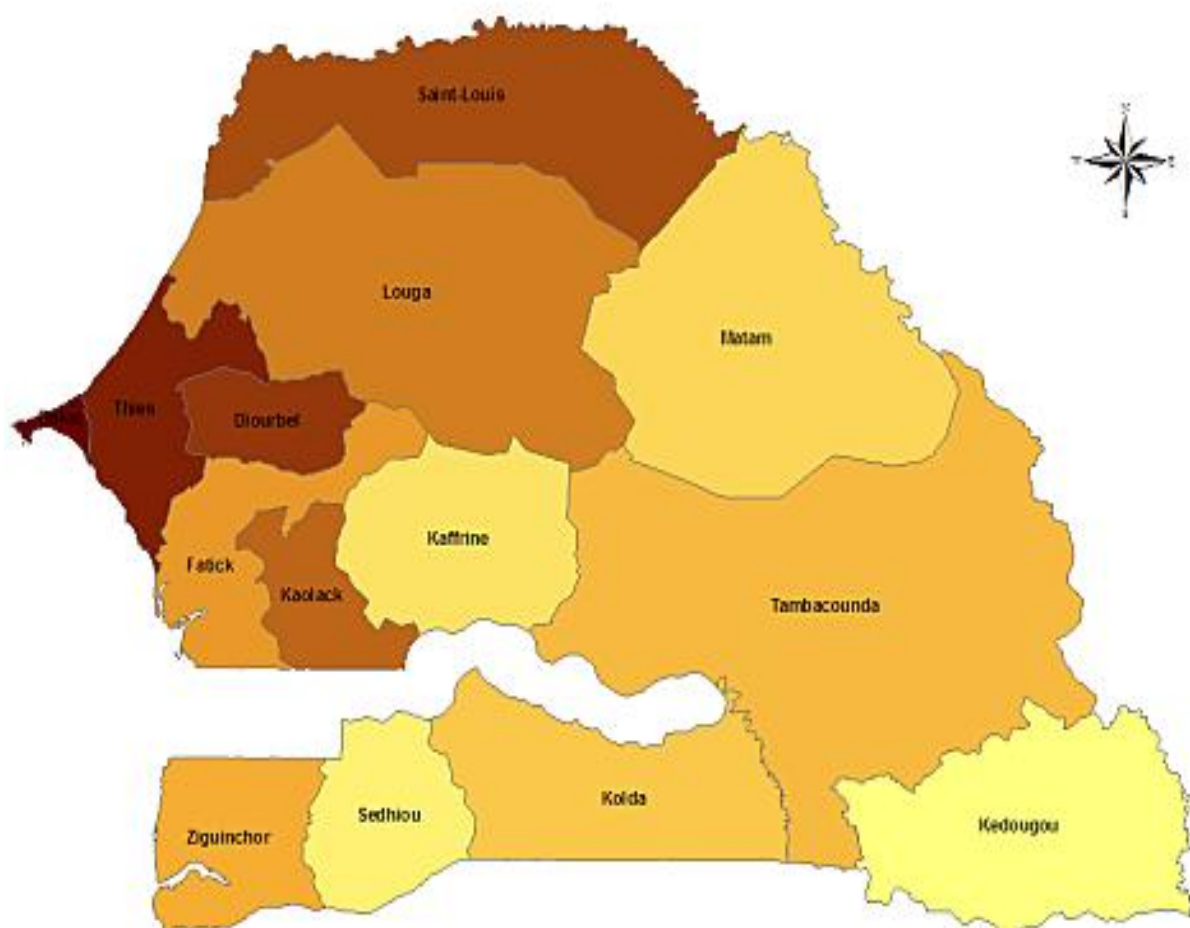


# INITIAL, FIRST AND SECOND REPORT OF SENEGAL

ON IMPLEMENTATION OF THE AFRICAN CHARTER  
ON THE RIGHTS AND WELFARE OF THE CHILD  
1998-2009



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## LIST OF ACRONYMS AND ABBREVIATIONS

