in West Africa (Cape Verde, Ghana & Senegal) fall into the lowest possible category on the UN agency's gender-based human development index.<sup>15</sup> This means that the level of disparity between men and women in the region is very high in terms of health, education and living standards. Gender inequalities are found across all political, cultural, legal, sociological, and economic strata.

This paper focuses on four areas in West Africa: Burkina Faso, Mali, Niger and Senegal. The issue of gender-based violence (GBV), which is the focus of this research, is particularly acute in these regions. They share an ethnic diversity, rooted in patriarchal traditions, where social and cultural practices are based on discriminatory social norms. These countries also share

age-old traditions that maintain women in subordinate and dependent roles and positions.

The sections that follow demonstrate that despite these commonalities, which can be explained at several levels, gender-based violence may differ in terms of its recurrence, its repression and sometimes even its foundations.

### Gender-based violence in Burkina Faso

The problem of inequalities and disparities between men and women in Burkina Faso is acute. Indeed, blatant inequalities and disparities can be observed in all spheres of political, economic, social and cultural life, especially to the detriment of women. The country is faced with a profound crisis in terms of protection due to the scale and extent of forced population displacement caused by the escalation of

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**12** OXFAM Briefing Report, July 2019, available at: <https://oxfam-library.openrepository.com/bitstream/handle/10546/620837/bp-west-africa-inequality-crisis-090719-en.pdf>, accessed 21 October 2020.

**13** The GI measures inequalities in achievement between men and women in three areas: reproductive health, empowerment (including political representation) and labour markets (including real wages). See: <http://hdr.undp.org/en/content/gender-inequality-index-gii>, accessed 21 October 2020.

**14** Human Development Report 2019, "Les inégalités de développement humain au XXI<sup>e</sup> siècle Note d'information à l'intention des pays concernant le Rapport sur le développement humain" (Inequalities in human development in the 21<sup>st</sup> century Briefing note for countries on the 2019 Human Development Report), 2019, available at [http://hdr.undp.org/sites/all/themes/hdr\\_theme/country-notes/fr/SEN.pdf](http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/fr/SEN.pdf), accessed 21 October 2020.

**15** OXFAM Briefing Report, July 2019, available at: <https://oxfam-library.openrepository.com/bitstream/handle/10546/620837/bp-west-africa-inequality-crisis-090719-en.pdf>, accessed 21 October 2020.

violence, particularly since January 2019. This has led to an unprecedented deterioration of the humanitarian situation in the country.<sup>16</sup> The situation with regard to the fight against GBV in Burkina Faso is alarming. The Ministry of Women, Solidarity and Family notes that the number of complaints filed for GBV is sadly increasing. According to the available data, “it is estimated that the number of victims in the field is four times higher. But it is difficult to gain access to villages and identify cases that have not been reported”.<sup>17</sup> Thus, GBV is apparently taking place at a dramatic rate in Burkina Faso, where more than one woman in three

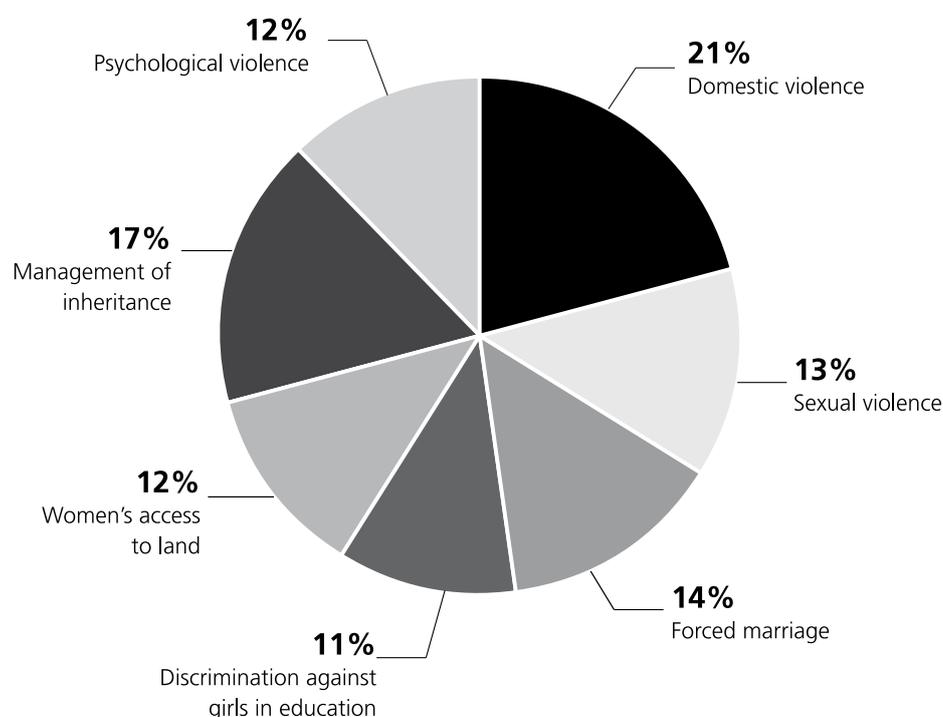
(37%) has experienced domestic violence in her lifetime, compared to one man in five (16%).<sup>18</sup>

<sup>16</sup> Cluster Protection, “Violences basées sur le genre, Burkina Faso”, available at <https://reliefweb.int/sites/reliefweb.int/files/resources/Burkina%20Faso%20-%20Strat%C3%A9gie%20du%20sous-cluster%20violences%20bas%C3%A9es%20sur%20le%20genre.pdf>, accessed 21 October 2020.

<sup>17</sup> Trust Africa, “Etude exploratoire sur la prévention et l’élimination des violences basées sur le genre au Burkina Faso: les régions des Cascades, du Centre Nord, du Nord, du Plateau Central et des Hauts Bassins”, available at: [https://media.africaportal.org/documents/Etude\\_exploratoire\\_les\\_regions\\_des\\_cascades\\_centre\\_nord\\_nord.pdf](https://media.africaportal.org/documents/Etude_exploratoire_les_regions_des_cascades_centre_nord_nord.pdf), accessed 21 October 2020.

<sup>18</sup> Social institutions & Gender Index, Etude pays SIGI-Burkina Faso, OECD, 2018.

**Graph 1. Main forms of GBV against women and girls in the Hauts-Bassins Region**



Source: Trust Africa Report, 2019

### **Sociocultural practices, terrorism & insecurity: aggravating factors of GBV in Burkina Faso**

GBV is on the rise due to the persistence of certain socio-cultural practices and the crises that the country is currently experiencing, such as terrorism and insecurity, which have led to massive population displacements.

It has been observed that discrimination against women exists everywhere, including within families. Early marriage continues to be widespread among women in Burkina Faso. No fewer than 44% of women were married before the age of 18, compared to 3% of men. In addition, unpaid domestic work and care work weigh heavily on women.<sup>19</sup> The SIGI-Burkina Faso aggregate indicator<sup>20</sup> shows that a range of social perceptions and practices curtail women's rights and reduce their access to economic and social opportunities compared to men, such as financial inclusion and political participation. Girls continue to be victims of forced/early marriage.

Early marriage is widespread and persistent, and particularly affects girls. The law allows a girl to be married at 17, compared to a legal minimum age of 20 for men. The stability of early marriage rates across different age groups seems to indicate that the practice is widespread and is not declining. On the contrary, its persistence seems to be linked to a high level of social acceptance, since 44% of Burkinabe think it is acceptable for a girl to be married before the age of 18.<sup>21</sup>

Girls are also the biggest victims of forced and early marriage and sexual harassment. According to 2011 statistics, 1,164 girls were victims of forced marriages and 266 girls were victims of early marriages. Girls in rural areas are the most widely affected by early marriage:

77.3% of young girls living in rural areas compared to 70% of all young girls. Statistical surveys from 2010 to 2013 revealed that 565 schoolgirls were victims of forced marriage.<sup>22</sup> Over the past two years (2018-2019), the AFJ/ BF legal clinic has recorded 795 cases of GBV, with a growing number of cases of rape and unwanted pregnancies, especially among young girls aged 13 to 17. These sources further reveal increased violence against girls and women. To take one example, the Centre-Nord region recorded a high prevalence of all forms of gender-based violence (GBV).<sup>23</sup> The prevalence of domestic violence was estimated at 20%, and 63% of women were married before the age of 18<sup>24</sup> (compared to 52% at national level).

Due to these early marriages, the rate of teenage pregnancies among girls aged 13 to 17 remains high. According to a study by the Society of Gynaecologists and Obstetricians of Burkina Faso (SOGOB), out of 23,764 pregnancies recorded, 797 or 3.4% were in teenagers between the ages of 13 and 17. The study also showed that 27.7% of those pregnancies ended

<sup>19</sup> Social institutions & Gender Index, Etude pays SIGI-Burkina Faso, OECD, 2018.

<sup>20</sup> The SIGI1 country study in Burkina Faso was designed to strengthen national statistical capacity and promote the use of empirical data for national policy development in the fight against gender inequality.

<sup>21</sup> The Centre-Nord Region has an SIGI indicator of "attacks on women's physical and psychological integrity" of 0.318, which is quite high. Source: Burkina Faso "Social Institutions & Gender Index" (SIGI) Country Study, OECD Development Centre, SIGI 2018. <https://www.genderindex.org/fr/burkina-faso-country-study/> Accessed 3 July 2020.

<sup>22</sup> Report of the Committee on the Elimination of Discrimination against Women, 2016, Consideration of reports submitted by States parties under article 18 of the Convention of Burkina Faso, Seventh periodic report of States parties due in 2014, CEDAW.

<sup>23</sup> Kabore Ouédraogo Pascaline, Etude exploratoire sur la prévention et l'élimination de la violence basée sur le genre au Burkina Faso, Trust Africa.

<sup>24</sup> Social institutions & Gender Index, Etude pays SIGI-Burkina Faso, op. cit.

in obstructed labour, and 12.9% ended in miscarriages. The study found that the maternal mortality rate among teenagers was 1,786 deaths per 100,000 live births, far exceeding the national ratio of 135 deaths per 100,000 live births in 2016. Among the 652 pregnancies that ended in a delivery, there were 90 (13.8%) complications, namely premature deliveries, and 54 (83%) stillbirths. The study concluded that *“teenage pregnancy was common and had a poor prognosis.”*<sup>25</sup>

Because of the crisis situation in Burkina Faso, insecurity and transnational crime have become recurrent problems, often leading to population displacement. Forced to flee for their survival, women become more vulnerable. The reduction of the humanitarian space accentuates their vulnerability, as circumstances make them de facto heads of households, responsible for providing for their families' basic needs. They are therefore compelled to change their roles within the family or community without preparation. Women do not have the necessary protection or adequate income to fulfil the role of breadwinner or bear the traditional burdens of the head of the family. Often left to their own devices, they must venture alone into the bush for long distances to fetch water, firewood and fodder for their animals, which they will sell to meet their needs for Essential Household Items (EHIs/NFIs). On these forays, women must fend for themselves, and they often fall prey to violence. Indeed, most of the reported cases of GBV were committed during this type of outing. According to data from the GBV sub-cluster, 112 cases of GBV have been reported in the Centre-North Region since January 2020, including 24 cases of sexual violence.<sup>26</sup>

### **COVID-19 has worsened the GBV situation in Burkina Faso**

Recently, COVID-19 has worsened the situation of inequality in Burkina Faso. The pandemic considerably increases the risk of GBV, aggravating gender inequalities and limiting people's access to protection mechanisms<sup>27</sup> and entry points for appropriate care. In the Centre Nord Region, between January and April 2020, 142 cases of GBV<sup>28</sup> (an average of 36 cases per month) were reported by health facilities in the communes of Barsalogo, Kaya, Kongoussi and Tougouri.<sup>29</sup>

While it is difficult to carry out a quantitative study measuring the impact of COVID-19 on increases in this type of violence, testimonies from stakeholders working on the ground in Burkina Faso point to a change in the situation and an increase in the violence suffered by women and girls.<sup>30</sup> Physical assault affected more women over the age of 18 (50-100%); forced marriage affected almost as many girls

<sup>25</sup> Sibraogo Kiemtoré, *“Grossesse chez les adolescentes : fréquence et pronostic dans cinq formations sanitaires de la ville de Ouagadougou, Burkina Faso”*, Vol. 19 No 2, 2018.

<sup>26</sup> Désiré Ouédraogo, *“Auprès des femmes et des filles déplacées internes du Centre nord pour lutter contre les violences basées sur le genre (VBG)”*, UNFPA Burkina Faso, 2020, available at: <https://burkinafaso.unfpa.org/fr/news/aupr%C3%A8s-des-femmes-et-des-filles-d%C3%A9plac%C3%A9es-internes-du-centre-nord-pour-lutter-contre-les>, accessed 21 October 2020.

<sup>27</sup> Joint Statement on Gender-Based Violence & COVID-19, Call to Action on Protection from Gender-Based Violence in Emergencies, April 2020 ([https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/joint\\_statement\\_on\\_gender-based\\_violence\\_covid-19.pdf](https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/joint_statement_on_gender-based_violence_covid-19.pdf)), accessed 23 September 2020.

<sup>28</sup> Rapport de l'évaluation rapide des VBG en contexte COVID (Report of the rapid assessment of GBV in the context of COVID), Sous cluster VBG Burkina Faso, May 2020.

<sup>29</sup> Ibid.

<sup>30</sup> Droits et santé des femmes à l'épreuve du COVID-19, Témoignages et perspectives féministes de la société civile ouest-africaine (Women's rights and health tested by COVID-19, Testimonies and feminist perspectives from West African civil society), Equilibres et Populations, July 2020.

as women over 18 (50-60%); denial of resources affected more women over 18 (75%), and psychological and emotional violence was also experienced to a greater extent by women over 18 (64-75%).<sup>31</sup>

**Female genital mutilation and access to land: Challenges for gender equality**

Female genital mutilation is still a common practice in Burkina Faso. In the Hauts-Bassins Region, nearly two thirds (63%) of women aged 15 to 45 have been cut. The same applies to more than three quarters in the Centre-Est (75%), Nord (76%), Plateau Central (77%) and Sahel (83%) regions. The majority of the population (82%) thinks that this practice, which is damaging to women’s health and pleasure, should be abandoned. However, one in five Burkinabe (18%) believe that it should be maintained.

Two main reasons were cited: the belief that it is required by religion and their idea of marriage, as half of the men surveyed thought it was preferable to marry a circumcised woman.<sup>32</sup>

Secure access to land also remains a challenge for women. Women make up 55% of the agricultural labour force, but no more than 40% of landowners. When they do own land, their decision-making power remains limited. Only 14% of women landowners are able to sell the land they own, compared to 32% of men, due to practices linked to customary law and community land management. Women also have less access to financial services. Two-thirds of people with an account in a bank or other financial institution are men, and 15% of the population said that men and women should not have the same decision-making power with regard to financial services.<sup>33</sup>

**31** Rapport de l’évaluation rapide des VBG en contexte COVID, op. cit.  
**32** Social institutions & Gender Index, Etude pays SIGI-Burkina Faso, OECD, op. cit.  
**33** Ibid.

**Table 1. Types of violence, perpetrators and victims in the Hauts-Bassins Region**

Types of violence	Perpetrators	Victims
Domestic violence	Men/Women	Men/Women
Sexual abuse	Men	Women/Girls
Forced marriage	Men/Women	Men/Women/Girls
Discrimination against girls in schooling	Men/Women	Girls
Access to land	Men	Women, Boys and Girls
Abuse of orphans	Men/Women	Girls/Boys
Emotional abuse	Women/Men	Women/Men/Boys/Girls

Source: Trust Africa Report, 2019

### Children are not spared from GBV

As to the main types of GBV suffered by children, a study conducted by UNICEF in 2008<sup>34</sup> on child abuse showed that sexual harassment accounted for 48.5%, attempted rape for 21.7%, rape for 19.9%, and sexual touching for 15.4%, and that the main perpetrators of sexual abuse were teachers (20.1%).

According to the Trust Africa report (2019),<sup>35</sup> the main perpetrators of GBV against girls and women in the Plateau Central Region were husbands (40.48%), followed by guardians of tradition (23.81%) and women employers of domestic workers (16.67%).

It has emerged from the various cross-sectional analyses that Burkina Faso is heavily impacted by GBV. Equality has yet to become a reality. GBV persists and the most frequent forms are

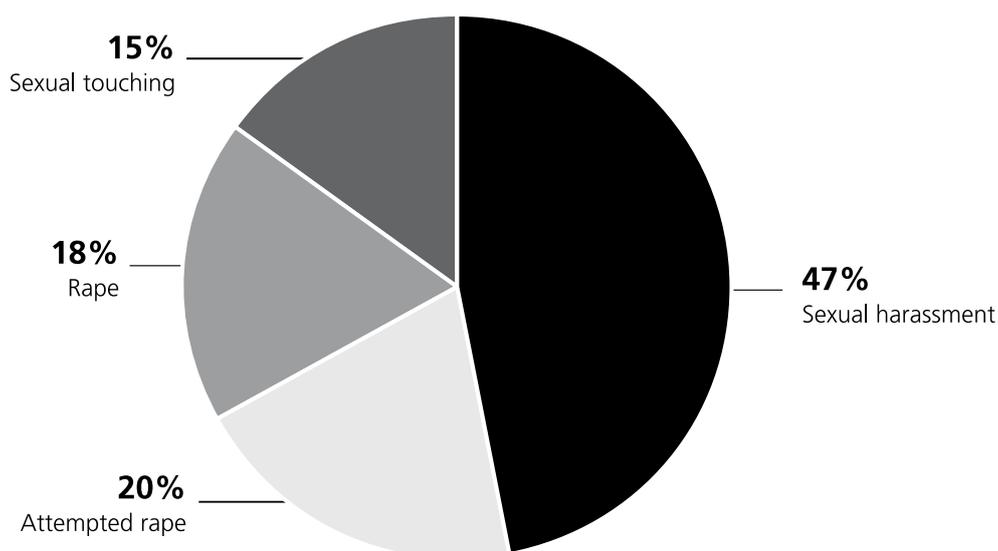
domestic violence, unwanted pregnancies with their corollaries of paternity and child support claims, dispossession of widows, and sexual abuse and rape of young girls and children. Violence may be verbal, physical, economic, sexual or psychological. It can be explained in part by conservatism, but also by socio-cultural constraints that continue to foster these harmful practices.<sup>36</sup>

**34** Évaluation conjointe du Programme conjoint UNFPA-UNICEF sur les mutilations génitales féminines/excision : Accélérer le changement (2008-2012) (Joint evaluation of the Joint UNFPA-UNICEF programme on female genital mutilation) available at: [https://www.unicef.org/evaluation/files/fgmcc\\_burkina\\_faso.pdf](https://www.unicef.org/evaluation/files/fgmcc_burkina_faso.pdf), accessed 18 September 2020.