| Acronyms and Abbreviations | Meaning  |
|----------------------------|--|
| <b>ACAPES</b>              | Senegalese Cultural Association for Educational and Cultural Self-Promotion... |
| <b>ACDI</b>                | Canadian Agency for International Development                                  |
| <b>AEMO</b>                | Educational Activity in Open Custody   |
| <b>AME</b>                 | Maternal Exclusive Breastfeeding   |
| <b>ANAFSA</b>              | National Association for Adult Literacy and Training                           |
| <b>ANCTP</b>               | National Agency for Small Children's Home                                      |
| <b>APROFES</b>             | Association for the Promotion of Senegalese Women                              |
| <b>ARV</b>                 | Antiretrovirals  |
| <b>ASDES</b>               | Senegalese Association for Equitable and Integral Development                  |
| <b>BAC</b>                 | Baccalauréat   |
| <b>BAD</b>                 | African Development Bank   |
| <b>BCEAO</b>               | Central Bank of West African States  |
| <b>BFEM</b>                | Brevet de Fin d'Etude de l'Enseignement Moyen (Middle School Certificate)      |
| <b>BFEM</b>                | Brevet de Fin d'Etude du Moyen (Middle Level Studies Certificate)              |
| <b>BIT/OIT</b>             | International Labour Office/International Labour Organization                  |
| <b>BM</b>                  | World Bank   |
| <b>CADBE</b>               | African Charter on the Rights and Welfare of the Child - ACRWC                 |
| <b>CAPE</b>                | Child Protection Support Unit  |
| <b>CCC</b>                 | Communication for Behavioral Change  |
| <b>CDE (CRC)</b>           | Convention on the Rights of the Child  |
| <b>CDIPE</b>               | National Centre for Fishing and the Environment                                |
| <b>CDSMT</b>               | Medium-Term Sectoral Expenditure Framework                                     |
| <b>CEDAW</b>               | Convention on the Elimination of All Forms of Discrimination Against Women     |
| <b>CEDEAO</b>              | Economic Community of West African States                                      |
| <b>CETEF</b>               | Center for Female Technical Education  |
| <b>CEEE</b>                | Primary School Leaving Certificate   |
| <b>CEI</b>                 | Judicial Training Center (domiciled at ENAM)                                   |
| <b>CONAFE</b>              | Council for Children's Rights Defense Organizations                            |
| <b>CONGAD</b>              | Non-Governmental Development Support Council                                   |
| <b>CPN</b>                 | Pre-natal Consultation   |
| <b>CRETEF</b>              | Regional Center for Female Technical Education                                 |
| <b>CS</b>                  | Health Center  |
| <b>DANSE</b>               | Food, Nutrition and Survival of the Child                                      |
| <b>DEMSG</b>               | Directorate for Middle Level and General Secondary Education                   |
| <b>DESPES</b>              | Directorate for Correctional Education and Social Protection                   |
| <b>DPDE</b>                | Directorate for Protection of the Rights of the Child                          |
| <b>DPRE</b>                | Directorate for Planning and Educational Reform                                |
| <b>DPS</b>                 | Directorate for Forecasting and Statistics                                     |
| <b>PRSP</b>                | Poverty Reduction Strategy Papers  |
| <b>DSRP</b>                | Poverty Reduction Strategy Document  |
| <b>DTP3</b>                | Diphtheria, Tetanus and Polio 3  |
| <b>ECB</b>                 | Community Basic School   |
| <b>EDS</b>                 | Demographic and Health Survey  |
| <b>ENAM</b>                | National School of Administration and Judiciary                                |
| <b>ENDA GRAF</b>           | Environment Development/ Research and Training Support Group                   |
| <b>ENDA/TM</b>             | ThirdWorld Environment and Development   |
| <b>ENTSS</b>               | National School of Specialized Social Workers                                  |
| <b>EPT/EFA</b>             | Education pour Tous/Education For All  |
| <b>ESAM</b>                | Senegalese Household Survey  |
| <b>ESP</b>                 | Priorities Survey  |
| <b>FAWE</b>                | Forum for African Women Educationists  |
| <b>FEMSA</b>               | Education of Girls in Maths, Science and Technical Subjects (English Acronym)  |
| <b>FMI/IMF</b>             | Fond Monétaire Internationale/International Monetary Fund                      |

|                   |  |
|-------------------|--|
| <b>FODDE</b>      | Development NGOs active in the region of Kolda (Foulbé acronym)            |
| <b>FPGL</b>       | Paul Guérin Laioje Foundation  |
| <b>GADEC</b>      | Community Development Support Group  |
| <b>GPF</b>        | Women's Promotion Group  |
| <b>IA</b>         | Academy Inspection   |
| <b>IDEN</b>       | Departmental Inspection for Higher Education                               |
| <b>IED/FDI</b>    | Foreign Direct Investment  |
| <b>IGEN</b>       | General Inspection for Higher Education                                    |
| <b>IPEC</b>       | <b>Programme du BIT pour le Retrait des Enfants (sigle anglais)</b>        |
| <b>IPRES</b>      | Social Providence Institute  |
| <b>IRA/ARI</b>    | Infection Respiratoire Aigue/Acute Respiratory Infection                   |
| <b>MEF</b>        | Ministry of Economy and Finance  |
| <b>MESNEFMFE</b>  | Ministry for the Family, National Solidarity and Women's Micro-Finance...  |
| <b>MGF/FGM</b>    | Female Genital Mutilation  |
| <b>MII</b>        | Insecticide Treated Mosquito Nets  |
| <b>MSPM</b>       | Ministry of Health and Medical Prevention                                  |
| <b>OCB</b>        | Grassroots Community Organization  |
| <b>OCDE/OECD</b>  | Organization for Economic Cooperation and Development                      |
| <b>OMD/MDG</b>    | Millennium Development Goals   |
| <b>OMS/WHO</b>    | World Health Organization  |
| <b>ONG/NGO</b>    | Non-Governmental Organization  |
| <b>OSC/CSO</b>    | Civil Society Organization   |
| <b>PALAM</b>      | Literacy and Occupational Apprenticeship Programme                         |
| <b>PARRER</b>     | Partnership for Street Children Withdrawal and Rehabilitation              |
| <b>PCIME</b>      | Integrated Treatment of Children's Diseases                                |
| <b>PDEF</b>       | Ten-Year Education and Training Programme                                  |
| <b>PEV</b>        | Expanded Immunization Programme  |
| <b>PIC</b>        | Communication Integrated Packet  |
| <b>PNC</b>        | Community Nutrition Programme  |
| <b>PNCR</b>       | Enhanced Community Nutrition Programme                                     |
| <b>PNDS</b>       | National Health and Social Development Plan                                |
| <b>PNDS</b>       | National Health Development Plan   |
| <b>PNLP</b>       | National Malaria Control Programme   |
| <b>PNSSE</b>      | National Strategic Plan for Child Survival                                 |
| <b>PNUD/UNDP</b>  | United Nations Development Programme                                       |
| <b>PRA</b>        | Regional Supply Pharmacy   |
| <b>PTME</b>       | Prevention of Mother-to-Child Transmission                                 |
| <b>RADI</b>       | African Network for Integrated Development                                 |
| <b>RMM</b>        | Reduction of Maternal Mortality  |
| <b>SCOFI</b>      | School Attendance of Girls   |
| <b>SMN</b>        | Maternal and Neo-Natal Health  |
| <b>SMN</b>        | Maternal and Neo-Natal Health  |
| <b>SNPS</b>       | National Social Protection Service   |
| <b>SONUB</b>      | Emergency Basic Obstetrics and Neo-Natal Care                              |
| <b>SONUC</b>      | Full Emergency Obstetrics and Neo-Natal Care                               |
| <b>SPNN</b>       | Perinatal and Neonatal Health  |
| <b>SR</b>         | Reproductive Health  |
| <b>TBPS</b>       | Gross Pre-School Attendance Rate   |
| <b>TBS</b>        | Gross School Attendance Rate   |
| <b>TRO/ORT</b>    | Oral Rehydration Therapy   |
| <b>UA/AU</b>      | African Union  |
| <b>UE/EU</b>      | European Union   |
| <b>UMOA/WAEMU</b> | West African Monetary Union  |
| <b>UNESCO</b>     | United Nations Educational, Scientific and Cultural Organization           |
| <b>UNFPA</b>      | United Nations Fund for Population Activities                              |
| <b>UNICEF</b>     | United Nations Children's Fund   |
| <b>UROCREN</b>    | Nutritionnelle   |
| <b>UROCREN</b>    | Oral Rehydration Unit/Centre de Récupération et d'Éducation Nutritionnelle |
| <b>USAID</b>      | United States Agency for International Development                         |
| <b>VAT2</b>       | Anti-Tetanus Vaccine (two doses)   |
| <b>VIH/AIDS</b>   | Human Immune Deficiency Virus/Acquired Immune Deficiency Syndrome          |

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## **I/ General Context**

This initial report of Senegal to the African Committee of Experts on the Rights and Welfare of the Child presents the status of implementation of the African Charter on the Rights and Welfare of the Child adopted in July 1990, in Addis Ababa, capital city of Ethiopia, and which entered into force on 29 November 1999. Senegal ratified this Charter on 29 September 1998. It is noteworthy that Senegal, without reservation, acceded to the Convention on the Rights of the Child (CRC) on 20 November 1989, the very date it was adopted by the United Nations General Assembly, and ratified it on 31 July 1990.

The State of Senegal has, since, devoted effort to the work of harmonizing its legislation with these international legal instruments, wherever this is required.

Senegal has also ratified other Conventions that address the Rights of the Child such as those relating to international adoption, ILO Conventions on child labour (C.138 and C.182), the Palermo Protocol on child trafficking, the Optional Protocol to the CRC on the use of children in armed conflicts and the Protocol on the Sale of Children, Child Prostitution and Child Pornography. It has similarly acceded to and ratified ECOWAS agreement on human trafficking.

Article 43, paragraph 1, of the African Charter makes it obligatory for Member States to submit to the Committee periodic reports on the measures they have adopted to give effect to the provisions of this Charter and on the progress made in the enjoyment of the rights enshrined therein. Senegal was thus expected to submit its initial report before the end of 2000.

However, the directive spelling out the guidelines for preparation of the various reports was available only in 2004. Without in any way attempting to absolve this deficit, the Government of the Republic of Senegal henceforth decided to expedite every procedure required to forward to the African Union Committee on the Rights and Welfare of the Child, all the relevant reports within the stipulated time frame to ensure effective monitoring of the rights and welfare of the child in Africa.

This report submitted by Senegal covers the 11 years period from 1998 to 2009. It highlights the administrative measures taken to align, and indeed, harmonize Senegalese law with the provisions of the African Charter at judicial, administrative and institutional levels, as well as the progress achieved in providing care and support to the child, the difficulties encountered and the prospects of more effective implementation of the rights and welfare of the child.

### **ii./ Methodology**

The initial report has been prepared in a process involving three stages:

**ii.1/ Stage 1: At the initiative of the Ministry in charge of children**, several consultation meetings were held at the Directorate for Protection of the Rights of the Child (DPDE). The meetings resulted in distribution of responsibilities, gathering of data, and planning the report preparation process.

UNICEF support in the methodological, documentary, financial, logistics and technical fields facilitated the work.

A team with responsibility to supervise the process was set up, comprising State and partners' structures operating in the field of children's rights.

## **ii.2/ Stage 2:**

This stage was devoted to the consideration and validation of the Terms of Reference with the consultants for better understanding of the specificities of the African Charter. This was followed by gathering of data on baseline cases on the rights of the child.

## **ii.3/ Stage 3:**

The third stage was that of actual gathering of data from some thirty Senegalese NGOs active in the field of children's rights both in Dakar and in other regions. State stakeholder Directorates and services were also visited. The debriefing in respect of the first draft of the report attended by over 60 persons was graced by the presence of members of the children's parliament, NGOs and the relevant key State services

A small Committee set up during the debriefing exercise proceeded with finalization of the report, incorporating therein the remarks, criticisms and suggestions made.