**35** Kabore Ouédraogo Pascaline, Étude exploratoire sur la prévention et l'élimination de la violence basée sur le genre au Burkina Faso, Trust Africa, 2019.

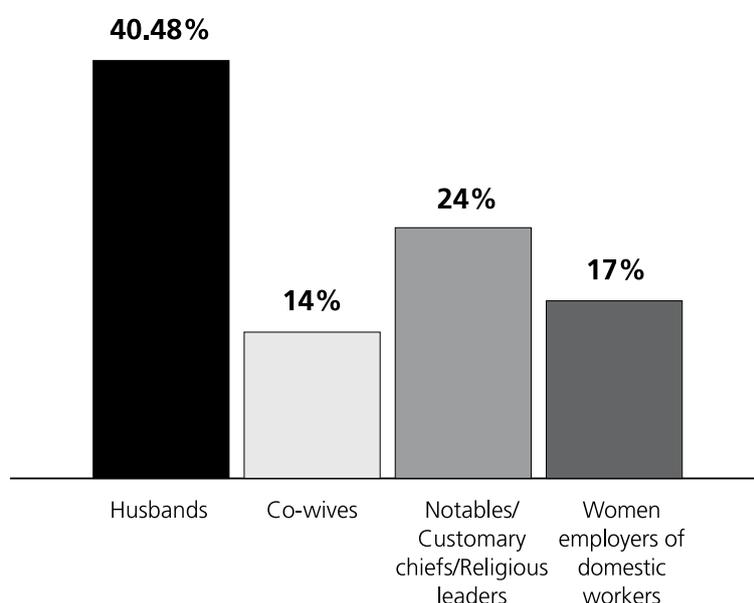
**36** Kabore Ouédraogo Pascaline, Étude exploratoire sur la prévention et l'élimination de la violence basée sur le genre au Burkina Faso, op. cit.

**Graph 2. Breakdown of violence against children**



Source: Évaluation conjointe du Programme conjoint UNFPA-UNICEF sur les mutilations génitales féminines/excision : Accélérer le changement (2008-2012)

**Graph 3. Main perpetrators of violence against girls and women in the Plateau-Central Region**



Source: Trust Africa Report, 2019

## Gender-based violence in Mali

In Mali, gender-based violence (GBV) is an everyday occurrence for women and girls. Today, the situation is particularly alarming because the northern part of Mali has been under the control of armed groups. More than 35% of Malian women experience sexual violence at least once in their lives, but the actual figures are much higher, as many of the victims often do not have the opportunity to seek help.<sup>37</sup> Rape, sexual assault and genital mutilation, as well as physical violence and forced marriage, are still the most commonly reported forms of GBV in the northern and central regions, particularly in Menaka, Gourma, Timbuktu, Mopti, Socoura and Kayes circles. Some regions in central and southern Mali, such as Bamako, Mopti and Sikasso, are mainly affected by cases of denial of resources and emotional abuse, but also by physical violence.<sup>38</sup> Female genital mutilation (FGM), child marriage and intimate partner violence (IPV) are still the most common forms of GBV.

## Multifaceted violence

From January to December 2018, 3,330 types of violence including 2,965 cases of GBV were reported directly by the GBV information management system;<sup>39</sup> 59% were cases of sexual violence (among which nearly 41% were cases of sexual assault and 18% of penetrative rape, 14% were cases of physical assault, 12% were denial of resources, 9% were emotional abuse, and 6% were forced marriage).<sup>40</sup>

<sup>37</sup> <https://africa.unwomen.org/en/news-and-events/stories/2018/04/le-mali-dit-stop-aux-violence-basees-sur-le-genre-vbg>, accessed 1 August 2020.

<sup>38</sup> Rapport statistiques annuelles des cas de violences basées sur le genre déclarés en 2018 (Annual statistical report of cases of gender-based violence reported in 2018), February 2019, Sous cluster VBG au Mali, UNFPA.

<sup>39</sup> Rapport statistiques annuelles des cas de violences basées sur le genre déclarés en 2018 (Annual statistical report on cases of gender-based violence reported in 2018), February 2019, op. cit.

<sup>40</sup> Ibid.

According to the Demographic and Health Survey of Mali (EDSM VI), 49% of women aged 15-49 who are currently in a marriage or who have been married in the past have experienced emotional, physical and/or sexual abuse at some point; 89% of women aged 15-49 and 73% of girls aged 0-14 have experienced female genital mutilation; 53% of women were married before the age of 18 and 18% before the age of 15; and 2.1% of women have committed physical violence on their current/most recent husband/partner at some time.<sup>41</sup>

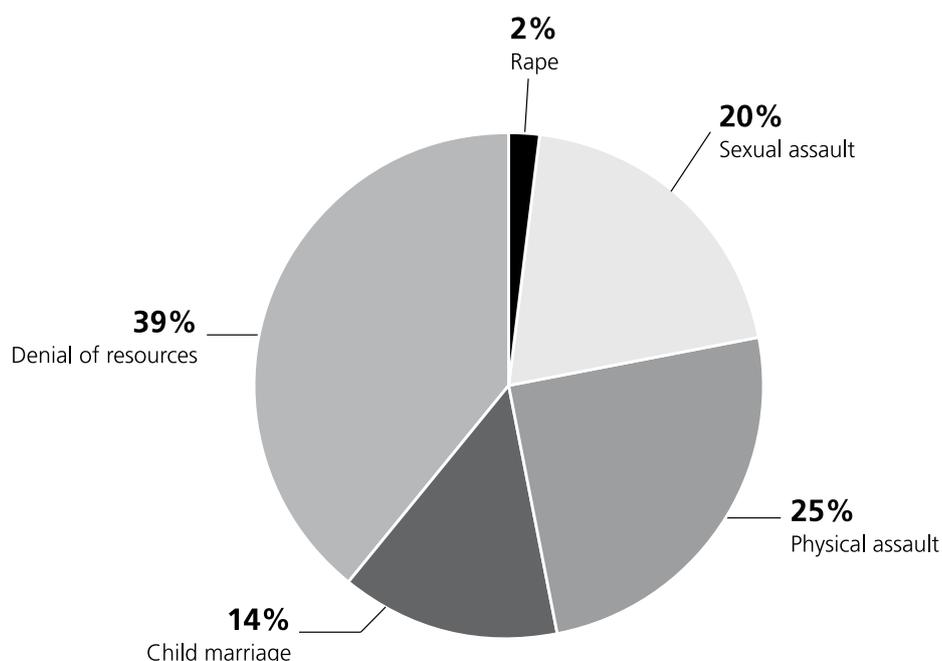
The number of FGM survivors remains high due to the persistence of the idea that girls should have their sexual desire reduced. In addition, the number of child brides is high for three main reasons: (i) parents believe that it is a way to keep their daughters from having children out of wedlock; (ii) most Malian citizens use Islam as a pretext to say that once a girl reaches puberty, she should be married;

and (iii) because of poverty. Indeed, parents decide to marry off their children to reduce the number of mouths to feed.

According to the 2018 Demographic and Health Survey, 89% of Malian women aged 15-49 had undergone FGM (Female Genital Mutilation) nationwide and 91% in the capital city of Bamako. 76% of Female Genital Mutilation (FGM) victims were less than 5 years old. As for Intimate Partner Violence (IPV), 49% of women had experienced some form of violence from their partner. The figure was higher in urban areas, at 53%, compared to 48% in rural areas. Despite the efforts of the government and women’s organizations to combat GBV, it remains a recurrent problem in Mali. It is widely tolerated by communities, and often met with impunity.

<sup>41</sup> High-level advocacy session for community leaders on the adoption of a law on gender-based violence, June 2020, Ministry for the Promotion of Women, Children and Family.

**Graph 4. Number of GBV incidents reported in Mali in 2019**



Source: High-level advocacy session for community leaders on the adoption of a law on gender-based violence, June 2020, Ministry for the Promotion of Women, Children and Family.

### **The occupation of the North has worsened the GBV crisis in the area under the control of armed groups**

Mali is one of the poorest countries in West Africa, a situation exacerbated by the political and security crisis that began in 2012. The crisis has been marked by the emergence of several armed movements that have occupied the three northern regions (2/3 of the national territory) and attempted to advance towards the centre and south of the country. The military coup d'état on 22 March 2012 disrupted institutional order and plunged Mali into a twofold political and security crisis, with negative repercussions on the status of women and girls. Several thousand people, mostly women and children were displaced as they fled the violence. *"This migratory chaos, combined with the collapse of the state apparatus (justice, police, etc.), has further encouraged the rape of women and girls and other forms of gender-based violence."*<sup>42</sup>

The people living in the northern part of the country have suffered the full brunt of the socio-political and economic consequences of the occupation of their regions. In these areas, the status of women has deteriorated due to extensive violations of their rights. Human rights organisations have reported numerous cases of gang rape and public rape.<sup>43</sup> By the age of 15, nearly four out of ten women (38%) have been physically abused. More than one in ten women aged 15-49 (13%) reported having been sexually

abused at some point in their lives. Among women who had been married, 44% had experienced physical, sexual or emotional abuse by their current or most recent husband. One in four women had been physically injured as a result of domestic violence.

### **COVID-19 has aggravated GBV in Mali**

Social stressors such as COVID-19 have been found to increase violence against women. According to a study conducted by the NGO *Justice et Dignité pour les Femmes du Sahel* (JDFS), GBV in Mali rose to 54% during COVID-19 compared to 43% before the pandemic.<sup>44</sup> A study conducted by UNFPA supports this view, as experts from the participating facilities unanimously said there was a link between COVID-19 and GBV (100% of respondents). They believed that, in the context of the pandemic, the initial GBV prevalence rate could increase by 49% due to cohabitation, men's inactivity, financial difficulties, school closures, etc.<sup>45</sup>

The pandemic situation, coupled with the deteriorating security crisis over the past few years (51% are women and girls), has worsened GBV in Mali. The presence of radical Islamist groups, which sometimes impose their laws, violates human rights such as freedom of movement, the right to quality health care, the right to education and the right to life. The situation appears to be more catastrophic in the northern and central regions.<sup>46</sup>

<sup>42</sup> Rapport Final d'Évaluation du Programme Global *"Femmes, Paix et Sécurité, assistance aux femmes/filles affectées par le conflit et participation des femmes au processus de consolidation de la paix au Mali"* (Final evaluation report of the Global Programme: Women, Peace and Security, assistance to women/girls affected by conflict and women's participation in the peace-building process in Mali), Bureau d'étude TMC Consulting Group Mali, 2016.

<sup>43</sup> Fact sheet, Sexual and Gender-Based Violence (GBV) in Mali, USAID, 2014, <http://www.usaid.gov/mali>, accessed 12 September 2020.

<sup>44</sup> UN Security Council Report, Amid Increased Terrorist Activity in Sahel Region, Speakers Tell Security Council Greater Commitment Needed for Joint Force, 20 November 2019, <https://www.un.org/press/en/2019/sc14027.doc.htm> accessed 4 September 2020.

<sup>45</sup> Système des Nations Unies au Mali, Étude sur l'impact du COVID 19 sur les Violences Basées sur le Genre au Mali, May 2020.

## Gender-based violence in Niger

Despite numerous regulatory provisions against it, gender-based violence persists in Niger. The situation remains very serious, as victims/survivors are unaware of the remedies available to them. The scope and determining factors of GBV reveal the existence of multifaceted violence, with varying rates of prevalence depending on socio-demographic variables such as gender, age, level of education, economic activity, place of residence, the gender of the household head and the size of the household. The national prevalence of GBV across all types and genders was 28.4% in 2015. The prevalence rate among women and girls is 60% and the rate among men and boys is 44%.<sup>47</sup> Studies on GBV have shown that the phenomenon is on the rise in the regions of Agadez and Zinder, as well as in the Dosso and Maradi regions, with a high incidence of physical, sexual and domestic violence.<sup>48</sup>

### Multifaceted and conventional violence

Psycho-logical/ emotional abuse, rape, sexual assault, physical assault, forced marriage and denial of resources, opportunities or services are common phenomena in Niger. Women are victims of numerous forms of violence, especially physical abuse (43%), sexual abuse (28.3%), early or forced marriage (4.8%), denial of access to their own resources (6.6%) and insults (17.1%).<sup>49</sup>

According to *“L’étude sur l’ampleur et les déterminants des Violences Basées sur le Genre au Niger”* (Study on the extent and determinants of gender-based violence in Niger), 2015, the rate of prevalence of violence regardless of type or gender is 53%. The national prevalence rate of GBV is 28.4%. This rate, which is an average, hides much higher rates for children and women. Indeed, 63% of children in Niger are subjected to the types of violence mentioned

above. The rate of prevalence in the female population is 60%.<sup>50</sup> Women are thus more likely to be victims of gender-based violence in Niger.

According to the UN Refugee Agency (UNHCR), *“during the month of December 2019, in the Diffa area, 36 cases of gender-based violence were reported and documented. Six cases of rape were reported, including 3 involving minors aged 17, 15 and 14. Three cases of physical violence and 6 cases of emotional abuse were also documented. Similarly, 18 cases of denial of resources and 3 cases of forced marriages were recorded, 2 of which involved minors aged 15 and 16.”*<sup>51</sup>

It should be noted that female genital mutilation remains a marginal practice in Niger (2%). Girls in Tillabéry are the most likely to experience the phenomenon (12%). The practice is likely to decline, however, as most men and women see no benefit in it.<sup>52</sup>

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<sup>46</sup> Trust Africa, Etude exploratoire sur la prévention et l’élimination des violences basées sur le genre au Mali : zone de Bamako, Mopti et Koulikoro (Exploratory study on the prevention and elimination of gender-based violence in Mali: Bamako, Mopti and Koulikoro), 2019, available at: [https://media.africaportal.org/documents/etude\\_exploratoire\\_sur\\_la\\_prvention\\_et\\_llimination\\_zone\\_de\\_bamako\\_mopti\\_et\\_koulikoro.pdf](https://media.africaportal.org/documents/etude_exploratoire_sur_la_prvention_et_llimination_zone_de_bamako_mopti_et_koulikoro.pdf), accessed 20 October 2020.

<sup>47</sup> Djibo Saley et al., *Ampleur et Déterminants des Violences Basées sur le Genre au Niger* (Scope and factors of gender-based violence in Niger), UNFPA, 2015.

<sup>48</sup> Ibid.

<sup>49</sup> Rapport annuel (Annual report), Annexe Genre, 2018.

<sup>50</sup> Stratégie nationale de prévention et de réponse aux violences basées sur le genre (VBG) au Niger (2017-2021) (National strategy on GBV prevention and response in Niger), Ministry for the Advancement of Women and Child Protection, 2017.

<sup>51</sup> UNHCR, *“Situation en matière de violences sexuelles et basées sur le genre - Diffa, Niger”* (Fact sheet on sexual and gender-based violence in the Diffa region), 2019.

<sup>52</sup> Rapport d’examen de Beijing Plus 20 pour le Niger (Niger’s Beijing +20 review report), June 2014, Ministry of Population, the Advancement of Women and Child Protection.

According to Niger’s National Gender Policy (PNG)<sup>53</sup> “Girls and women experience violence of all kinds. Sexual and emotional abuse are the most visible, due to early marriage, with its consequences for their physical integrity and health. Physical assaults are the most common cases (28.8%), followed by denial of resources (22.1%) and emotional abuse (15.3%). Cases of child marriage (14.1%) and sexual assault (19.7%) were also observed.”

**The problem of displacements increases GBV**

The combined impact of climate change, poverty and socio-political and security instability is affecting many thousands of people. They lead to a reduction in local resources and food insecurity. The resulting economic insecurity is

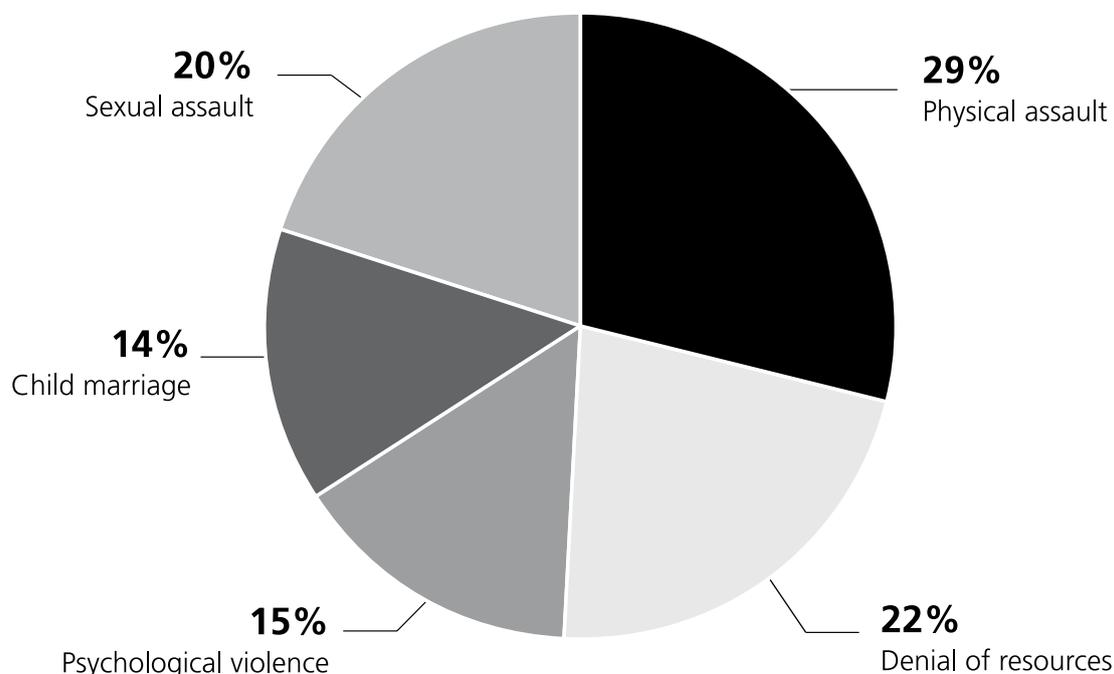
compounded by a general feeling of insecurity due to terrorist attacks. This leads to large-scale population displacement<sup>54</sup> with its ensuing consequences: lack of access to schooling, depletion of local resources, etc. In addition, many women, mainly teenagers, are abducted and raped, forced into marriage or used as suicide bombers in the conflict zone.<sup>55</sup>

<sup>53</sup> Ministry of the Advancement of Women and Child Protection, Politique nationale de genre 2017, available at: <http://www.promotionfemme.gouv.ne/uploads/documents/5c79193989b63.pdf>, accessed 22 October 2020

<sup>54</sup> “2.7 million people have been displaced in the Lake Chad Basin region due to violence.” Benoit Moreno, UNHCR spokesperson in Niger, interviewed by Alpha Diallo, quoted in: Stratégie nationale de prévention et de réponse aux violences basées sur le genre (VBG) au Niger (2017-2021).