## **iii/ Scope of the Study**

As the time available proved to be quite limited, only some of the regions like Dakar, Saint Louis, Kolda, Tamba and Diourbel, as well as National Directorates and NGOs were similarly visited and data gathered in respect of the regions, in most cases after submission of the first draft. Despite all that, the collaboration and participation of the stakeholders were instrumental to the accomplishment of a satisfactory work.

The lack of data bank on the statistics regarding children in prison following the incarceration of their mothers and on the general status of the rights of the child compounded the difficulties encountered in the process of elaboration of this document.

- I./** Introduction
- II./** General implementation measures
- III./** Definition of Child
- IV./** General principles
- V./** Civil Rights and Freedoms
- VI./** Family environment and foster parentage
- VII./** Basic health and welfare
- VIII./** Education, leisure and cultural activities
- IX./** Special protection measures
- X./** Responsibilities of the child
- XI./** Follow-up on the recommendations of the United Nations Committee on the rights of the child
- XII./** General remarks
- XIII./** Recommendations
- XIV./** Conclusion





## I./ Introduction

Senegal is a sovereign Republic of the African Continent situated in the Sudan-Sahel zone at the extreme end of West Africa, on a land area of 196,722 km<sup>2</sup>. The country has continued to bear the stigma of the drought that occurred in the 70s and to suffer from the heavy burden created by its economic and social consequences, despite the enormous efforts deployed. Senegal's population in 2007 was estimated at 12,300,000 inhabitants, 55% of which was less than 18 years of age, comprising 6,765,000 children, made up of 3,517,800 girls and 3,247,200 boys.

The country's demographic structure is heavily characterized by the youthful population. The birth rate is 39.1/1000 resulting in an annual average population growth of 2.5% based on the fertility index of 5.3 children per woman, with over 65% of the population under 35 and hence in full child bearing age. This demographic curve has every chance of sustaining itself in the next 35 years, more so as 50% of Senegalese people, male and female alike, are within the 1 to 16 age bracket.

This seriously raises the issue of care and support for children as a challenge to the achievement of sustainable and equitable development driven by the citizen's participation, to which attention must be paid right from pre-school age and registration in the *daaras*. In this regard, the ministries in charge national education and training have a lot of work to do, especially as education, training and their contents as well as the way these are planned, articulated and delivered are at the heart of any vision and all the programmes and projects aimed at sustainable and equitable development for the uplifting and social progress of the greatest majority of the people.

Senegal has to address this ever-growing phenomenon in the coming years with greater resources and with the involvement all the stakeholders.

The report is being prepared in a context in which Senegal is in the process of harmonizing its national laws with the international legal instruments it has ratified. Senegal hereby re-affirms its adherence to the conclusions and recommendations of the International Conference on Population and Development (Cairo 94) and Beijing 95, Dakar 2000 with the EPT/EFA, the World Report on Violence Against Children, Beijing+ 10 and Beijing+15, the MDGs and the PRSP. It also adheres to the conclusions and recommendations of the Lomé Workshop on "the Situation of Women and Children in the West and Central Africa Region" which focussed on health and reproduction, HIV/AIDS, early marriage, universal education, infant, child, and child-juvenile mortality.

The mainstreaming of the rights of children has, in Senegal, always come up against social and cultural practices whereby "the child is not subject of law but rather the object of law and subject to duties". There has been a net improvement in the climate for over 15 years with the acceptance of the concept of "the rights of the child" despite the existence of a situation of persistent poverty with repercussions on children.

The country's economic growth which, in the past seven years, has hovered around an average of 5% a year, and hence far from the 7% required for eradication of poverty according to PRSP 1 and PRSP 2 evaluation, will certainly see a downward trend in 2008 and 2009. Thus, the growth rate would stay below 2.5%, according to projections by the IMF, World Bank, OECD, ADB, UEMOA and BCEAO. In the view of these institutions, the crisis that struck the international financial system resulting in a meltdown of activities at global level with repercussions on the financial flows from emigration that saw over 40% decline, and on foreign direct investments (FDI), eroded the opportunities to increase wealth and to address the issue of child survival and development. Poverty level retrogressed by 10.8% in absolute terms between 1994 and 2002,

declining from 67.9% in 94/95 to 57.1% in 2002; but has continued to hold sway in reputedly middle class circles, thus widening the segment of the population in difficult situation. As regards literacy and school attendance, only 37.8% of the population under 15 can read and write in French or in a codified national language. As for the rural population, it remains literacy under-trained with less than ¼, 60% of which is made up of women and girls (PRSP 2).

The population of children of school going age in 1999 increased from 1,099,839, of which 51.32% were boys and 48.68% girls, to 1,306,214, 50.93% of which in 2007 were boys and 49.07% girls.

However, over ⅓ of the children (boys and girls alike) of school going age are either in the *daaras*, in the streets, mobilized for domestic work (especially for young girls) and begging (in the worst forms of child labour). These children are economically active (cf. National Report on the Situation of Education, 2008).

Small Children's Home, a major innovation, has however filled the gap in the pre-school education level and helped to upscale the achievement rate at the primary level.