<sup>55</sup> Ibid.

**Graph 5. Breakdown of GBV in Niger**



Source: National Gender Policy of Niger, 2018

### Most GBV takes place in the home

The family environment is the main source of GBV.

The number of reports of violence collected by the 106 organisations we consulted, including judicial institutions (police, gendarmerie and justice), health facilities and NGOs, totalled almost 2,230, i.e. an average of 248 reports per month and 8 per day.<sup>56</sup> The reports described acts of violence perpetrated mainly against women (93.4%) who experienced GBV at the hands of men (72%) with whom they were in a marriage relationship. The most common form of violence therefore took place within the household (domestic violence). Physical and sexual violence made up the bulk of reported cases of violence (72%). Other forms of violence such as cultural violence (e.g. female genital mutilation), economic violence (e.g. not having access to one's own resources) and emotional violence (e.g. insults) were also reported, but in smaller proportions (5%, 7% and 17% respectively). The distribution of types of violence based on reported acts of violence revealed that rape accounted for 82% of recorded acts of sexual violence and assault and battery for 90% of recorded acts of physical violence.<sup>57</sup>

Forms of social tolerance have emerged as sources of legitimisation of gender-based violence, leading to a culture of impunity for perpetrators and enabling them to re-offend. Indeed, data from the EDS-N MICS IV, in 2012, showed that women legitimised certain forms of violence and believed, in some cases, that they were at fault. Six out of ten women (60%) thought that a man has the right to beat his wife. Half of women respondents (50%) believed that men were justified in beating their wives if they refused to have sex with them or argued with them. More than four out of ten women (43%) stated that violence was justi-

fied when a woman went out without informing her husband or when she neglected her children. Furthermore, more than three out of ten women (35%) said that such behaviour was justified when a woman burned food.<sup>59</sup>

In addition, polygamy, which is widespread in Niger, is a major cause of gender-based violence, particularly in the domestic sphere. The practice is the source of various forms of violence linked to intense rivalry between co-wives, co-wives' children and allied families.

### Impact of COVID-19 on GBV in Niger

While men are the most heavily affected from a medical standpoint, pre-existing structural discrimination and inequalities often make women and girls more vulnerable, as they are disproportionately affected not only by the measures adopted to manage the health crisis but also by the ensuing socio-economic crisis. The age groups most at risk are those between 25-34 years and 45-59 years for both women and men most affected by the virus.<sup>60</sup> The pandemic has had negative implications for GBV in Niger, particularly in Niamey. From January to to April 2020,<sup>61</sup> the national police, through the Directorate for the Protection of Minors and

<sup>56</sup> *Enquête sur la Violence basée sur le genre (VBG)* (survey on gender-based violence), conducted in 2010, uaps2011.princeton.edu, accessed 5 September 2020.

<sup>57</sup> Ibid.

<sup>59</sup> *Rapport d'examen de Beijing Plus 20 pour le Niger* (Niger's Beijing +20 review report), June 2014, Ministry of Population, the Advancement of Women and Child Protection.

<sup>60</sup> Alejandra Bernardo Andrés et al., "CARE Analyse Rapide Genre pour COVID-19" (CARE rapid gender analysis for COVID-19), 19 May 2020, available at <https://www.careevaluations.org/wp-content/uploads/RGA-COVID-19-Niger.pdf>, accessed 22 September 2020.

<sup>61</sup> *Plan de réponse humanitaire du Niger* (Niger Humanitarian Response Plan), 2020, OCHA, <https://www.who.int/health-cluster/countries/niger/Niger-Humanitarian-Response-Plan-COVID-19-July-2020.pdf?ua=1>, accessed 22 October 2020.

Women in Niamey, reported 499 cases of GBV, including 32 cases of rape, 21 cases of sexual assault, 213 cases of physical assault, 3 cases of early/forced marriage, 91 cases of denial of resources and opportunities and 139 cases of psychological and emotional violence.

In Niger, as elsewhere in the sub-region, GBV remains particularly common and multifaceted. However, here, the impact of custom and tradition seems to play a major role. In addition, women have higher illiteracy rates (43% of men are literate, compared to 15% of women).<sup>62</sup> Levels of education and economic activity are key factors in the likelihood of experiencing any form of violence, hence the importance of schooling girls to prevent gender-based violence.

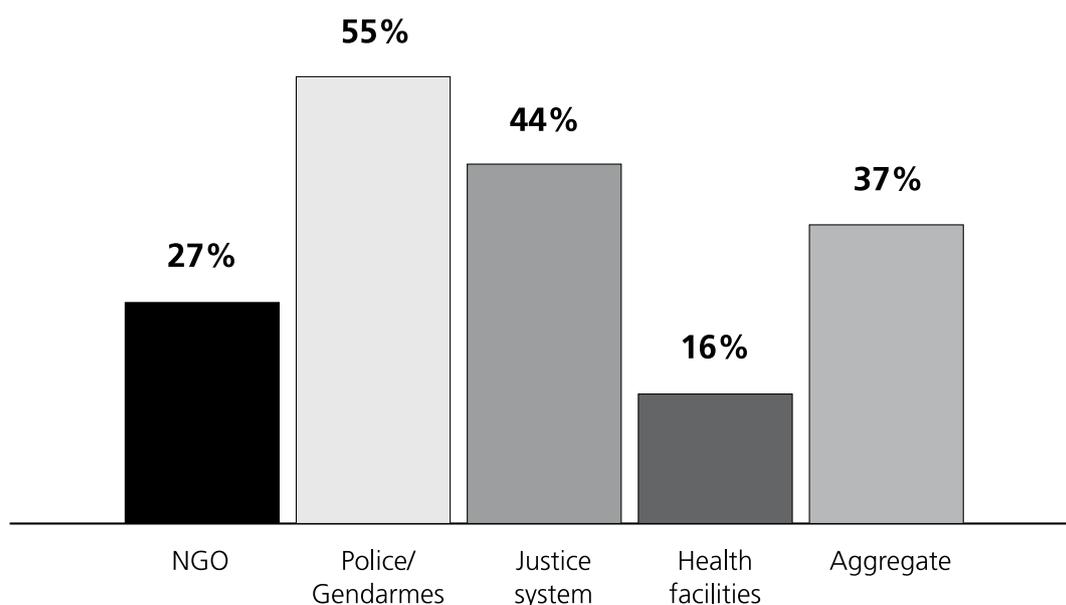
## Gender-based violence in Senegal

In Senegal, the state has firmly expressed its will by ratifying international conventions and instruments aimed at protecting girls and women against all forms of abuse and violence. In addition, it is important to highlight the existence of a multisectoral national action plan (2017-2021) for the eradication of GBV and the promotion of human rights and other measures taken to promote gender equality.<sup>63</sup> However, despite the efforts made, many cases are reported daily by the Senegalese press, including paedophilia, rape, domestic violence, denial of paternity, and assault and battery. Among these, rape is the most commonly reported (60%) at police stations. The number of cases

<sup>62</sup> U. Hanemann (ed.). Last update: 27 February 2018, *Programme d'alphabétisation fonctionnelle des femmes* (Women's functional literacy programme), Niger, UNESCO institute for Lifelong Learning, accessed 22 October 2020.

<sup>63</sup> Selly Ba, "*Violences basées sur le genre au Sénégal : l'arbre qui cache une dangereuse forêt*" (Gender-based violence in Senegal: a dangerous wood that cannot be seen for the trees), 2019, available at: <https://sn.boell.org/fr/vbg-au-senegal-larbre-qui-cache-une-foret-dangereuse>, accessed 22 October 2020.

**Graph 6. Frequency (daily/weekly) of victim reports of violence by type of facility**



Source: Enquête sur la Violence basée sur le genre (VBG) (survey on gender-based violence), conducted in 2010 (uaps2011.princeton.edu)

of rape recorded is distantly followed by the category of “assault and battery” (17%).<sup>64</sup> Violence against women seems to be sustained by a system of discrimination that maintains women in a subordinate position.

**Rape is by far the most common type of GBV**

At this juncture, it is important to clarify that sexual violence includes rape, paedophilia, incest, unwanted touching, corruption of minors and harassment. These forms of violence lead to psychological trauma experienced as a form of social discomfort by the victim, along with stigmatisation. They take place in all settings: in the workplace, in the family and in educational settings.

In the target hospitals, rape made up one third of the cases of violence against women recorded. This figure (quoted in the graph) may be underestimated, insofar as health workers, to avoid being involved in legal procedures

connected with rape cases, tend to use the expression “vaginal lesions”, which refers more to a description of symptoms than a specific type of violence.

Similarly, in the courts (2006-2010), 35% of the cases of violence against women recorded were rape.<sup>65</sup> Court records indicate that the average age of the victims was 13 years old, while the average age of the perpetrators was 30.<sup>66</sup> Unemployed people represented 21.8% of perpetrators of violence against women; shopkeepers represented 20.8%. Executives were represented at a very low level (1%).<sup>67</sup>

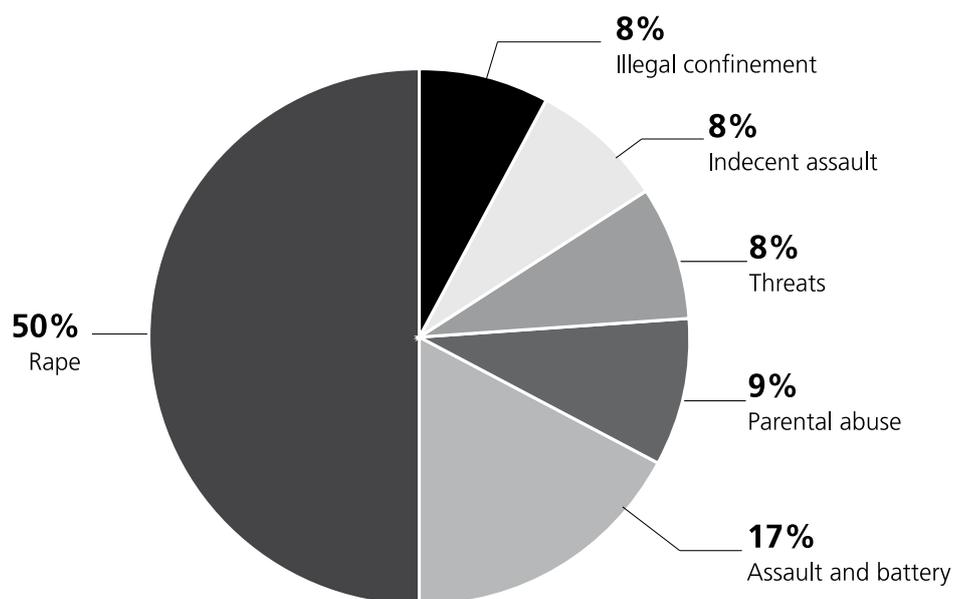
<sup>64</sup> UN Women report: *La situation de violences faites aux femmes : le mode de réponse et soutien aux survivantes dans les régions de Dakar, Diourbel, Fatick, Kaffrine, Kaolack, Louga, Saint-Louis et Thiès* (Status of violence against women: response and support for survivors in Dakar, Diourbel, Fatick, Kaffrine, Kaolack, Louga, Saint-Louis and Thiès regions), 2012.

<sup>65</sup> Ibid.

<sup>66</sup> Ibid.

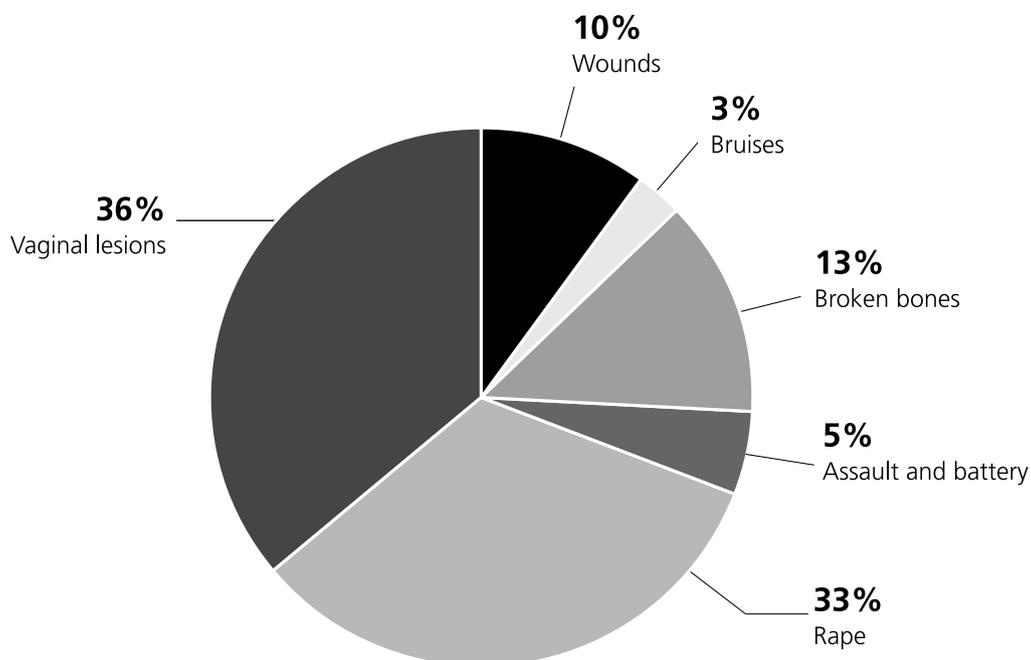
<sup>67</sup> Ibid.

**Graph 7. Breakdown of reports of violence in police and gendarmerie departments**



Source: UN Women Report, 2012

**Graph 8. Types of violence against women recorded in hospitals in 2010**



Source: UN Women Report, 2012

Men were the primary perpetrators of GBV regardless of the victim's gender. Indeed, 66.3% and 54.1% of GBV committed against men and women respectively were perpetrated by adult males. Women also committed acts of GBV on other women, at a rate of 42.8%.<sup>68</sup>

This breakdown shows that girls under the age of 20 (15 to 19 years old) were more likely to experience GBV than boys, with a gap of 19 points. This gap narrows from the ages of 20 to 39 before widening again between the ages of 40 and 49. However, men were more likely to be victims of GBV than women over the age of 50.

### Profile of the perpetrators

Court data shows that unemployed people represent 21.8% of perpetrators of violence against women, while shopkeepers represent 20.8%. The profile of the perpetrators shows that the campaign against VAW is an issue that can no longer be left in the sole hands of historical women's rights actors. It is becoming increasingly urgent to adopt a cross-cutting and multi-sectoral approach. Similarly, the mainstreaming of the fight against violence against women in local development policies and programmes has become a priority that can no longer be ignored.<sup>69</sup>

<sup>68</sup> GESTES report, "Les violences basées sur le genre au Sénégal: la prévention comme alternative aux périls de sécurité et de justice" (Gender-based violence in Senegal: prevention as an alternative to the risks of security and justice), CRDI, 2015.

<sup>69</sup> Ibid.

### Geographic disparities and variations in GBV

As regards physical violence, variations according to place of residence show that the percentage of women aged 15-49 who experienced physical violence after the age of 15 was slightly higher in rural areas (27.8%) than in urban areas (25.1%). The same held true for physical violence in the 12 months prior to the interview: the findings were 10% in rural areas and 8.2% in urban areas.<sup>70</sup> In terms of sexual violence, the percentage of women who experienced sexual violence in the 12 months preceding the interview was highest among women aged 25-29 years (5.0%). The proportion was lower in the 15-19-year-old age group (3.4%). Furthermore, the proportion of women who had been sexually abused at any time in their lives was higher in urban areas, where it stood at 5.3%, than in rural areas, where it was 3.5%.<sup>71</sup>

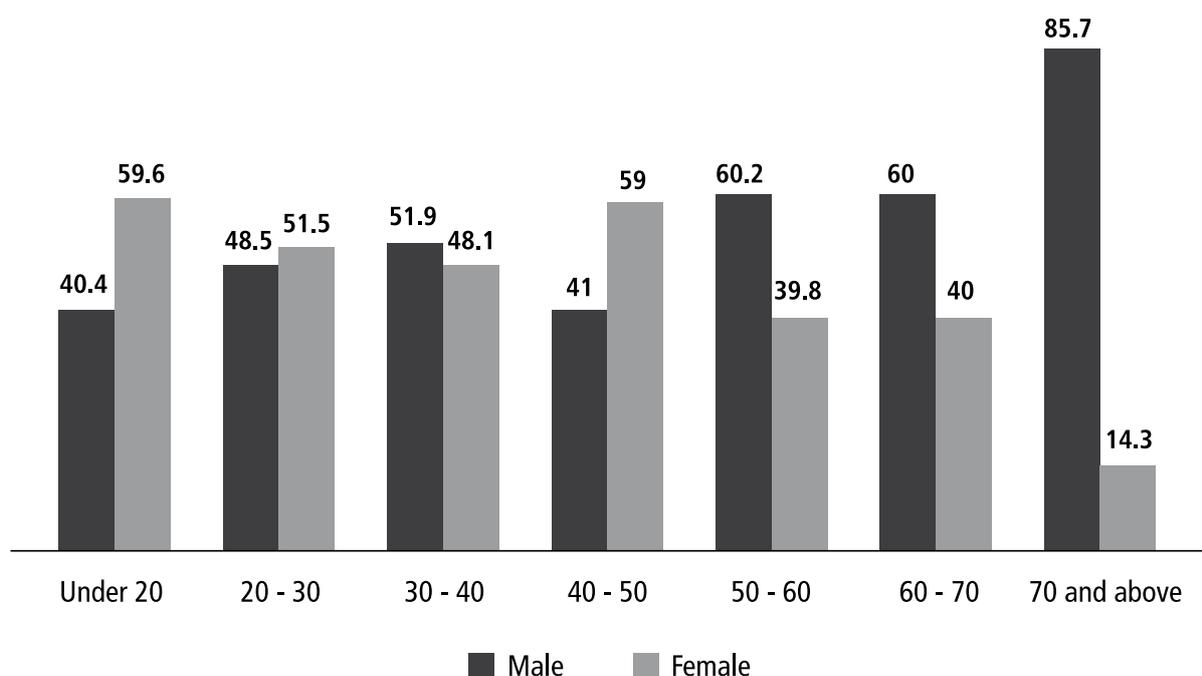
### Variations in GBV by age and type

The percentage of women aged 15-49 who experienced physical violence since the age of 15 was highest among those aged 25-29 (30.6%), followed by women aged 30-39 and women aged 15-19 at 26.8% and 26.0% respectively. In terms of domestic violence, 9.4% of women had experienced physical domestic violence, 5.9% had been victims of sexual violence and 9.4% had experienced emotional violence. The proportion of women in that age range who were currently or formerly in a relationship who reported having experienced some form of physical or emotional violence at any time in their lives was 17.4% and 13.3%

<sup>70</sup> ANSD report, 2019, *Violences basées sur le genre et pouvoir d'action des femmes (Gender-based violence and women's empowerment)*, Ministry of the Economy, Planning and Cooperation, National Statistics and Demographics Agency (ANSD), op. cit.

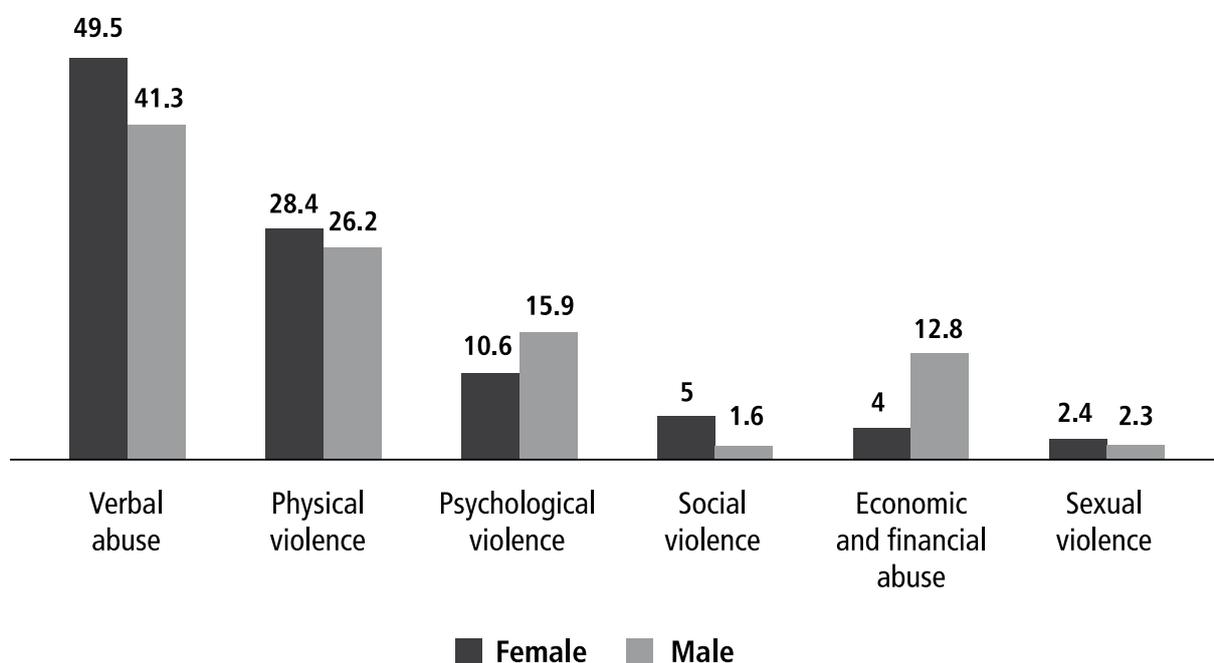
<sup>71</sup> Ibid.

**Graph 9. Breakdown of respondents by age and gender**



Source: GESTES report, 2015

**Graph 10. Breakdown of victims by gender and type of violence experienced**



Source: GESTES, 2015

respectively. The figure was roughly 7.4% for any form of sexual violence.<sup>72</sup>

The percentage of women who had experienced sexual violence was significantly higher among women aged 15-49 who were formerly in a relationship (17.5%) than among women who were still in a relationship (9.4%) or single (5.4%). Of the women who said that they had been sexually abused in the 12 months prior to the interview, 12.9% were formerly in a relationship, 5.4% were currently in a relationship and 0.7% were single. In most cases (61.9%), the current spouse/partner was cited as the person responsible for the sexual violence. A former husband/partner or current/latest boyfriend was cited by 20.8% and 10.1% respectively.<sup>73</sup>

<sup>72</sup> Ibid.

<sup>73</sup> Ibid.

**Female genital mutilation, a practice that still exists despite a downward trend**

In Senegal, as in many other countries where the practice takes place, female genital mutilation (FGM) is an integral part of the customs of certain communities. While some argue that it is a form of purification, others believe that female genital mutilation allows women who have undergone the “*operation*” to abstain from sex once they reach puberty.

Despite the 1999 law banning the practice and the many public renunciation sessions involving women and practitioners of FGM in various regions affected by the practice, it must be noted that FGM still persists in the country.<sup>74</sup> 92% of women aged between 15 and 49 undergo genital mutilation in the Kédougou region, 87% in the Matam region, 86% in the Sédhiou region and 85% in the Tambacounda

region.<sup>75</sup> Furthermore, at the national level, the results of the 2017 Demographic and Health Survey (EDS) reveal that, among women aged 15-49, 24.0% reported having been subjected to FGM. The percentage of women who have been cut has fallen slightly from 28.2% in 2005 (EDS IV) to 25.7% in 2010-2011 (EDS-MICS) and 24.0% in 2017.<sup>76</sup>

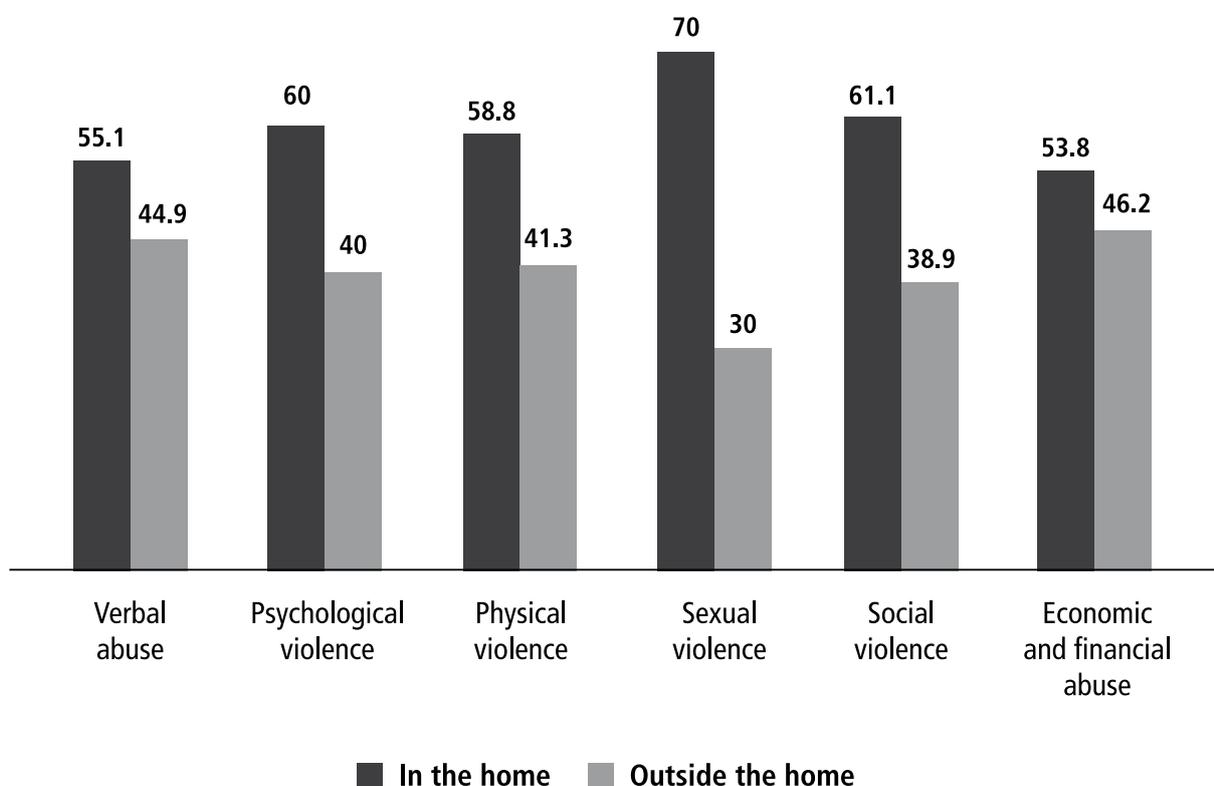
### Most common forms of violence

Physical violence is the most prevalent form of violence in the home (52.1%). It seems to be a predominantly male phenomenon, as men are the perpetrators in 59.5% of cases. However, verbal violence (43%) is mainly committed by women. Women are the perpetrators in 53.9% of the cases of verbal violence recorded in households.<sup>77</sup>

These facts were confirmed by the ANSD report of 2019. The act of physical violence most frequently reported by women was being slapped (13% at some time and 7% in the last 12 months). Women who reported experiencing domestic sexual violence reported having

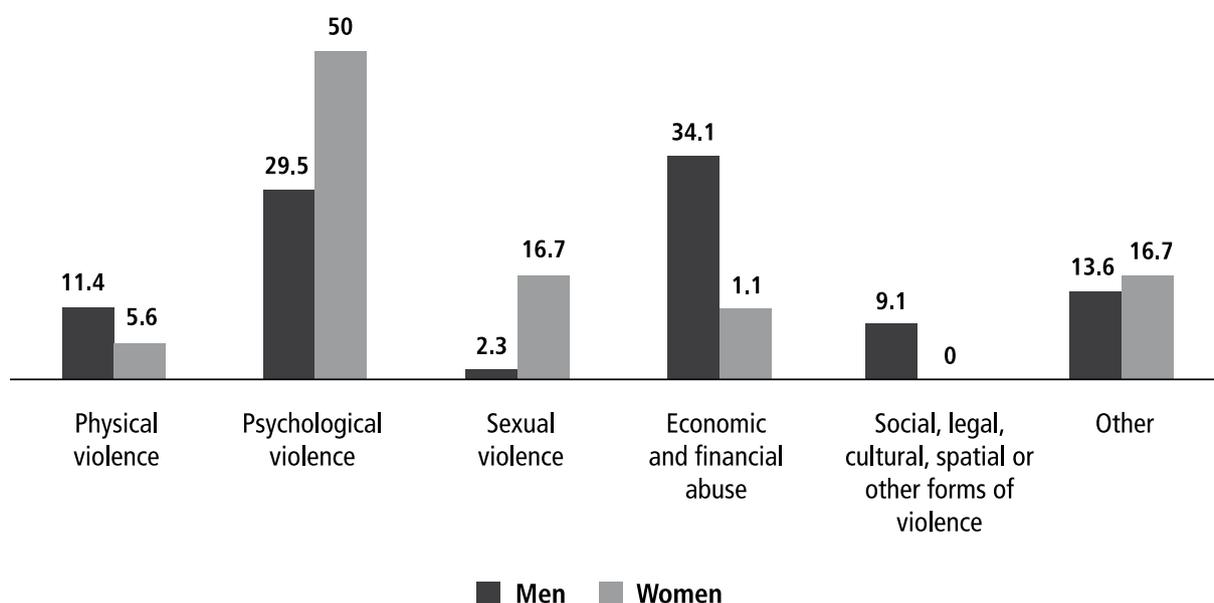
- <sup>74</sup> Aissatou Diop, “‘Confessions’ angoissantes d’une mère victime” (Harrowing ‘confessions’ of a mother and victim), February 2020, available at: [https://www.sudonline.sn/confessions-angoissantes-d-une-mere-victime\\_a\\_43486.html](https://www.sudonline.sn/confessions-angoissantes-d-une-mere-victime_a_43486.html)
- <sup>75</sup> Clémence Cluzel, “L’excision touche encore 25% de la population au Sénégal” (Female genital mutilation still affects 25% of the population in Senegal), February 2017, available at: <http://nouvellesdedakar.com/senegal-lexcision-25-population/>, accessed 22 October 2020;
- <sup>76</sup> ANSD report, 2019, *Violences basées sur le genre et pouvoir d’action des femmes*, op. cit.
- <sup>77</sup> GESTES report, “*Les violences basées sur le genre au Sénégal : la prévention comme alternative aux périls de sécurité et de justice*”, op. cit.

**Graph 11. Breakdown of victims by type of violence and location**



Source: GESTES, 2015

**Graph 12. Breakdown of cases of GBV in the workplace in 2013**



Source : GESTES, 2015<sup>79</sup>

been physically forced to have sex with their husband/partner when they did not want to in 7% of cases, and 6% in the past 12 months. In terms of emotional violence, the most frequently reported act was insults (10% at some time and 7% in the last 12 months).<sup>78</sup>

The domestic space is the primary locus for the generation of violence. Indeed, more than half of all violence of any type is committed in the home. Sexual violence (70%), psychological violence (60%) and physical violence (58.8%) are particularly prevalent in this private space. It clearly emerges that the most socially reprehensible acts take place in the home.

Cases of sexual violence are most commonly reported in the private (66.7%) and semi-public (33.3%) sectors.<sup>80</sup>

### Cross-sectional analysis of GBV and its implications in the health context

A growing body of research has highlighted the implications of forms of violence in almost all aspects of health policies and programmes, from primary care to reproductive health programmes.<sup>81</sup> In other words, women are not only subject to high morbidity and mortality

<sup>78</sup> ANSD report, 2019, *Violences basées sur le genre et pouvoir d'action des femmes*, op. cit.

<sup>79</sup> GESTES report, "Les violences basées sur le genre au Sénégal : la prévention comme alternative aux périls de sécurité et de justice", op. cit.

<sup>80</sup> Ibid.

<sup>81</sup> Combattre les profondes inégalités et mettre fin aux pandémies, (2020 Global AIDS Update-Seizing the moment —Tackling entrenched inequalities to end epidemics) ONUSIDA/UNAIDS, 2020. See also Heise Lori, Ellsberg Mary and Gottemoeller Megan, 1999, "Ending Violence Against Women", Population Reports, Series L, 11, 27(4): 4. See also Li Y et al. Journal of the international AIDS Society 2014, 17:18845, available at: <http://www.jiasociety.org/index.php/jias/article/view/18845> | <http://dx.doi.org/10.7448/IAS.17.1.18845>

due to the physical and sexual violence they experience but, more importantly, violence exacerbates other health issues, including HIV transmission.

In many societies, including Burkina Faso, Niger, Mali and Senegal, maternal death rates remain very high. The findings of the latest demographic and health surveys state that, in Niger,<sup>82</sup> the maternal mortality rate is estimated at 535 deaths per 100,000 live births, compared to a rate of 341 deaths per 100,000 live births in Burkina Faso<sup>83</sup> and 325 maternal deaths per 100,000 live births in Mali. In Senegal,<sup>84</sup> maternal mortality remains high despite government efforts. The ratio stands at 315 deaths per 100,000 births, with significant disparities. It is much higher among adolescent mothers, with 629 deaths per 100,000 births.

Because of its scale and its serious consequences for women's health and individual freedoms, female genital mutilation, which is a form of gender-based violence and a violation of women's physical integrity and fundamental human rights, is still very widespread in these countries. It can adversely affect women's physical, mental and social well-being and expose them to the risk of complications and even lasting medical and psychological consequences. Several technical bodies, associations and non-governmental organisations (NGOs) have been campaigning for years to put an end to the practice of female genital mutilation. Approximately nine out of ten women aged 15-49 (89%) and 73% of girls aged 0-14 have been subjected to FGM in Mali,<sup>85</sup> most before the age of five, including in early childhood.

In Burkina Faso, female genital mutilation is still a very common practice nationwide, with alarming proportions of up to 90% in the Centre-Est region, 87% in the Centre-Nord

region and 88% in the Nord and Plateau Central regions. At the same time, in Senegal, 24% of women aged 15-49 have undergone FGM. This rate is still considered very high despite the many efforts made by national and local authorities in collaboration with international partners.

However, it should be emphasised that while the levels of FGM practices in these sub-Saharan African countries are still high, such is not the case in Niger, which stands out as an exception. Whereas in most sub-Saharan African countries the prevalence of FGM is very high (up to 76% in Burkina Faso), in Niger, according to the findings of the Demographic and Health Survey (EDS 2012), the figure was virtually stable in 2013. Only 2% of women reported having undergone the practice during the survey period. Niger's achievements in terms of the abolition of these harmful practices can be explained by the political will of the Nigerien authorities, as expressed in the law of 13 June 2003, which stipulates that: *"anyone who commits or attempts to commit female genital mutilation shall be punished by a term of imprisonment of six months to three years and a fine of 20,000 to 200,000 CFA francs."*

The gender power imbalance means that many young women do not have the opportunity to make decisions about their lives. For example, in

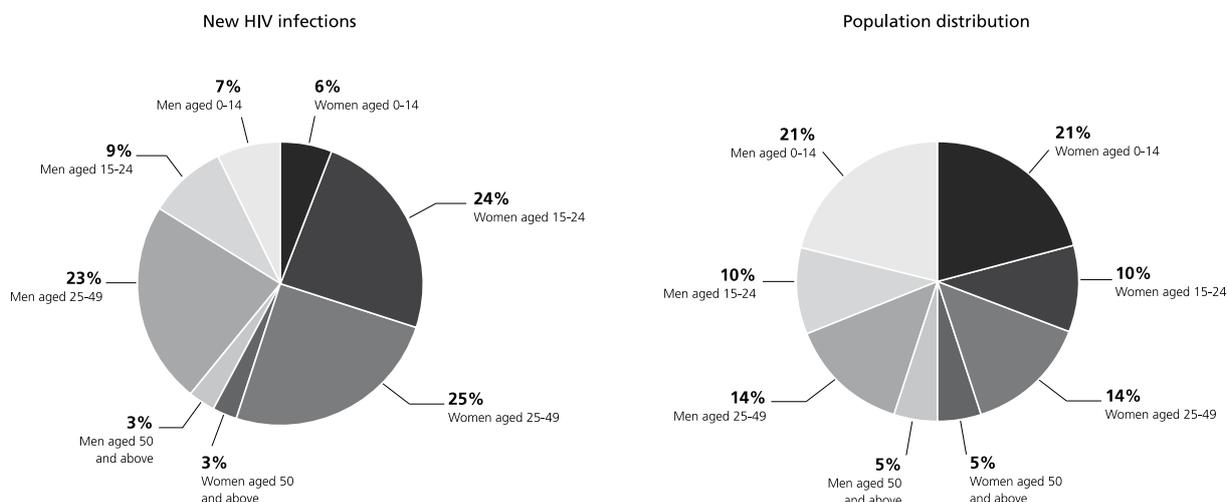
<sup>82</sup> Institut National de la Statistique: Enquête démographique et de Santé du Niger, Rapport 2012 (Niger demographic and health survey, 2012 report), available at: <https://dhsprogram.com/pubs/pdf/FR277/FR277.pdf>

<sup>83</sup> Report of the Demographic and Health Survey (EDS-IV) and Multiple Indicator Cluster Survey (MICS) EDSBF-MICS IV [Burkina Faso], 2010 report.