With respect to elementary education, the level of school registration remained on the rise, increasing in 1999 from 1,643,538, 50.507% of which were boys and 49.493% girls, to 1,795,169 of which 51.026% were boys and 49.974% girls in 2008. Parity has come within reach (cf: National Report on the Situation of Education, 2008).

Registration at the middle secondary level mainly for the 13 to 16 age bracket surged from 947,384 comprising 50.7% girls as against 49.3% boys in 1999, to 1,116,507 made up of 49.4% girls and 50.6% boys in 2007, thus representing 2.1% increase in about 8 years. Though the number of girls in this age bracket of the country's population is higher than that of boys, girls' presence in the school system declined from 50.7% in 1999 to 49.40% in 2007. In general terms, girls' presence accounted for 57.0% as against 63.7% for an average total of 60.5%, thus representing a gap of nearly 7 deviation scale point, in relation to a stronger demand on their part (National Report on the Situation of Education, 2008).

With respect to general secondary level for both boys and girls in the 17-19 years age bracket, or indeed of 20 years old, the number of school going children (potential demand) similarly increased by 2.7% between 1999 and 2007, from 643,612 to 760,736 pupils. The proportion of this age bracket in the total school going population fell from 7.1% to 6.9% according to the statistics provided by the Directorate for Planning and Educational Reform (DPRE), the decline being as a result of the increased number of those on the primary and pre-school education waiting list.

In the realm of health, the DHS IV and the National Strategic Plan for the Survival of the Child (2007-2015) revealed that maternal mortality fell from 510/100,000 live births in 1998 (cf: UNDP Human Development Report, 1999, DHS (Demography and Health Survey) II and DHS III) to 401/100,000 live births in 2005.

Regarding survival of the child more specifically, infant mortality declined from 70 ‰ in 1998 (cf: UNDP Human Development Report, 1999) to 61/1000 in 2005 with DHS II. At national level, infant mortality in 2005 stabilized at 61‰, and infant-juvenile mortality at 121‰. The urban and rural distribution of the major causes of morbidity in under 5 children (both boys and girls) shows as follows in percentages:

**Table 1:**

| Prevalence<br>Location | Malaria     | ARDS<br>(Acute<br>respiratory<br>distress<br>syndrome) | Diarrhoea   | Anaemia       |            | Underweight   |            |
|------------------------|-------------|--|-------------|---------------|------------|---------------|------------|
|                        |             |  |             | Mode-<br>rate | Acute      | Mode-<br>rate | Severe     |
| Urban                  | 30.4%       | 16.3%  | 22.2%       | 51.7%         | 5.1%       | 9.7%          | 1.6%       |
| Rural                  | 29.4%       | 11.3%  | 22.4%       | 56.8%         | 8.7%       | 21.5%         | 3.7%       |
| <b>National</b>        | <b>30 %</b> | <b>13 %</b>  | <b>22 %</b> | <b>55 %</b>   | <b>7 %</b> | <b>17 %</b>   | <b>3 %</b> |

(Source: National Strategic Plan for the Survival of the Child (2007-2015))

**The above averages mask the huge disparities not only within and between the regions, but also among girls and boys. Other more specialized evaluations could fine tune the figures a little more and distribute them by gender.**

DHS IV 2005 statistical data indicate that, at national level, malaria accounts for 30% of the morbidity and also 30% mortality of children under five years old. However, the burden of morbidity from malaria in Senegal reduced in recent years with the use of rapid diagnostic tests in health structures.

According to surveys on the use of mosquito nets, the rate of use of Insecticide Treated Mosquito (ITN) Nets for children of less than five increased from 4% in 2002 to 26% in 2008. This rate stands at 28% for pregnant women. The percentage of households with mosquito nets rose from 31% in 2006 to 66% in 2008. However, there is inter-regional disparity in the use of ITNs. The region of Tambacounda has the lowest rate (63%) as against the region of Thiès where the rate is 95%.

It is also noteworthy that there is high prevalence of ARDS among households of the richest quintiles (17%) as against households of the poorest quintiles (10%). This observation is also true for the prevalence of acute anaemia in children of the poorest households (12%) which is six times higher than that of children of the richest households (2%). Lastly, in the richest households, 6% of the children are underweight as against 26% for the poorest households. However, as regards diarrhoea, the prevalence gaps are insignificant according to the households' wellbeing quintiles. According to the outcomes of DHS IV 2005, only 27% of children that have suffered from diarrhoea were treated with ORT.

Food prohibitions and taboos in certain ethnic groups contribute to the erosion of the nutritional and health status of children (cf: DHS 4). Micro-nutritional deficiencies affect a significant segment of children's population. The Report on Survival of Children, *SITAN*, 2010, reveals in this regard that:

- a) 61% of children of less than six years are Vitamin A deficient, a situation associated with 30% of infant-juvenile mortality (Report on Survival of Children, *SITAN*, 2010);
- b) 83% of children under 6 to 59 months are anaemic (Report on Survival of Children, *SITAN*, 2010);
- c) There is a net regression of goitre in the South-East of the country, regarded as endemic up to 2005 with 34% prevalence (up to 51% in some places according to the DHS IV, 2005),

thanks to iodized salt production and consumption promotion strategy (*TDCI* Survey, May 2007);

- d) The number of cases of infant tetanus fell sharply thanks to increased anti-tetanus vaccine coverage for pregnant women (over 70% since 2002), and also to the increased rate of assisted child births (52%, DHS IV);
- e) The preventive vaccination campaigns and/or response campaigns organized between 2002 and 2007 made it possible to reach out to all the districts, thus contributing to malaria control; with the number of confirmed cases in the same period, plummeting from 66 to 0;
- f) DTP 3 national level coverage jumped from 45% in 2001 to 100% in 2007. Inter-district disparities however persisted, but it is noteworthy that 92% of the health districts in 2007 attained the 80% objective for DTC 3.