<sup>84</sup> National Agency for Statistics and Demographics (ANSD) [Senegal], and ICF international (2017): *"Enquête Démographique et de Santé Continue (EDS-Continue 2017)"*. Calverton, Maryland, USA: ANSD and ICF international.

<sup>85</sup> *Rapport enquête démographique et de Santé (EDS) du Mali* (Mali demographic and health survey report), 2018.

**Graph 13. Distribution of new HIV Infections and the general population by age and gender, sub-Saharan Africa, 2019**



Senegal, Niger, Burkina Faso and Côte d’Ivoire, more than 80 % of married women aged 15 to 19 do not have the final say in their health care, according to recent demographic and health surveys. Furthermore, this situation exposes women, especially adolescent girls, to high risks of unwanted pregnancy, violence and contracting HIV.<sup>86</sup>

GBV is associated with acute and long-lasting health consequences, including HIV/AIDS. Several studies have demonstrated a link between GBV and HIV infection in women.<sup>87</sup> Indeed, women who are victims of any type of GBV run a higher risk of being infected with HIV than other women. Worse yet, violence compounds their vulnerability by limiting their access to HIV treatment services.<sup>88</sup> At the same time, HIV-positive women are at greater risk of experiencing violence.<sup>89</sup>

Although West Africa has significantly lower rates of HIV infection than Central Africa, the prevalence of gender-based violence, which primarily affects women, remains high. This could

hinder the efforts of the different governments to reduce the risk of HIV infection among the population in the sub-region.

In sub-Saharan Africa, and specifically in Senegal, Niger, Mali and Burkina Faso, women are disproportionately affected by HIV infection.<sup>90</sup> There

**86** Dunkle KL, Decker MR. Gender-based violence and HIV: reviewing the evidence for links and causal pathways in the general population and high-risk groups, *Am J Reprod Immunol*, 2013;69 (Suppl 1): 20–6 (New York, NY: 1989).

**87** Li Y, Marshall CM, Rees HC, Nunez A, Ezeanolue EE, Ehiri JE. Intimate partner violence and HIV infection among women: a systematic review and meta-analysis. *J Int AIDS Soc*. 2014; 17:18845. *J Int AIDS Soc*. 2014;17:18845.

**88** Leddy Anna M., Ellen Weiss, Eileen Yam and Julie Pulerwitz: “Gender-based violence and engagement in biomedical HIV prevention, care and treatment: a scoping review.” *BMC Public Health* (2019) 19:897 <https://doi.org/10.1186/s12889-019-7192-4>

**89** RESPECT WOMEN: Preventing violence against women. Geneva: WHO; 2019 (<https://apps.who.int/iris/bitstream/handle/10665/312261/WHO-RHR-18.19-eng.pdf?ua=1> accessed 7 April 2020).

**90** *Rapport Mondial sur Combattre les profondes inégalités et mettre fin aux pandémies*, (2020 Global AIDS Update-Seizing the moment-Tackling entrenched inequalities to end epidemics) ONUSIDA/UNAIDS, 2020, available at [aidsinfo.unaids.org](https://aidsinfo.unaids.org).

are significant disparities related to gender and gender-based violence, both of which increase vulnerability to HIV. Worse still, according to the same report, millions of people living with HIV, including women, continue to suffer from stigma and discrimination. In Guinea, more than 75% of people aged 15-49 reported discriminatory attitudes towards people living with HIV, and the figure was estimated at 60% in Senegal and 55% in Mali. These attitudes increase the vulnerability of those affected and increase their risks of experiencing violence.<sup>91</sup>

Women, especially women of childbearing age, are particularly vulnerable to HIV-related illness. In 2019, adolescent girls and young women (between 15 and 24 years old) accounted for 10% of the overall population but 24% of HIV infections in the region, i.e. more than twice as many, proportionately.<sup>92</sup> The same source stated that 59% of new HIV infections occur in women.

An analysis of this sub-chapter reveals the scope and progression of GBV in the target countries. In Burkina Faso, GBV occurs at an alarming rate due to the persistence of certain socio-cultural practices and the crises currently experienced by the country, such as terrorism, insecurity leading to large-scale population displacement and the recent COVID-19 pandemic. The most frequent forms are domestic violence, unwanted pregnancies with their corollaries of paternity and child support claims, dispossession of widows and sexual abuse and rape of young girls and children. A similar pattern has been observed in Mali as a result of insecurity. In northern Mali, the status of women has deteriorated with massive violations of women's rights and numerous cases of gang rape and public rape. Rape, including sexual assault and genital mutilation, along with physical violence and forced marriage, remain the most commonly

reported GBV incidents in northern and central Mali. In Niger, an upsurge in sexual and psychological violence has been noted, which are particularly visible due to early marriages, with their impact on physical integrity and health. Finally, in Senegal, rape remains by far the most common type of GBV, accounting for a third of all recorded cases of violence against women. Court records indicate that the average age of the victims is 13, while the average age of the perpetrators is 30.

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**91** Ibid.

**92** Global AIDS Report 2020.

## CHAPTER II: THE LEGAL FRAMEWORK FOR THE PROTECTION OF WOMEN'S RIGHTS: LEGAL ADVANCES AND OBSTACLES TO IMPLEMENTATION

The normative framework governing policies for the advancement of women consists of the international conventions and agreements ratified by the target countries and national instruments such as the constitution, laws and regulations that have an impact on the legal status of women.

Many African countries have a dual legal system. A framework of customary rules often coexists with a modern justice framework, notably at the community level, which makes it more difficult to change behaviour through legal reforms. Nevertheless, a significant number of international and regional legal instruments adopted by the States address gender equality issues and provide a framework for combating GBV. All of the target countries are parties to universal and regional human rights mechanisms, and attempt to implement these instruments by adapting them to their specific national legislation.

In the following sections, we will begin by examining the international mechanisms applicable in the study countries (Section I), followed by their specific national legislation (Section II).

### Section I: International legal instruments that apply in the study countries

International instruments include universal instruments (A) and regional instruments (B).

#### Universal instruments

Universal instruments include the Universal Declaration of Human Rights (UDHR) adopted in 1948; the International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1966; the International Covenant on Civil and Political Rights (ICCPR) of 1966; the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) of 1979; the Convention on the Rights of the Child (CRC) of 1989; the Declaration on the Elimination of Violence against Women of 1993; and the Beijing Declaration and Platform for Action of 1995 (CHAPTER IV, B), etc.

Like all of the French-speaking countries in sub-Saharan Africa, Senegal, Niger, Burkina Faso and Mali are parties to several international conventions pertaining to human rights in general and to category rights in particular. With regard to women's rights, through their adherence to the United Nations (UN) Charter, they recognise *"the equal rights of men and women"*.<sup>93</sup> The UDHR proclaims that: *"All human beings are born free and equal in dignity and rights,"* and

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**93** Preamble of the United Nations Charter of 26 June 1945, available at: <https://www.un.org/en/about-us/un-charter/full-text>, accessed 2 August 2020.

“recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world” (Article 1). It further states that:

*“Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”* (Article 2).

Additional provisions pertaining to the status of women are also set forth in the Universal Declaration of Human Rights of 10 December 1948. Although some authors feel that there is a need to rewrite the UDHR using a more gender-inclusive approach,<sup>94</sup> it generally enshrines the rights of women as human beings in Articles:

- **2 paragraph 1** *“Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”;*
- **16 paragraph 1** *“Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution”;*
- **25 paragraph 2** *“Motherhood and childhood are entitled to special care and assistance”.*

Article 3 of the ICESCR includes an undertaking by States Parties to ensure *“the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth*

*in the present Covenant.”* Similarly, Article 3 of the ICCPR urges all States Parties to ensure *“the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant”.*

**Box 1: CEDAW, a landmark convention on the promotion and protection of women’s rights, particularly in the fight against gender-based violence.**

The CEDAW is the primary and most comprehensive source of the international legal framework for the protection of women’s rights. It is *“legally binding, requiring States to translate the objectives of non-discrimination and equality into national instruments.”* It has been ratified by 163 member countries of the United Nations. It guarantees gender equality in Articles 1, 2, 3, 4, 5 and 15.

CEDAW was ratified by Mali in 1982, Senegal in 1985, Burkina Faso in 1987, and Niger in 1999 with five reservations<sup>95</sup> primarily relating to the status of women in marriage.<sup>96</sup>

By providing a definition of discrimination against women, CEDAW seeks to combat this form of violation of women’s rights while promoting their rights.

<sup>94</sup> See Orianne Vergara, *“Pour une lecture genrée de la Déclaration universelle des droits humains”*, available at: <https://archives.terredeshommesdoubts.org/Pour-une-lecture-genree-de-la-Declaration-Universelle-des-Droits-humains>, accessed 1 August 2020.

**Box 2: Definition of discrimination under CEDAW**

According to the terms of Article 1, discrimination is: *“any distinction, exclusion or restriction made on the basis of sex which 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”.*

**At regional level**

At regional level, the study target countries belong to regional organisations including the African Union and ECOWAS, both of which are sensitive to the protection and promotion of human rights in general and gender equality in particular. The African Charter on Human and Peoples’ Rights (ACHPR) serves as a global framework of protection without being focused on the category rights pertaining to the protection of women’s rights.<sup>97</sup> Instead, the ACHPR sets out a general framework for the protection of individual and collective human rights. This is why it was supplemented by an additional protocol on women’s rights, commonly known as the Maputo Protocol. At the regional level, this protocol serves as a reference in the fight against gender-based violence. It aims to promote the principles of equality, peace, freedom, dignity, justice, solidarity and democracy. In addition, it defines the concepts of discrimination and violence against women and specifies the measures to be taken by States Parties in both the public and private spheres to end these practices.<sup>98</sup>

The Maputo Protocol has been the focus of a certain amount of mistrust, and even hostility, particularly on the part of religious and customary authorities in Africa. Article 14 is the most symbolic illustration of this, as it provides

**95** Article 2, paragraphs (d) and (f): The Government of the Republic of Niger has expressed reservations with regard to paragraphs (d) and (f) of Article 2 relating to the taking of appropriate measures to abolish all customs and practices which constitute discrimination against women, particularly in matters of succession. - Article 5-a The Government of the Republic of Niger has expressed reservations regarding changes to socio-cultural patterns of behaviour of men and women. - Article 15-4 The Government of the Republic of Niger states that it shall not be bound by the provisions of this paragraph, in particular those concerning the right of women to choose their residence and domicile, except insofar as said apply only to single women. - Article 16 paragraphs 1-c, 1-e and 1-g The Government of the Republic of Niger expresses reservations regarding the above-mentioned provisions of Article 16, in particular with regard to the same rights and responsibilities during marriage and on its dissolution, the same rights to decide freely and with full knowledge of the facts as to the number and spacing of births, and the right to choose their last name. The Government of the Republic of Niger states that the provisions of Article 2, paragraphs (d) and (f); 5 (a), (b); 15 (4); and 16 (1-c), (1-e), and (1-g), relating to family relations, may not be applied immediately insofar as they are contrary to the customs and practices currently in force, which by their very nature can only change over time and with the evolution of society, and cannot therefore be abolished by law. -Article 29 The Government of the Republic of Niger expresses reservations concerning Article 29, paragraph 1, which provides that any dispute between two or more States concerning the prohibition or application of this Convention which is not settled by negotiation shall be submitted to arbitration at the request of any of those States. The Government of Niger considers that a dispute of this kind may only be submitted to arbitration with the consent of all parties to the dispute.

**96** According to Act No. 62-11 (1962) and Act No. 2004-50 (2004), the application of customary law takes precedence over the application of civil law in most matters of personal status, including marriage, divorce, direct descent, inheritance, settlement of assets and wills, and in relation to property, which has a negative impact on women and girls.

**97** The ACHPR was ratified by Guinea in 1982, by Burkina Faso in 1984, and by Niger in 1986.

**98** Report by Amnesty international, The Protocol on the Rights of Women in Africa: Strengthening the promotion and protection of women’s human rights in Africa, index AI: IOR 63/005/2004, London, June 2004, <https://www.amnesty.org/download/Documents/96000/ior630052004en.pdf> accessed 08/08/2020.

**Box 3: The Maputo Protocol: Enshrining the rights of African women**

The Maputo Protocol specifically addresses the issue of African women’s rights by providing both ‘prohibitive and incentive’ guarantees, and encompassing not only de jure recognition of women’s rights, but also the establishment of a framework for de facto gender equality.<sup>99</sup> Article 12 reaffirms the States Parties’ obligation to take all appropriate measures to: “eliminate all stereotypes in textbooks, syllabuses and the media, that perpetuate such discrimination” and to “protect women, especially the girl-child from all forms of abuse, including sexual harassment in schools and other educational institutions and provide for sanctions against the perpetrators of such practices”.

for “the right to health [and...] the right to control their fertility” and requires the States to “protect the reproductive rights of women by authorising medical abortion”. The principle of free access to medical abortion makes the Maputo Protocol the first binding instrument of international law to explicitly define abortion as a human right “in cases of sexual assault, rape, incest, and where the continued pregnancy endangers the mental and physical health of the mother or the life of the mother or the foetus”.<sup>100</sup> Senegal ratified the Protocol in 2004, even before it took effect in 2005. Burkina Faso ratified it on 10 October 2005, while Mali joined the Protocol on 16 September 2004 and adopted its implementing decree on 26 October of the same year.

In addition, with regard to political rights, the Solemn Declaration of the Heads of State and Government of the African Union on Gender Equality in Africa in July 2004 enshrined the commitment of the signatory Heads of State to increase women’s participation to at least 30% in all decision-making bodies and elected

positions. In this declaration, the African Heads of State and Government recognised the persistence of major challenges and obstacles to gender equality and the need for leadership and concerted, joint efforts to reduce the negative impact on women of issues such as HIV/AIDS, armed conflict, poverty, high numbers of refugee and displaced women, illiteracy, violence against women including harmful practices, women’s limited access to education, women’s exclusion from politics and decision making, inter alia.<sup>101</sup>

Through the African Youth Charter of 2006, States committed themselves to developing programmes of action that provide physical and psychological support for girls and young women who have suffered violence or abuse to enable them to fully reintegrate into society and the economy (Art. 23).

Finally, Niger, Burkina Faso, Mali and Senegal share another instrument relevant to the status of women in the ECOWAS region in its Revised Treaty. In Article 63, “Women and Development”, Member States undertake “to formulate, harmonise, co-ordinate and estab-

<sup>99</sup> Jeugue Doungue, M., “Discriminations à l’égard des femmes et développement durable à la lumière du Protocole de Maputo relatif aux droits de la femme en Afrique”, African Year of Human Rights with a focus on the Rights of Women, African Union, p. 66, available at: [https://au.int/sites/default/files/documents/31520-doc-discriminations\\_a\\_legard\\_des\\_femmes\\_et\\_developpement\\_rable\\_a\\_la\\_lumiere\\_du\\_protocole\\_de\\_maputo\\_relatif\\_aux\\_droits\\_de\\_la\\_femme\\_en\\_afrique\\_par\\_dr\\_martial\\_jeugue\\_doungue.pdf](https://au.int/sites/default/files/documents/31520-doc-discriminations_a_legard_des_femmes_et_developpement_rable_a_la_lumiere_du_protocole_de_maputo_relatif_aux_droits_de_la_femme_en_afrique_par_dr_martial_jeugue_doungue.pdf), accessed 2 October 2020.

<sup>100</sup> Lison Guignard, “Résistances catholiques au protocole de Maputo. Mobilisations et controverses autour de la libéralisation de l’avortement en Afrique”, Genre, sexualité & société, available at: <http://journals.openedition.org/gss/4076> accessed 13 August 2020.

<sup>101</sup> African Commission on Human and Peoples’ Rights, “Solemn Declaration on Gender Equality in Africa (SDGEA)”, available at: [https://www.un.org/en/africa/osaal/pdf/aul\\_declaration\\_gender\\_equality\\_2004.pdf](https://www.un.org/en/africa/osaal/pdf/aul_declaration_gender_equality_2004.pdf), accessed 29 September 2020.

*lish appropriate policies and mechanisms for the enhancement of the economic, social and cultural conditions of women”.*

The Community also adopted a Supplementary Act A/SA.02/05/15 Relating to Equality of Rights Between Women and Men for Sustainable Development within the ECOWAS Region.<sup>102</sup>

## Section II: National legal instruments that apply in the study countries

The study countries are parties to all relevant conventions on human rights in general and women’s rights in particular (ACHPR, ICCPR, ICESCR, CEDAW, Maputo Protocol, etc.). In addition to the universal and regional legal instruments to which they have acceded, each country has its own national legal framework. It is worth noting that, in general, these frameworks are inspired by international human rights instruments, even though shortcomings may be observed in harmonisation efforts or in policy implementation for various reasons.

### Framework for the protection and promotion of women’s rights in Niger

In its Constitution of 25 August 2010, the Government of Niger reaffirms its commitment to the principles of human rights, as defined by the Universal Declaration of Human Rights of 1948, including those relating to the status of women. The Constitution of the Seventh Republic places particular emphasis on combating violence against women and children, notably in Articles 14, 21, 22, 23 and 26.

At the legislative level, the Penal Code was revised in 2003, and provisions to punish certain forms of violence against women were included. These include:

- provisions on assault and battery (Articles 222 to 225) *“which protect women against all forms of bodily harm. It should be noted that this form of violence is more frequent in rural areas where women are beaten and sent back to their parents on a daily basis without the intervention of any particular organisation”*;<sup>103</sup>
- Articles 283, 284 and 285, which define and punish the act of rape, distinguishing between rape and aggravated rape;
- Articles 295 and 296 which penalise abortion;
- Articles 277, 278, 279 and 285 of the Penal Code, which deal with indecent assault;
- Article 292 on procuring and sexual enticement;
- Article 232 on female genital mutilation;
- Article 270-2, para. 1, which lays down sanctions for the practice of slavery;
- Article 290 dealing with forced marriage;
- Article 281-1 on sexual harassment; and
- Article 291-1 on trafficking in women.<sup>104</sup>

In addition, national legislation on the protection of women’s rights has made some progress, notably allowing women to pass on Nigerien nationality to their children under the same conditions as men. Additional relevant provisions are also contained in the civil law ap-

<sup>102</sup> Available at: <https://www.ccdg.ecowas.int/wp-content/uploads/Supplementary-Act-on-Gender-Equality.pdf> accessed 02/08/2020

<sup>103</sup> Analyse de la situation de la femme au Niger, Groupe de travail du Master en Autonomisation et Leadership dans les Projets de Développement, Projet 10-cap1-0863 *“Jeunes femmes, Autonomisation et Développement en Afrique Sub-saharienne”*, December 2011, page 5.