The outcomes of the PRSP 1 evaluation revealed that there had not been a significant reduction in poverty. It rather widened embracing large segments of the population regarded as the middle segments due to lack of resources resulting from a growth rate below the 7% required to provide adequate coverage for the needs of the most vulnerable, including women and children of poor families which constitute the backbone of the population. Consequently, an increasing number of children, boys and girls alike, are compelled to work at an age when schooling and education for life should be their only preoccupation.

DHS II data show that 19% of children aged less than 18 years are likely to be in working situation in Senegal, over 38% in domestic work (mainly small girls) and 11% engaged in economic and revenue generating activities.

The worst forms of child labour in Senegal include begging, prostitution, work requiring over 4 hours of mobilization per day, painful or dangerous work with the risk of serious accident in fishing, crafts production, mines, agriculture, transport of goods and merchandise, difficult domestic work, slaughter of animals and work that exposes children to toxic products, sexual exploitation and abuse. The most concerned age bracket is 5 to 14 years.

According to data derived from a study conducted by ENDA in 2008, over 100,000 children would be engaged in begging in Senegal, with a turnover exceeding 2.5 billion CFA F a year, of which over  $\frac{2}{3}$  are reversed to marabous or other exploiters. A recent study commissioned by UNICEF, ILO and WB affirms that the phenomenon of begging affects nearly 7,600 individuals in Dakar. This has become a major concern which challenges the State and governmental authorities on the survival and protection of the child, in accordance with the provisions of the African Charter on the Rights and Welfare of the Child with accords special attention to children.

Poverty and crisis of values have accentuated the phenomenon of rape, incest and paedophilia, and other forms of sexual violence have become the order of the day in Senegal.

The global financial crises of 2008 and 2009, the drastic downturn of growth rate which stood at 2.3% in 2006 with a slight recovery of 4.8% in 2007, have not been helpful in addressing the difficulties and constraints. This state of affairs has led not only the Senegalese Ministry of Finance, but also the ADB, UEMOA, IMF, the World Bank and OECD to project only less than 3% growth for the country's economy in the coming years.

In the face of these difficulties and constraints, respect for the rights of the child as prescribed in the African Charter on the Rights and Welfare of the Child, the CRC, the CEDAW, ILO Conventions 138 and 182, Dakar 2000, the Conclusions of the International Conference on Population and Development (Cairo 94), the Social Summit, the Platform of the IVth International Conference on Women and Development (Beijing), the Maputo Protocol, etc has become a real challenge for the State Parties to these instruments.

Consequently, the State of Senegal has taken wide-ranging legal and purposeful measures through innovative and pertinent projects to usher in a propitious climate for the full development of the child.

## **II. / General Implementation Measures**

At national level, actualization of the rights of children is provided for in several texts: the Constitution, the Penal Code, Code of Penal Procedure, Family Code, Labour Code, etc. Thus, mechanisms have been put in place to give effect to the commitments made by ratification of the various legal instruments relating to the child. In the drive to align and harmonize the national legislation with the international, regional and sub-regional conventions and texts, Senegal is fully engaged in the process of drawing up a **“Family Code”**.

To translate the commitments contained in the Charter into concrete actions, legislative and administrative measures have been taken in several areas relating to the rights of the child, in which remarkable progress has been recorded during the period covered by the report.

Noteworthy in this regard is the establishment of projects such as PLCTPFTE/MF, PLCPFTE /BIT /IPEC, the project on family life education in the *daaras*, State of Senegal-UNFPA and Small Children's Home, a major innovation and a good practice that in itself has ushered in numerous related projects, all oriented to the welfare of the child.

### ***II.1/ Legislative measures adopted to give effect to the provisions of the Charter***

In the Preamble to its Constitution of 2001, Senegal reaffirmed its adherence to the Declaration of Human Rights of 1789 as well as to the international instruments adopted by the United Nations and the Organization of African Unity, in particular the Universal Declaration of Human Rights of 10 December 1948, the Convention on the Elimination of All Forms of Discrimination Against Women of 18 December 1979, the Convention on the Rights of the Child of 20 November 1989 and the African Charter on Human and People's Rights of 27 June 1981.

The point needs to be made that Senegal has taken due note of Article 26 of the Universal Declaration of Human Rights of 10 December 1948 which stipulates that: everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary

education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be accessible to all on the basis of merit.