<sup>104</sup> Ibid.

plicable in Niger as well as in the labour code. Progress has been achieved since 2017 with the implementation of the revised National Gender Policy and its action plan in 2017; the adoption of a decree on the protection, support and guidance of schoolgirls; the creation of a National Observatory for the Promotion of Gender; the development of a strategy for the economic empowerment of women aimed at: *“promoting the economic empowerment of the women of Niger with a view to developing and consolidating a culture of income-generating activities and entrepreneurship to promote equality and equity between men and women in terms of their rights and chances”* and the development of a strategy on Gender-Based Violence; and, finally, the adoption of Decree No. 2019-369 PRN/MPF/PE of 19 July 2019 establishing Protection Committees which work extensively on community-based protection, particularly with regard to prevention of child marriage.

On the issue of women’s representation in political decision-making bodies, Niger is one of the few countries to have established a minimum threshold of representation in its domestic legislation through Act No. 2000-008 of 7 June 2000 on the quota for women in elected office, in the Government and the administration of the State.<sup>105</sup> The Act was revised in 2015 and 2020 to increase the percentage of women.<sup>106</sup>

In addition, Act 2006-16 on reproductive health was passed on 21 June 2006. Article 2 of this Act recalls the universal nature of the right to reproductive health: *“All individuals are equal in rights and dignity in matters of reproductive health. The right to reproductive health is a universal right, fundamentally guaranteed to all human beings, throughout their lives, in every situation and in every place; [...] No individual shall be denied this right, which shall*

*benefit everyone without any discrimination based on age, sex, wealth, religion, ethnicity, marital status or any other circumstance.”*

## Framework for the protection and promotion of women’s rights in Senegal

Senegal has reformed its institutions in an effort to strengthen democracy. This positive development in constitutional State-building was marked by the adoption of a new Constitution on 22 January 2001 following the change of government on 19 March 2000 and the consolidation of participatory democracy.

In addition to the legal and institutional instruments for the protection of human rights contained in the above-mentioned common core document, Senegal is a party to the AU Gender Policy and the Plan of Action on the African Women’s Decade (2010-2020) and has commenced their implementation at national level.

The principle of gender equality is enshrined in the Constitution, which contains specific provisions for the elimination and unequivocal condemnation of all forms of discrimination. Indeed, Article 1 of the Constitution states that: *“The Republic of Senegal shall be secular, democratic and social. It shall ensure equality before the law for all citizens, without distinction as to origin, race, sex or religion. It shall respect all faiths.”*

The judicial protection of human rights in Senegal is ensured by the high court (Supreme

<sup>105</sup> Article 3 of the Act provides that: “In legislative and local elections, the lists presented by any political party, group of political parties or group of independent candidates must include titular candidates of both sexes.”

<sup>106</sup> Interview with R.K., Niger, 6 August 2020.

Court), the Constitutional Council and the ordinary courts. Article 91 of the Constitution expressly states that: *“The judicial power is the guardian of the rights and freedoms defined by the Constitution and the law.”*

Certain provisions enshrine the *“equality before the law for all citizens, without distinction as to origin, race, sex or religion”* (Art. 1 of the Constitution). It is furthermore *“forbidden for political parties to identify with a race, ethnic group, gender, religion, sect, language or region”* (Art. 4, para. 1 of the Constitution).

The Constitution of 22 January 2001 marks a decisive turning point, however, by recognising women’s rights, some of which already existed but were explicitly stated for the first time:

- equality of all citizens before the law: men and women are equal before the law (Art. 7, para. 4);
- the right to health (Art. 8);
- the right of women to own and possess land (Art. 15, para. 2);
- the right to lighter work, especially in rural areas (Art. 17, para 3);
- the prohibition of forced marriage, which constitutes protection for the girl child (Art. 18);
- the right of women to own property, on the same basis as their husbands, and the right to personally manage their property (Art. 19);
- the right of all children, boys and girls, throughout the national territory, to attend school (Art. 22);
- the prohibition of any discrimination between men and women in employment, wages or taxes (Art. 25, para. 2); and
- equal access for men and women to elected offices and mandates (Act of 13 November 2007 amending the Constitution).

At legislative and regulatory level, various measures have been adopted to protect women’s rights:

- Act 99-05 of 29 January 1999 amending the Penal Code covers assault and battery, sexual harassment, domestic violence, female genital mutilation, rape, indecent assault, incest, procuring-which is the worst form of sexual exploitation of women, sexual enticement of minors, and family abandonment-which now applies to both spouses whereas it previously applied solely to women (articles 294, 297 b, 299 b, 319 b, 320 and 321, 322, 323, 324 and 350);
- Act 2005-15 of 19 July 2005 enshrines women’s right to take decisions regarding their reproductive health;
- the decrees of 23 November 2006 amending the regulations on the status of civil servants and non-civil servants respectively as well as the organisation of health insurance institutions allow employed women to support their spouses and children;
- Act 2008 of 1 January 2008 establishes equal tax treatment for men and women;
- Act 2010-11 of 28 May 2010 establishes absolute parity between men and women in fully and partially elected bodies;
- Act 03/2013 on the amendment of Act 61-10 of 7 March 1961 determining nationality, allows women to transmit their nationality to their children and spouse;
- Ministry of Education Circular 004379 of 11 October 2007 authorises pregnant girls to continue their studies. *“The pregnancy must first be duly confirmed by a qualified doctor approved by the State. Readmission shall be subject to the presentation of a certificate of fitness to resume class.”* Previously, married or pregnant students were automatically expelled from school (Circular 3364 of the Ministry of National Education of 24/04/1986);

- Act 2015-15 of 16 July 2015 authorising the President of the Republic to ratify ILO Convention No. 183 on Maternity Protection.<sup>107</sup> Under the terms of this Act, Convention No. 183 lays down the principle of non-discrimination in employment or access to employment for pregnant or breastfeeding women. However, it recognises that certain types of work may be totally or partially prohibited for pregnant or breastfeeding women due to their dangerous nature;
- Act No. 2016-32 of 8 November 2016 on the Mining Code. Article 109 of the Code states that mining title holders and subcontractors shall promote equal employment opportunities for women and men in the professional sphere and guarantees equal pay for female and male employees with equal qualifications.<sup>108</sup>
- The latest development in women's rights was the adoption in 2020 of Act No. 2020-05 criminalising rape and paedophilia following a discussion at the Presidential Palace with all stakeholders working to end GBV, including civil society organisations and UN agencies.

The Senegalese government has set up several institutions to better monitor and evaluate the role and participation of women in the national economy.

The combination of measures taken and actions undertaken has enabled progress to be made on women's issues:

- A Committee for the revision of legislative and regulatory texts that discriminate against women, set up in 2016 by Order No. 00936 of 27 January 2016 issued by the Minister of Justice. Its mandate is to review and propose the revision and harmonisa-

tion of national laws and regulations with the international conventions ratified by the Government of Senegal. Consequently, most of the recommendations on the amendment of the Family Code to eliminate all discrimination against women in law and practice were revised during the deliberations of the Technical Committee;

- New developments pertaining to the ministries of Fisheries, Tourism, Infrastructure and Finance, for which sector-specific action plans have been drawn up to ensure that gender is fully taken into account in their actions;
- For the third consecutive year, the Directorate of Budgetary Programming (DPB) has prepared a gender budget document accompanying the 2019 Finance Law to enable Parliament to better gauge the efforts made to reduce gender inequalities in government actions;
- As part of the PAP2 strategy and ESP development process, the Ministry of Women, Family and Gender (MFFG), in conjunction with the General Directorate of Planning and Economic Policies (DGPPE), conducted a gender analysis of the economic and social policy reference framework. This allowed specific gender equity and equality issues to be better addressed by formulating gender-sensitive outcomes and indicators.

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**107** *Rapport du groupe de travail chargé de la question de la discrimination à l'égard des femmes dans la législation et dans la pratique sur sa mission au Sénégal* (Senegal mission report of the working group on discrimination against women in legislation and in practice), p. 3.

**108** *Troisième rapport du Sénégal sur le Pacte international relatif aux Droits économiques, sociaux et culturels de septembre 2018* (Senegal's 3<sup>rd</sup> report on the International Covenant on Economic, Social and Cultural Rights, Sept. 2018), available at: ([https://tbinternet.ohchr.org/Treaties/CESCR/.../SEN/E\\_C-12\\_SEN\\_3\\_6168\\_F.docx](https://tbinternet.ohchr.org/Treaties/CESCR/.../SEN/E_C-12_SEN_3_6168_F.docx)), accessed 27/05/2019.

## Framework for the protection and promotion of women's rights in Burkina Faso

Burkina has constitutionalised the fundamental human rights enshrined in international legal instruments. Article 1 of the Constitution of 2 June 1991 states that *"all Burkinabe are born free and equal in rights. All have an equal right to enjoy all the rights and freedoms guaranteed by this Constitution. Discrimination of any kind, particularly on the basis of race, ethnicity, region, colour, gender, language, religion, caste, political opinion, wealth or birth, is prohibited."*

The Preamble to the Constitution recognises that gender promotion is a factor in achieving equality before the law between men and women in Burkina Faso. Article 1 states that all Burkinabe are born free and equal.

Act No. 28-2008/AN of 13 May 2008 on the Labour Code prohibits and sanctions any form of discrimination in employment and occupation, including gender-based discrimination (Articles 4 and 38). The Act also provides for equal pay for equal level jobs (Article 182) and working conditions adapted to women's maternity status. It also prohibits sexual harassment in the workplace (Article 37).

In addition, the national legislation includes the 1988 Personal Status and Family Code, which is aimed at improving the legal status and social protection of women and children. Since 1996, an agrarian and land reorganisation act grants men and women the same rights of access to and use of land.<sup>109</sup> Other instruments also contain measures promoting gender equality and social justice:

- The Labour Code and the Penal Code;
- The General Code of Territorial Collectivities grants men and women equal rights to participate in civic action and in the management of local affairs;<sup>110</sup> and
- In the political sphere, Act No. 010-2009/AN of 16 April 2009 establishing quotas of 30% for legislative and municipal elections.

Violence against women and girls is addressed by Act No. 061-2015/CNT on the prevention, punishment and redress of violence against women and girls. The Act contains provisions defining the different types of violence against women and girls and organising their repression as well as the treatment of victims by the police or gendarmerie. It applies to all forms of violence<sup>111</sup> and provides for the establishment of specialised structures and actors in the enforcement system.<sup>112</sup> It strengthens the legal arsenal in the fight against violence against women and provides for the repression of certain types of violence that were previously not criminalised (abduction, accusations of witchcraft, etc.). To a certain extent, the Act shares the same objectives as the integrated programme for the empowerment of women, one of whose objectives is to ensure

<sup>109</sup> Act No. 014/96/ADP of 23 May 1996 as amended by the Finance Act of 2008, available at: <https://www.droit-afrique.com/upload/doc/burkina/Burkina-Loi-1996-14-reorganisation-agraire-fonciere.pdf> accessed 08/08/2020

<sup>110</sup> Document portant politique nationale genre du Burkina Faso (National gender policy of Burkina Faso), October 2009, available at: <http://extwprlegs1.fao.org/docs/pdf/bkf146346.pdf> p.25, accessed 01/08/

<sup>111</sup> Art. 2: This Act applies to all forms of violence against women and girls, including physical, emotional, psychological, sexual, economic, property and cultural violence. No tradition, culture or religion may be used to justify these forms of violence against women or girls or to exonerate any perpetrator of such violence.

<sup>112</sup> Art. 3: This Act provides for special procedures, the creation of specific bodies and the specialisation of judges to take urgent protective measures, as required, in both criminal and civil matters.

women's effective inclusion in decision-making spheres.<sup>113</sup>

The fight against gender-based violence gained momentum with the adoption of Act No. 025-2018/AN of 31 May 2018 on the Penal Code. The new code lays down sanctions for certain types of violence that were not previously punished or sufficiently taken into account, such as sexual relations between an actor in the education sector and a minor pupil, apprentice or trainee of either gender (art. 533, para. 14), female genital mutilation (Art. 513-7, 513-8, and 513-9), and child marriage (Art. 531-1 et seq.).

The National Plan for Economic and Social Development (PNDES 2016-2020) is the country's new reference framework. The PNDES includes gender as one of the main drivers for the reduction of inequalities.

At the institutional level, Burkina Faso has set up a Commission for follow-up on commitments in favour of women, institutional and ministerial bodies for gender promotion, gender caucuses in the National Assembly, regional and communal gender promotion councils, a Centre for Information, Training and Action Research on Women (CIFRAF), a National Council for the Promotion of Gender (CONAP Genre), a national council on the practice of female genital mutilation, and a National Women's Forum.<sup>114</sup>

<sup>113</sup> Interview with C., BF.

<sup>114</sup> *Rapport de la grande rencontre africaine sur le protocole de Maputo*, 2-4 May 2019, in Dakar, Hotel Ngor Diarama AJS, FSJ, 2019, p. 11

<sup>115</sup> Bréhima Beridogo, *Etude sur la situation de la femme au Mali* (Study on the status of women in Mali), RECOFEM, 2007, pp. 123-134.

## Framework for the protection and promotion of women's rights in Mali

All rights and freedoms originate in the Constitution of 25 February 1992, which gives pride of place to the rights of the human person. It guarantees the same rights to citizens of both sexes without discrimination.

The principle of constitutional equality and the recognition of rights and freedoms have a clear impact on the legal status of women. Not only do they have the right to exercise and enjoy these rights, but they are also legitimately entitled to take any necessary action to claim and protect them.<sup>115</sup>

Moreover, women's rights are also reflected in the Marriage and Guardianship Code, the Nationality Code and the Kinship Code, despite the numerous discriminations they contain. The Social Welfare Code, the Land and Property Code and other more recent instruments are considered favourable to women or at least more egalitarian.

The Penal Code adopted in 2001 covers offences such as discrimination in general, war crimes and crimes against humanity. Although it makes no distinction between men and women, the political parties' charter remains theoretical in scope since only a few parties are led by women and very few women can be found in leadership bodies.

The electoral legislation does not provide for affirmative action to ensure that women are present in sufficient numbers in decision-making bodies. Act No. 2011-087 of 30 December 2011 on the Personal Status and Family Code of Mali provides for free consent to marriage with the choice of monogamy or polygamy.

Act No. 2015-52 of 18 December 2015 established measures to promote gender equality in access to elected and appointed positions. The Act sets a 30% quota for elected and appointed positions to be allocated to women.

Following the review of its previous report, the CEDAW Committee<sup>116</sup> called on Mali to “give high priority to reforming legislation so as to bring the relevant provisions into line with Articles 1, 2, 9 and 16 of the Convention and to adapt measures to discourage polygamy and guarantee women the same rights and responsibilities as men both during marriage and in the event of its dissolution.” Since then, several laws promoting women’s rights have been adopted.

The Malian government has set up institutions tasked with implementing policies and programmes for the promotion and protection of women’s rights.

The main policy documents, strategies and programmes adopted or underway are:

- the National Gender Policy (PNG) and its action plan, adopted since 2010;
- the National Action Plan for the Implementation of Resolution 1325; and
- the national programme on female genital mutilation (PNLPE).

The following main bodies have been set in place at institutional level:

- a National Directorate for the Advancement of Women (DNPF);
- focal points in the sectoral departments;
- local departments for the promotion of women, children and the family;
- a national centre for documentation and information on women and children (CNDIFE);

- spaces for dialogue, training and information for women known as “*Maisons de la Femme et de l’Enfant (MFE)*” (women’s and children’s centres), two of which are located in Bamako and one in each region of the country;
- women’s self-help centres in some of Mali’s circles and communes; and
- the creation of a national committee on GBV.

Additional progress was noted, including:

- The drafting of a bill on GBV;
- The appointment of GBV focal points;
- The creation of a holistic GBV management centre throughout the country and in Bamako (One Stop Centre);
- The launching of a hotline (SOS VBG 80333); and
- A national gender policy and legislation establishing a national commission on the fight against GBV.<sup>117</sup>

### Section III: Implementation difficulties

Despite significant strides made in improving the status of women in West Africa, difficulties persist in the implementation and effectiveness of legislation on gender issues.

#### The Case of Niger

In Niger, the coexistence of different types of law and the effective pre-eminence of customary law over modern law limits the scope of the principle of gender equality enshrined in national

<sup>116</sup> For further information, see: CNDH-MALI, *Rapport Alternatif 2016 CEDEF* (2016 CEDAW shadow report).

<sup>117</sup> Interview with B.S., Mali.

legislation and in the international instruments ratified by the country. The most visible consequences can be identified in family and personal status law, where the legislation recognises the application of customs or laws according to the choice of the persons involved. However, *“While written law or legislation is generally egalitarian in its approach to gender, customary law, which is patriarchal in nature, is inegalitarian in its prevailing interpretations. In customary law, the matrimonial regime, property, and the rules governing transfers between generations are always determined according to sex and establish male pre-eminence. This situation maintains confusion about the status of women in the family. Under these conditions, women can neither take decisions about motherhood (birth spacing), nor exercise the same responsibilities as men during marriage or on its dissolution.”*<sup>118</sup>

In addition, in its reservations regarding CEDAW, Niger *“excludes the possibility of taking any legislative measure to abolish any custom or practice that constitutes discrimination against women.”*<sup>119</sup> According to the Association of Women Lawyers of Niger,<sup>120</sup> *“by excluding the possibility of taking legislative measures to abolish any custom or practice that constitutes discrimination against women, Niger strips CEDAW of many egalitarian standards and thereby allows discrimination against women to persist”*. This is contrary to Article 28(2) of CEDAW and Article 19 of the Vienna Convention on the Law of Treaties. Furthermore, the Committee on the Elimination of Discrimination against Women considers that Articles 2 and 16 are *“core provisions of the Convention”* and that reservations on Article 16 are not allowed.<sup>121</sup>

Concerning forced marriages, although the 1962 Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages contributes to the fight against

this harmful practice, it remains insufficient in that it does not set a specific minimum age for marriage. States are only required to take *“the necessary legislative measures to specify a minimum age for marriage”*. Thus, while Niger has ratified the Convention, it has not raised the age of marriage, which is set at 15 years.

In terms of political rights and women’s participation in decision-making bodies, it should be noted that the law on quotas, which came into force in 2002 in Niger, has certainly favoured the political emergence of women during general elections since 2004, with a proportion of 16.96% of women deputies in 2016.<sup>122</sup> However, there are still efforts to be made, given that 50% of the population of Niger is made up of women.

In addition, less than 1% of GBV victims have filed a complaint themselves or through a third party. Thus, almost all victims (99%) fail to report the violence they have experienced, and those that do often withdraw their complaints.

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**118** National Gender Policy produced by the Ministry for the Promotion of Women and the Protection of Children in the Republic of Niger, op. cit., available in French at: <http://extwprlegs1.fao.org/docs/pdf/ner144902.pdf>, accessed 20 September 2020.

**119** See “Rapport Alternatif des ONGs du Niger sur la mise en œuvre de la Convention sur l’élimination de toutes les Formes de Discrimination à l’égard de la Femme (CEDEF/ CEDAW)” (Niger NGO shadow report on CEDAW implementation), available at: [https://www.socialwatch.org/sites/default/files/07AfricaWorkshop/14ESCR\\_shadow\\_reports/Rapport\\_CEDEF\\_Niger.pdf](https://www.socialwatch.org/sites/default/files/07AfricaWorkshop/14ESCR_shadow_reports/Rapport_CEDEF_Niger.pdf), accessed 21 September 2020.

**120** Ibid.

**121** Committee on the Elimination of Discrimination against Women, Concluding comments of the Committee on the Elimination of Discrimination against Women: Niger, CEDAW/C/NER/CO/2, 11 June 2007.

**122** On women’s representation in the political sphere, see ZAKARI A., *“Participation politique des femmes au Niger : Analyse de la contribution du genre féminin dans le développement politique”*, European Scientific Journal June 2017 edition Vol.13, No.16 ISSN: 1857-7881, <http://dx.doi.org/10.19044/esj.2017.v13n16p99> accessed 13 August 2020

*“...In cases of violence, especially rape, we put our trust in God, we don’t press charges to keep the word from spreading and also to protect our family’s honour...”* Satou, a displaced 17-year-old girl.<sup>123</sup>

In general, in cases of sexual violence, all victims (100%) are dissatisfied with the outcome of their complaint. In this respect, out-of-court settlements are all too often predominant among the population.<sup>124</sup> This type of settlement is the prevailing method of treatment of such cases, arbitrated by traditional chiefdoms or religious associations. Such practices discourage victims from reporting violence, from leaving abusive relationships, and even from following through with their complaints if they decide to take legal action. Thus, in the majority of cases, the charges are withdrawn. This behaviour creates a culture of impunity in individuals, public officials, and society as a whole; moreover, the police and the judiciary foster this legitimisation by often dissuading victims and their families from pursuing their cases in court. These practices promote repeat offences and recurring gender-based violence.

Finally, it should be noted that women are discriminated against in terms of access to social benefits and pensions (see Act No. 2007-26, which determines the criteria for the allocation and amount of family allowances, social benefits and bonuses, and Decree No. 60-55/MFP/T on the remuneration and benefits granted to civil servants in public administrations and establishments).<sup>125</sup>

## The Case of Senegal

In Senegal, the Family Code (FC) adopted in 1972 by consensus is the foundation for legislative and regulatory instruments that discriminate against women, despite the initiatives intended to continuously improve the legal situation of women, such as the abolition of provisions relating to the legal domicile of married women (Art. 13-1) and the ability to oppose the exercise of a profession by women (Art. 154). At present, discriminatory provisions against women and the girl child can be found in the following areas:

- the minimum age of marriage, which is set at 16 for girls and 18 for boys (Art. 111, FC);
- the choice of the family residence, which is the sole prerogative of the husband (Art. 153, FC);
- the exercise of paternal authority by the father in his capacity as head of the family (Art. 277, para. 2, FC);
- the persistence of “*marital authority*” over the wife (Art. 152, FC);
- the establishment of maternal filiation, which is authorised, whereas paternity suits are prohibited, even in case of rape followed by unwanted pregnancy (Art. 196, FC); and
- early marriage is only sanctioned under civil law by the annulment of the marriage, but no criminal sanction is provided for, except where the husband consummates the marriage on a minor under the age of thirteen (Art. 300 of the Penal Code).

<sup>123</sup> Rapport d’évaluation sur les violences basées sur le genre (VBG) au niveau des sites des déplacés à N’guigmi - la région de Diffa, Juin-Juillet 2017, Sous-Groupe de Travail Violences Basées sur le Genre - Diffa (Evaluation report on gender-based violence (GBV) at IDP sites in N’guigmi - Diffa region, June-July 2017, Sub-Task Force on Gender-Based Violence - Diffa), accessed 30 September 2020.

<sup>124</sup> Interview with D.R., Niger, 2020.

<sup>125</sup> United Nations, CEDAW Committee (2017: para. 35(b)).

Similarly, the right to a medical abortion in cases of sexual assault, rape or incest or when the pregnancy endangers the mental and physical health of the mother or the life of the mother or the foetus (Art. 14 of the Maputo Protocol) continues to encounter opposition in certain religious circles. Senegal is therefore slow to undertake the legal reforms necessary to integrate these relevant provisions into its domestic legislation.

For the girl child, the Children's Code has yet to be adopted.

Child marriage remains widespread and affects more girls than boys [33.6% of women aged 20-49 were married before the age of 18 (EDS-c 2016)]:

- certain legal provisions that discriminate against girls persist (the Family Code sets the age of marriage for girls at 16 [Article 111 of the Code]);
- women lack access to reproductive health services; and
- poor coverage in terms of infrastructure and equipment, a lack of trained human resources, insufficient supplies and essential items, and poor quality of information are additional factors.

With regard to female genital mutilation, many measures have been taken to accelerate the complete abandonment of the practice. These include Act 99-05, which prohibits and punishes the practice of FGM, and the various national action plans to speed the abolition of FGM (2000-2005, 2010-2015 and a new one currently being drawn up), which are national mechanisms and reference frameworks reflecting the will and commitment of the state to put an end to such practices. However, there are still challenges that need to be overcome to

end these practices, which impact the health and well-being of women and young girls.<sup>126</sup> The update on the enforcement of the Act published in 2011 revealed that enforcement remained limited, as the Act had created a fear of criminal sanctions that prompted people to resort to underground and sometimes medical practice of FGM.

Furthermore, although the conditions of access to the various courts laid down by the general provisions of the Judicial Code provide for free legal services for all women who are victims of violence, much remains to be done with regard to judicial procedures. Subject to the application of tax legislation, stamp duties and registration fees are borne exclusively by the users of the justice system. Police and personnel in courts and other justice departments generally reflect the discriminatory behaviour of society as a whole. It was widely observed that many of the cases treated in health facilities never reached the courts, police or gendarmerie.<sup>127</sup>

In Senegal, the rate of legal proceedings related to GBV is very low. Only 19.8% of victims said they had filed a complaint with the police, 8.8% with the gendarmerie and 5.5% with a court.<sup>128</sup> When acts of violence occur in educational settings, victims are usually afraid to report them. They fear reprisals from the perpetrators (especially victims of sexual and physical violence). In addition to the low rate of reporting, complaints rarely result in legal proceedings. The lack of financial and logistical resources (49.7%) and the lack of cooperation on the part of victims and perpetrators were

<sup>126</sup> ANSD report, 2019, *Violences basées sur le genre et pouvoir d'action des femmes*, ANSD 2019, op. cit.

<sup>127</sup> UN WOMEN, 2012, *ibid.*

<sup>128</sup> GESTES report, *"Les violences basées sur le genre au Sénégal : la prévention comme alternative aux périls de sécurité et de justice"*, op. cit.

other major limitations cited by the institutions, which generally lack the necessary resources to fulfil their mandate, thus reducing their effectiveness in the fight against GBV.<sup>129</sup>

## The Case of Burkina Faso

In Burkina, despite the adoption of the Personal Status and Family Code, *“the socio-cultural context remains marked by the predominance of tradition and custom, the interpretation and application of which are unfavourable to women, particularly in rural areas”*.<sup>130</sup> In other words, although the Code is favourable to women, the conditions for its enforcement remain difficult, particularly because of the duality of modern law and customary law. The adoption of the National Gender Policy reinforces the institutional and policy environment with respect to GBV governance. However, it is important to note that the implementation of these instruments remains difficult due to the social and cultural environment, which does not promote women’s empowerment.<sup>131</sup> In the area of combating violence against women and girls, *“the main difficulty lies in the principle that women must be subservient to men and the fact that all means of ensuring that this hierarchy is upheld are accepted by society and accepted by women. Violence is often perceived as a proper reaction to a refusal to obey.”*

There are significant gaps in the national legislation with regard to marriage, leading to the recurrence of forced and/or early marriages. It was observed that 52% of Burkinabe women were married before the age of 18. There was also an omission regarding cases of women accused of witchcraft and domestic violence in the legislation on the prevention, punishment and redress of violence against women and girls. The school enrolment rate also remained relatively low,

with 46.2% of girls attending school compared to 58.1% of boys in 2004.

The following problems can also be noted among the implementation shortfalls: a lack of implementation and monitoring of laws aimed at combating discrimination against women; limited effectiveness of government actions; the weight of harmful traditional practices (HTPs); insufficient distribution of the fruits of growth and a significant economic and social gap between urban and rural areas; persistent problems related to sexual and reproductive health and issues most often due to impunity; recurring cases of rape, clandestine abortions, etc.

Although the country has ratified a series of instruments and taken proactive measures to reduce the practice of female genital mutilation, the main findings of the Demographic and Health Survey (EDS; 2010) show that female genital mutilation is still a widespread practice in Burkina Faso, albeit with a relative downward trend, and that the practice affects all regions of the country and all social strata in varying proportions.

With regard to female genital mutilation, some progress has nevertheless been achieved, in particular with the introduction of dedicated care for girls who have undergone FGM. Burkina Faso has thus been commended by CEDAW for *“the various initiatives undertaken by the National Committee for the Fight against the Practice of Female Genital Mutilation and its campaign against FGM, which has resulted in a significant decrease in the practice”*.<sup>132</sup> However, cross-border female genital mutilation (FGM) in neighbouring countries where the practice is not

<sup>129</sup> Ibid.

<sup>130</sup> Mariam Marie-Gisèle Guigma/Diasso, op. cit.

<sup>131</sup> Interview with L.K., Burkina Faso, 25 September 2020.

condemned, as well as the increasing number of clandestine practices affecting infants, are aggravating the situation and making the fight against FGM very challenging, despite current community efforts and commitment in Burkina Faso.

With regard to domestic violence against women and girls, the lack of recent data does not reduce the certainty of its prevalence. As regards forced marriage, the situation remains serious, as three in five girls marry between the ages of 10 and 17, and 20% between the ages of 10 and 14. Abduction of girls is a phenomenon that persists in certain parts of the country. In December 2016, 926 people, most of them women excluded from their communities due to accusations of witchcraft, were admitted to 13 shelters and “*cours de solidarité*” (homeless centres) and only 61 returned to their families. Also in 2016, in the village of Pilimpikou alone, approximately one hundred women were victims of social exclusion in the middle of the rainy season and had to wander around in the rain with nowhere to go.<sup>133</sup>

It should be noted that Burkina Faso is currently the target of attacks by unidentified armed groups that have rocked the country since late 2015. This situation is placing a strain on basic social services (health, education, welfare, etc.), particularly in the most affected areas, i.e. Sahel, Centre-Nord, Nord, Est and Boucle du Mouhoun. According to statistics published by CONASUR on 7 June 2020, Burkina Faso has 921,471 internally displaced persons (IDPs), the majority of whom are women and girls (54%) from 110,013 households, representing an increase of some 50% in the number of IDPs compared to the situation on 27/01/2020 (613,792 IDPs).<sup>134</sup>

Women also continue to face discrimination in

terms of access to land, despite awareness-raising efforts by certain ministries and civil society organisations. Women’s right to inherit rural land is still contested, and their access to land is not secure (i.e. it can be withdrawn at any time).

The 2015 electoral code amending the legislation of 2009 contains no innovations in terms of gender mainstreaming. The only instrument promoting women is the gender quota act, which imposes a minimum of 30% of each gender on the electoral list. Unfortunately, the impact of the legislation is limited for two reasons. Firstly, the percentage specified only applies to the electoral list and does not guarantee the percentage in the final results. A legislative and municipal electoral list alternating women and men would be more equitable and would enhance women’s presence in decision-making spheres. Also, the financial penalty provided for when political parties fail to comply with the quota is not a sufficient deterrent. The issue of rural women’s participation in decision-making is not addressed in any legal framework and, apart from training and awareness-raising activities, there is no strategy for equal representation of women and men in decision-making spheres.<sup>135</sup>

<sup>132</sup> Mise en œuvre du cadre international et régional des droits de la personne en vue de l’élimination des mutilations génitales féminines, UNFPA report, November 2004, available at: [https://www.unfpa.org/sites/default/files/pub-pdf/Human\\_rights\\_and\\_FGM\\_final\\_FR.pdf](https://www.unfpa.org/sites/default/files/pub-pdf/Human_rights_and_FGM_final_FR.pdf) accessed 14/08/2020.

<sup>133</sup> *Contribution de la société civile sur la protection des droits catégoriels, Examen Périodique Universel, troisième cycle* (CSO contribution on the protection of category rights, periodic overall review, third cycle), Burkina Faso, September 2017, pp 4-11.

<sup>134</sup> Cluster Protection, *Rapport d’évaluation rapide de la situation des violences basées sur le genre et la covid-19 dans la région du centre nord – Burkina Faso*, op. cit.

<sup>135</sup> AJS et al., “*Contribution de la société civile sur la protection des droits catégoriels*” (CSO contribution on the protection of category rights), EPU, September 2017, available at: [file:///C:/Users/ADIE/Downloads/JS7\\_UPR30\\_BFA\\_F\\_Cover-Page.pdf](file:///C:/Users/ADIE/Downloads/JS7_UPR30_BFA_F_Cover-Page.pdf), accessed 29 October 2020.

## The Case of Mali

Mali has ratified most international and regional instruments on human rights in general and women's rights in particular. However, as in the other target countries, these instruments are not sufficiently enforced. In this regard, Mali is similar to its neighbouring countries in many ways. The lack of harmonisation of the instruments is obvious, given the limited compliance of national legislation with international instruments, not to mention certain legal gaps in positive law (violence against women), and discrimination against women. Moreover, customary law, which is often unfavourable to women, is applied to the detriment of the written law, especially in rural areas, particularly with regard to inheritance of rural land.

Similarly, the Personal Status and Family Code, which is supposed to remedy discrimination and improve the status of Malian women by reducing inequalities and harmonising domestic laws with ratified regional and international conventions, still contains provisions that clearly discriminate against women:

- Article 282 stipulates that: *“the minimum age for marriage is set at eighteen years for men and sixteen years for women”*;
- Article 285, paragraphs 1 and 2, respectively state that: *“The future spouse cannot enter into marriage, where the age requirement is waived, without the consent of his or her father and mother (these provisions are contrary to Art. 5.a). In the event of a disagreement, the consent of the father shall suffice”* and *“In cases where the father is deceased or unable to express his consent, the consent of the family council including the mother shall suffice”*. The latter provision clearly makes the opinion of a girl's mother irrelevant to decisions about her marital

status. This contributes to the resurgence of a societal view that women should have no say in family matters and that the father can monopolise them, thus undermining the principle of non-discrimination.<sup>136</sup>

This shows that despite government efforts to improve the status of women in Mali, women continue to face violence at various levels. Surveys reveal that the phenomenon of violence against women remains a real concern in the country and is in fact growing. Generally speaking, large numbers of women continue to be victims of rape, physical violence, repudiation, harassment, insults, and harmful traditional practices such as female circumcision, infibulation, forced and early marriages, levirate and sororate. Mindsets and behaviours are still deeply marked by certain customary and religious practices founded on gender inequality and male dominance in the family and society. Early marriage in particular has a significant negative impact on girls' education, as it results in girls not attending school, dropping out of school, etc.<sup>137</sup>

During the 2012 crisis, several schools in the north of the country were occupied and used for military purposes, depriving thousands of children, including many girls, of their right to attend school. The exercise of girls' right to education is therefore compromised, exposing many girls to risks such as early marriage,

<sup>136</sup> See, *“Nouveau Code des Personnes et de la Famille : Les nouvelles dispositions très vivement contestées”* (The new Personal Status and Family Code: new provisions are hotly contested), available at: <https://www.maliweb.net/societe/nouveau-code-des-personnes-et-de-la-famille-les-nouvelles-dispositions-trs-vivement-contestes-42570.html>, accessed 1 October 2020.

<sup>137</sup> CNDH, *“Rapport alternatif au titre de la Convention sur l'élimination de toutes les formes de discrimination à l'encontre des femmes (CEDEF)”* (Shadow CEDAW report), Bamako, May 2016.

exploitation and even prostitution (which is contrary to Art. 6 of CEDAW). The low level of women's involvement in the peace process has been widely observed. Despite the relevant provisions of the Constitution<sup>138</sup> and national legislation advocating equality for all, women continue to suffer from certain forms of discrimination linked to their status as women and sometimes based on entrenched social stereotypes.

With regard to political life, women's participation continues to depend on social and practical factors. There is a perception in Malian society that women should remain in the home, and that they are only meant to perform household and reproductive tasks. Furthermore, the implementation of the quota law runs up against the harsh reality of women's low level of education, which considerably limits the number of women leaders and their impact on development policies. Despite the significant number of laws and regional and international instruments ratified by Mali to protect women's rights, the fulfilment of those rights remains a challenge, especially as the effective implementation of parity as desired by CEDAW is slow to come about.<sup>139</sup>

Despite the above-mentioned violence, it should be noted that the vulnerability of Malian women is mainly due to illiteracy, low levels of education and poverty. Indeed, women's access to employment in the modern sectors of the economy remains problematic, as does their access to justice.

Finally, the absence of specific legislation punishing violence against women, including female genital mutilation, is deplorable, as it serves as a pretext for a certain impunity for the perpetrators of these abuses.

In summary, it can be noted that despite the

fact that gender equality has been enshrined in the constitutions and conventions of the study countries, it has yet to be achieved in terms of education, access to positions of responsibility or office. This is due as much to the persistence of endogenous socio-cultural realities as to certain economic difficulties that slow (but do not halt) the advancement of the status of women on the African continent.

An analysis of the legal framework of the policy for the advancement of women does reveal some strong points. It shows the existence of a legal framework favourable to the promotion of the legal status of women, as well as the design and implementation by the State and its development partners of projects/programmes to address the obstacles highlighted and to improve the human rights situation in general, and that of women's and children's rights in particular. It also notes the presence of a strong, diversified civil society that is involved in activities for the advancement of women.