The provisions of the Constitution especially the Preamble shows that Senegal is open to other relevant legal texts and instruments, a fact which it has also confirmed in its last report on the CRC to the Human Rights Commission based in Geneva. The legal arsenal of the Republic of Senegal concerning the rights and welfare of the child comprises the following:

- International Covenant on Civil and Political Rights adopted on 16 December 1966 and ratified by Senegal on 13 February 1978 stipulates in its Article 24 that “Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State”.
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) adopted in 1979 and ratified by Senegal on 5 February 1985; and its Additional Protocol ratified in 2000, Article 15.2 of which relates to gender equality. This Convention and its Protocol address the rights of girls aged less than 18 irrespective of the age;
- Convention on the Protection of Children and Cooperation in respect of Inter-country Adoption of 29 May 1993, signed by Senegal on 16 November 2005;
- ILO Convention C182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, of 17 June 1999;
- ILO Convention C138 concerning the Minimum Age for Admission to Employment, of 26 June 1973, ratified by Senegal on 15 December 1999;
- ECOWAS Protocol relating to the Mechanism for Conflict Prevention, Management and Resolution, Peacekeeping and Security adopted 10 December 1999 and its provisions on the Control of Trans-border Crime;
- Additional Protocol to the United Nations Convention Against Transnational Organized Crime, known as Palermo Protocol aimed at combating the trafficking of migrants by sea or by land, signed in Palermo on 15 December 2000 and ratified by Senegal on 20 October 2003;
- Additional Protocol to the United Nations Convention Against Transnational Organized Crime to prevent, suppress and punish human trafficking especially women and children, ratified by Senegal on 20 October 2001;
- Protocol to the African Charter on Human and Peoples’ Rights relating to the Rights of Women adopted on 11 July 2003 and signed by Senegal on 27 December 2004, Article 18

paragraph 3 of which states that “the State shall ensure the elimination of all forms of discrimination against women and children”, makes it obligatory for States Parties in its Article 6 to “enact appropriate national legislative measures to ensure that the minimum age of marriage for women shall be 18 years”; and in Article 7, to “enact appropriate legislation to ensure that women and men have reciprocal rights and responsibilities towards their children. In any case, the interests of the children shall be given paramount importance”.

- Optional Protocol to the CRC concerning the Sale of Children, Child Prostitution and Child Pornography adopted 26 June 2002, entered into force on 18 January 2002 and ratified by Senegal on 31 October 2003. Article 1 of this Protocol makes it obligatory for States Parties to prohibit the sale of children, child prostitution and child pornography;
- Optional Protocol to the CRC on the use of Children in Armed Conflicts;
- ECOWAS Agreement on Child Slavery and Trafficking;
- ECOWAS Plan of Action on Human Trafficking.

Senegal was among the 57 first signatories to the International Convention for the Protection of All Persons from Enforced Disappearance unanimously adopted by the United Nations General Assembly on 20 December 2006.

The Senegalese National Assembly has already authorized the Head of State to ratify this Convention.

## ***II.2/ Measures taken to integrate the Rights and Welfare of the Child in the Legislation or all other Conventions or International Agreements in force in the State of Senegal***

The Senegalese legislation has integrated the Rights of the Child, first through Article 98 of the Constitution of 22 January 2001 which stipulates that “Treaties or Agreements duly ratified shall, upon their publication, have an authority superior to that of the laws, subject, for each Treaty or Agreement, to its application by the other Party”.

By so doing, Senegal expresses its unequivocal commitment to the International Legal Instruments by conferring on such instruments an authority higher than that of its national laws provided the conditions enumerated Article 98 have been met.

### **II.2.1/ The Constitution (Articles 16 and 20 – 23)**

The Senegalese Constitution guarantees protection for children at all levels. Its orientation is spelt out and developed in all extant legislation.

**Article 16:** “The home shall be inviolable. A home search may not be ordered except by a Judge or another authority designated by law. Searches may be conducted only in the form prescribed by



these authorities. Measures impairing or restricting the inviolability of the home may be taken only in order to provide against a common danger or to protect persons in danger of death. Such measures may also be taken, pursuant to law, in order to protect public order against impending threat and especially to combat the risks of epidemics or to protect youth in danger”.

**Article 20:** “Youth shall be protected by the State and public groups against exploitation, drugs, narcotics, moral neglect and delinquency”.

**Article 21:** stipulates that the State and public authorities shall create the preliminary conditions and the public institutions which shall guarantee the education of children.

**Articles 22 and 23** reinforce State commitment to the education of children.

The aforementioned commitments of the State of Senegal have been translated in concrete terms in the country’s internal legislation.

## **II.2.2/ The Penal Code (PC)**

The penal legislation contains provisions to severely punish offences against children. For offences relating to sexual abuse and exploitation of minors, the Penal Code provides a maximum of 10 years imprisonment where the victims are minors of less than 13 years old.

Law 65-60 of 21 July 1965 establishing the Penal Code gives effect to the international and regional commitments undertaken by Senegal

### **II.2.2.1/ Begging (Articles 245-247b of the PC)**

Begging is the fact of sollicing for alms. This places a child in a situation of extreme vulnerability and it is proscribed by the Penal Code.

Depending on the case, 3 to 6 months term of imprisonment is prescribed for the beggar or for any body who allows a child to beg on his or her behalf. The punishment can be up to 2 to 5 years or more where the begging is accompanied with violence or arms or any objects designed for use in committing an offence.

The above provisions have been reinforced by law 02-2005 of 29 April 2005 which addresses exploitation of children through begging and emphasises the incrimination of such offence. The law prescribes 5-10 years imprisonment and a fine of five to twenty million CFA francs and also allows associations to be constituted into an accusing party.