However, some shortcomings and weaknesses were also noted. Numerous barriers linked to customs and traditions persist, and harmonisation is still needed. The lack of harmonisation of domestic legislation with the international normative framework contributes to the failure to implement laws and conventions ratified by the target countries. In addition, there was insufficient stakeholder monitoring and evaluation of activities to promote the legal status of women.

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**138** Article 2 of the Constitution of Mali of 25 February 1992 provides that, *"All Malians are born and shall remain free and equal in their rights and duties. Any discrimination based on social origin, colour, language, race, sex, religion, or political opinion is prohibited."*

**139** CNDH, *"Rapport alternatif au titre de la Convention sur l'élimination de toutes les formes de discrimination à l'encontre des femmes (CEDEF)"* op. cit.

## CHAPTER III: EXISTING GOOD PRACTICES IN THE COUNTRIES

Despite the numerous challenges identified in West African countries, it should be noted that good practices have been reported in the fight against GBV, and that they should be disseminated.

### Good Practices in Burkina Faso

- Standard Operating Procedures (SOPs) have been developed to facilitate the adoption of joint GBV prevention and response measures by all stakeholders.
- Communication was strengthened between the organisations in charge of GBV issues, as well as awareness-raising activities to change attitudes and behaviours towards victims and the GBV phenomenon.
- Communication and advocacy actions were increased at the national and regional levels to popularise, enhance and promote the implementation of legislative and regulatory frameworks relating to gender-based violence.
- Strategies were developed by civil society actors through awareness-raising activities (talks and debates, film screenings, door-to-door visits) and training was provided for GBV victims and targets as well as perpetrators.
- There is a growing culture of reporting.
- Legal, judicial, psychological and medical service packages are increasingly provided for women and girls who have suffered from abuse.
- Mobile legal clinics have been set up to bring professionals closer to the people. This allows people to obtain information on their rights and receive the services they need.
- Advocacy groups on GBV issues have been set up.
- A case management centre has been set in place at institutional level.
- A growing number of community watchdog and reporting systems (often through associations) focus on cases of violence.

### Good Practices in Mali

- Anti-GBV organisations and UN agencies work in synergy within a GBV sub-cluster.
- Awareness campaigns on radio and television and other community activities on GBV, such as the Musoya program and the #MaliSansVBG campaign of the Benbere platform have been implemented.
- Awareness-raising campaigns are organised on a yearly basis during the 16 Days of Activism against GBV. Information programmes are broadcast on the radio and through social networks.
- Crisis centres known as “One Stop Centers” (inaugurated on 18 April 2018) have been set up. These centres provide survivors with access to legal, medical and other services related to GBV. This is a great step forward, as it allows victims to file complaints and find shelter in case of need.
- Dialogues with community leaders (especially religious leaders) are conducted on a regular basis.
- Services are consistently provided to survivors of GBV.
- A law has been passed to punish anyone found guilty of GBV, representing a step forward in the fight against GBV.
- Training is increasingly provided for legal system professionals on how to overcome

their prejudices and biases based on gender and social norms.

- Training for health care providers and police officers on how to recognise and report cases of GBV has become a widespread practice that contributes to the fight against GBV.

### Good Practices in Niger

- There is a dynamic consultation framework for all stakeholders involved in the fight against GBV in Niger.
- “*Maisons de la Femme*” (women’s centres) have been created to take in women and girls and provide them with integrated services, including holistic care.
- The government, CSOs and other partners support the empowerment and initiatives of women’s IGAs and the social and economic reintegration of victims/survivors and people vulnerable to GBV.
- Shelters and holistic care centres for victims of gender-based violence have been expanded and consolidated.
- The partnership framework with community leaders (traditional and religious leaders, women’s groups and women’s organisations) has been strengthened.
- Modules on “*Islam, Gender and Human Rights*” have been developed and implemented, allowing religious leaders to take part by preaching on topics such as respect for women’s rights, combating child marriage, access to land and promoting reproductive health. This activity has been very successful in certain areas of the country.
- A communication plan on GBV has been developed and implemented.
- Awareness-raising has been continued for the general public and community leaders on the causes and consequences of GBV, through sermons on the media and discus-

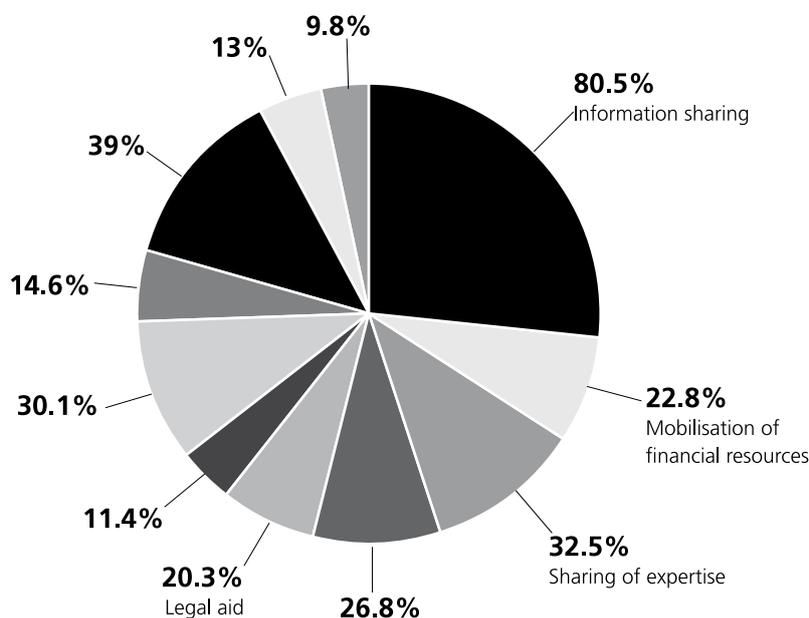
sion sessions.

- Advocacy and lobbying activities have been conducted with a view to initiating and adopting new regulations and legislation on GBV and ensuring the effective enforcement of all instruments pertaining to the issue.
- A module has been developed to include GBV in school curricula.
- Teachers continue to receive training on GBV issues.
- Actions to end child marriage are coordinated through a platform “*towards the end of child marriage*”. This platform brings together all UN agencies and national and international NGOs working in the field.
- Traditional chiefs and religious leaders are strongly involved in GBV prevention.
- Safe spaces have been set up where girls can learn about their rights and strengthen their life skills, such as the UNFPA’s “*Illimin*” programme.
- Husband schools and husband-to-be clubs are promoted. They teach men how to participate in the management of their wives’ sexual and reproductive health, spark dialogue and foster communication within the couple, etc.

### Good Practices in Senegal

- Community organisations such as women’s associations and NGOs are directly involved in the psychological care of victims. This applies, for example, to the *Regroupement des Associations Féminines de Malika*, the “*Stop Tonton say say*” association and CEGID, which work directly with victims and act as an interface between NGOs and communities. These organisations’ closeness to the people has helped them to gain their trust, allowing them to act as go-betweens with larger institutions.<sup>140</sup>

**Graph 14: Types of collaboration with partners**



Source: GESTES, 2015

- United Nations organisations collaborate with community organisations on GBV management and prevention. Examples include the UNFPA, UN Women, RADDHO and CNVAF. AJS opened a legal aid clinic in December 2008 to provide legal advice and assistance to the poor. Between 13 December 2008 and 28 February 2013, 3,722 people received free legal advice from the legal aid clinic with support from Italian cooperation, OSIWA and UN Women.
- A hotline was also set up by AJS.
- A fund was set up to assist GBV victims and a rehabilitation fund for child victims of violence (FRESMAS) was created.
- For more than five years, institutional partnerships have existed among the Ministries of Family, Social Development and National Solidarity, the Ministry of Justice, the Ministry of the Interior (Brigade des Mineurs), the Ministry of Decentralisation and Territorial Collectivities, the Network of Parliamentarians for Population and Development and specialised research and training institutes.

- Partnerships between NGOs and community-based organisations have been developed and have played a decisive role in the results achieved, particularly in the areas of direct action for women and girls (the fight to end female genital mutilation, and the fight against early marriage and violence against women). For instance, the partnership between the United Nations and the WHO has made it possible to initiate the revision of the National Action Plan for the abolition of female genital mutilation.<sup>141</sup>
- Partnerships between stakeholders (associations, advocacy committees, NGOs, etc.) are based on information-sharing, awareness-raising and expertise-sharing, as well as training on legal aid, medical assistance, and GBV prevention and management.<sup>142</sup>

<sup>140</sup> GESTES report, “Les Violences Basées sur le Genre au Sénégal : la prévention comme alternative aux périls de sécurité et de justice”, op. cit.

<sup>141</sup> Ibid.

<sup>142</sup> Ibid.

## CHAPTER IV: RECOMMENDATIONS

### Section I: General recommendations

#### On GBV prevention

- Legislate on the age of marriage in accordance with the CRC and adopt a law criminalising early and forced marriages.
- Strengthen state institutions to promote women's leadership in politics and improve women's political representation.
- Produce data on GBV, through periodic updates on violence against women and girls.
- Initiate or implement laws penalising domestic violence.
- Assist the state in further developing capacity-building and empowerment activities for women and girls, with particular emphasis on educating women on their rights to increase their enjoyment of said rights.
- Disseminate and strengthen existing legal provisions on GBV.
- Break the silence on sexual violence and encourage people to report cases of sexual violence.
- Strengthen civil society's capacity to advocate for the development and adoption of specific laws against GBV.
- Train justice, security, health and education personnel on violence against women and girls and on the gender and human rights approach.
- Train parliamentarians on GBV, gender-sensitive budgeting and human rights.
- Train community relays and other people in the field on GBV.
- Provide capacity-building for victims on rights-related issues, with legal support.

#### On GBV management

- Create local committees to fight GBV.
- Rehabilitate legal clinics, including in insecure areas.
- Strengthen and scale up immediate, holistic service provision for GBV victims (medical, psychological, economic and legal), and create an immediate referral system for victims.
- Train health and justice personnel on treatment of victims.

### Section II: Country recommendations

These recommendations are primarily addressed to the States, which are the main guarantors of human rights in the target countries. As an international legal entity, each State has made international commitments which it is obligated to fulfil. In addition, in implementing its commitments, the State must collaborate with technical and financial partners, as well as with NGOs, which should play a watchdog role in terms of human rights. Generally speaking, the lines of action that follow revolve around strategic and operational recommendations with the aim of highlighting priorities in each country.

## Mali

Strategic Recommendations	Operational Recommendations
<p>Harmonise Personal Status and Family Codes with CEDAW and African legal instruments aimed at promoting and protecting the rights of women.</p>	<ul style="list-style-type: none"> <li>• Conduct research to assess the existing provisions of the Family Code that are inconsistent with CEDAW.</li> <li>• Amend any provisions contrary to CEDAW and incorporate any missing provisions.</li> <li>• Disseminate CEDAW.</li> <li>• Adopt a specific law on violence against women.</li> <li>• Initiate/consolidate training on GBV for parliamentarians, judges and health professionals.</li> <li>• Strengthen existing measures to promote greater socio-economic empowerment of women.</li> <li>• Adopt information and awareness-raising measures to end practices that are harmful to women's well-being, especially in rural areas.</li> <li>• Promote women's access to land.</li> </ul>
<p>Promote women's participation in decision-making and conflict-management bodies.</p>	<ul style="list-style-type: none"> <li>• Promote the production of data on the current gender balance in decision-making bodies.</li> <li>• Ensure the effective implementation of Act No. 2015-052 on a 30% quota for women in appointed and elected positions.</li> <li>• Provide capacity building for women on leadership, entrepreneurship and gender.</li> <li>• Promote women's access to education, employment and justice.</li> <li>• Accelerate the implementation of the National Action Plan on the implementation of Resolution 1325.</li> </ul>

## Senegal

Strategic Recommendations	Operational Recommendations
<p>Protect women against gender-based violence in accordance with international standards.</p>	<ul style="list-style-type: none"> <li>• Harmonise the Senegalese family code with international conventions.</li> <li>• Conduct advocacy and awareness-raising activities to further combat gender-based violence in Senegal.</li> <li>• Develop alternative sentences insofar as possible for women, particularly pregnant women and/or mothers of children under the age of 2, and avoid prolonged pre-trial detention.</li> <li>• Adopt a children's code.</li> </ul>

<p>Strengthen protection of socio-economic rights including those related to reproductive health.</p>	<ul style="list-style-type: none"> <li>• Take real action to increase women’s empowerment.</li> <li>• Improve health care and promote access to social protection for women and other actors in the informal sector to further reduce the maternal mortality rate and obstacles to women’s reproductive health rights.</li> <li>• Ensure that medical certificates are free of charge in cases of sexual violence.</li> <li>• Ensure the enforcement of the law criminalising rape and paedophilia.</li> </ul>
<p>Strengthen and support assistance and early warning mechanisms for gender-based violence.</p>	<ul style="list-style-type: none"> <li>• Revitalise legal advice centres and equip them with the necessary resources to effectively fight against violations of women’s rights.</li> <li>• Reinforce psychological counselling and economic and legal assistance for survivors of GBV.</li> <li>• Ensure the effective enforcement of laws to protect women against gender-based violence.</li> <li>• Strengthen the synergy of actions by organisations working to protect women’s rights.</li> </ul>

## Niger

Strategic Recommendations	Operational Recommendations
<p>Protect women from gender-based violence in accordance with international standards and good customary practices.</p>	<ul style="list-style-type: none"> <li>• Encourage the withdrawal of reservations to CEDAW.</li> <li>• Promote progressive Koranic and prophetic teachings that promote women’s rights.</li> <li>• Raise awareness, train and inform the population in general and women in particular about CEDAW.</li> <li>• Disseminate CEDAW and harmonise it with the legislation in force.</li> <li>• Remove barriers linked to the inadequacy of the legislative framework and the persistence of discriminatory customs and stereotypes.</li> <li>• Promote women’s access to justice by ensuring its effectiveness.</li> </ul>
<p>Strengthen the protection of socio-economic rights including those related to reproductive health and girls’ education</p>	<ul style="list-style-type: none"> <li>• Promote the empowerment of Nigerien women.</li> <li>• Eliminate discrimination in access to social benefits and pensions (see Act No. 2007-26 and Decree No. 60-55/MFP/T on the remuneration and material benefits allocated to civil servants).</li> <li>• Improve health care and promote access to social protection for women.</li> <li>• Adopt legislative and operational measures to further reduce the maternal mortality rate and promote women’s inherent reproductive health rights.</li> <li>• Promote girls’ access to and retention in school.</li> <li>• Encourage affirmative action for women and promote their inclusion in decision-making spheres.</li> </ul>

<p>Strengthen and support gender-based violence assistance and early warning mechanisms.</p>	<ul style="list-style-type: none"> <li>• Reinforce psychological counselling and economic and legal assistance for survivors of GBV.</li> <li>• Ensure the effective enforcement of laws to protect women against gender-based violence.</li> <li>• Promote synergy in the actions of CSOs working on GBV.</li> </ul>
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## Burkina Faso

Strategic Recommendations	Operational Recommendations
<p>Protect women from gender-based violence in accordance with international standards and good customary practices.</p>	<ul style="list-style-type: none"> <li>• Incorporate the definition of discrimination as set out in CEDAW into national laws and include the endorsement of the Convention in the preamble of the Constitution of Burkina Faso to enhance its enforceability.</li> <li>• Revise the legislation on personal status and the family to establish a minimum age of marriage of 18 years for men and women for all forms of marriage.</li> <li>• Proceed with the recognition and registration of customary and religious marriages in order to combat violence against women.</li> <li>• Repeal discriminatory laws, in particular the provisions on polygamy and those setting the age of marriage for girls at 17 (with the possibility of waivers up to the age of 10) and for boys at 20 (with the possibility of waivers up to the age of 18).</li> <li>• Combat traditions and customs that are detrimental to women’s rights.</li> <li>• Engage in discussions with displaced women and stakeholders in protection on ways to ensure the protection of displaced and host populations, particularly vulnerable women and girls.</li> </ul>
<p>Strengthen the protection of socio-economic rights including those related to reproductive health and girls’ education.</p>	<ul style="list-style-type: none"> <li>• Promote women’s empowerment.</li> <li>• Encourage and promote women’s right of access to land, especially in rural areas.</li> <li>• Improve health care and promote access to social protection for women.</li> <li>• Adopt legislative and operational measures to further reduce the maternal mortality rate and promote women’s inherent reproductive health rights.</li> <li>• Raise awareness in the population, and among religious and traditional leaders on the content and objectives of the free health care measure.</li> <li>• Promote girls’ access to and retention in school.</li> <li>• Promote the active participation of women in governance and peace-building bodies at local, regional and national levels.</li> </ul>

<p>Establish measures to encourage comprehensive care for survivors of gender-based violence (GBV): protection of survivors, health care, psychosocial support, access to justice and socio-economic rehabilitation.</p>	<ul style="list-style-type: none"> <li>• Increase financial support for civil society organisations partnering with the Ministry of Women.</li> <li>• Reinforce and increase the number of effective alert and reporting mechanisms.</li> <li>• Increase psychological counselling and economic and legal assistance for survivors of GBV.</li> </ul>
<p>Promote networking and a holistic approach to the fight against GBV.</p>	<ul style="list-style-type: none"> <li>• Strengthen networking among women’s associations.</li> <li>• Encourage the contribution of all stakeholders through a dynamic partnership including public authorities, local authorities, non-governmental organisations, associations, customary and religious leaders, and technical and financial partners.</li> <li>• Increase the involvement of the public authorities, local elected representatives and academics, who need to play a role in regulating, guiding, coordinating, researching and implementing activities to promote the abolition of gender-based violence.</li> <li>• Involve customary and religious leaders within the various communities, as well as guarantors of social, traditional, cultural and religious values.</li> </ul>

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## FES Peace and Security Series No. 42

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### About this publication

Gender-based violence (GBV) is a significant obstacle to women's enjoyment of their rights and a violation of their fundamental freedoms. In several countries, particularly in West Africa, such violence is rooted in a social system founded on patriarchy. This system generates and perpetuates negative social stereotypes and prejudices towards women. West Africa continues to be marked by persistent socio-cultural constraints and harmful traditional and customary practices, which contribute to the rise in violence against women in their communities.

This study explores the GBV situation in West Africa, particularly in countries such as Senegal, Mali, Burkina Faso and Niger. More specifically, it attempts to answer the following questions:

- What is the environment in which gender-based violence is committed in the target countries?
- How can the legal framework for the fight against GBV be analysed?
- What are the best practices and recommendations for addressing GBV?