### **II.2.2.2/ Physical violence (Article 294 paragraph 2, Articles 298 and 299 of the PC)**

General penal provisions on physical violence have been put in place: ill-treatment and physical cruelty, flogging and wounding have been incorporated in the law. Protection against these forms of violence is provided for in the Penal Code under Articles 298 and 299 which prescribe punishment for flogging and wounding children less than 15 years of age. Such acts are

punishable by a term of imprisonment of between one and five years and a fine of 25,000 to 200,000 CFA francs. Where such violence results in illness or incapacitation of up to 21 days or there has been premeditation or trickery, the punishment can be as much as three to seven years imprisonment. In certain cases, the punishment is hard labour for a period of ten to twenty years.

Where the guilty persons are the father, mother, guardian or relation of the victim or any other person with authority over the child or having the child in his or her custody, the punishment will be hard labour for life.

Where the violence or deprivations have resulted in mutilation, amputation or deprivation of the use of any limb, blindness, loss of an eye or other infirmity, or the violence has resulted in an unintended death, the punishment will be hard labour for ten to twenty years. Where there has been the intention to cause death, the perpetrator shall be guilty of assassination and liable to hard labour for life.

### **II.2.2.3./ Female genital mutilation (Articles 294 and 299b of the PC) : Excision**

This is a major innovation brought by law 99-05 of 29 January 1999. The constituent facts of excision had been suppressed before the advent of the 1999 law.

According to Article 299b, any person attempting to violate the integrity of the genital organ of a person of the feminine gender by full or partial ablation of one or several of its elements, infibulations, anesthetization or by any other means, shall be liable to a term of imprisonment of 6 months to 5 years. The maximum punishment shall be applied where such sexual mutilation are carried out or enhanced by a person belonging to the medical or paramedical corps. In the event of death, hard labour for life shall also apply. Any person who, using gifts, promises, influence, threats, intimidation, abuse of authority or power, provoked the said sexual mutilations or gave instructions for the committal of the offence, shall be liable to the same punishment.

### **II.2.2.4./ Sexual violence against girls**

Article 299 and 299b reinforce the other legal provisions already in place and very severely punish sexual violence and other acts prejudicial to moral standard, commonly known as “sexual violence”. These acts include mainly rape, incest, paedophilia, marriage consumed with or without violence against a young minor of 13 or less, genital mutilation, etc. They also comprise living off illegal earnings – forced prostitution and other forms of sexual exploitation of women and girls for economic gain.

#### **a) Rape (Article 320 of the PC)**

By virtue of this Article, the law of 29 January 1999 defines as rape “any act of sexual penetration of any nature committed on another person by violence, constraint, threat or surprise”, and is punishable by 5 to 10 years custodial sentence. Where such act has been committed against a minor of 13 or less, this constitutes an aggravating circumstance liable to the maximum punishment.

### **b) Sexual harassment (Article 319 b of the PC)**

Article 319 b of the 1999 law describes sexual harassment as the fact of harassing any person by means of orders, gestures, threats, words, written materials of sexual nature by a person abusing the authority that his/her functions confer on him/her.

It exposes the perpetrator to a term of imprisonment of 6 months to 3 years and a fine of 50,000 to 500,000 CFA francs, and where the victim of the offence is under 16, the maximum punishment is pronounced.

This incrimination is particularly relevant because it can specifically concern young school girls who are prone to abuse within their educational institutions.

### **c) Paedophilia (Article 320 b of the PC)**

Article 320 b of the PC newly introduced by law 99-05 allows for more extensive punishment for certain acts and abuses committed against minors of 16 years of age.

“Any gesture, touch, caressing, pornographic manipulation, use of images or sound for sexual purposes on a child of less than 16 of either gender constitutes paedophilia punishable by a term of imprisonment of five to ten years”. The maximum punishment will be pronounced where the offence has been committed by a parent or any person having authority over the minor.

This incrimination is naturally applicable to acts committed against a young girl under 16 years old, and makes it possible to more easily attack the agents who often commit acts prejudicial to moral standards which do not fall under the incriminations for rape or indecent assault, with or without the consent of the minor.

### **d) Indecent assault (Articles 319 and 320 of the PC)**

The use or non-use of violence, the age of the victim, the position of the author as a parent or guardian, are defining elements in the suppression of indecent assault. However, the law differentiates indecent assault with violence for which the punishment is 5 to 10 years, from an indecent assault perpetrated without violence, punishable by 2 to 5 years imprisonment.

### **e) Early Marriage (Article 300 of the PC)**

Article punishes all situations akin to marriages consummated on a minor of 13, which it describes as a form of ill-treatment. Simulated marriages are treated in this Article as a form of trafficking.

The consummation of celebrated customary marriage on a minor of less than 13 is similarly punishable under this Article.

Where the marriage has been consummated on a minor below 13, the perpetrator of the consummation is punished with a term of imprisonment of 2 to 5 years; or of 5 to 10 years where the act has resulted in the child being incapacitated, even temporarily, or in death. The same is the case for violence meted out in similar circumstances on a minor under 13 years old.

#### **f) Sexual Exploitation of Children**

Sexual exploitation of children for commercial ends occurs when a child (girl or boy) is used for sexual purposes and a sum of money or favours are exchanged between the client, the intermediary or agent and other individuals for the benefit of a third party (parents, family members, go-betweens, teachers, etc.)

Corruption of a minor, sexual harassment and most of the other components that can constitute sexual exploitation of children can be understood through some other incrimination such as living off immoral earnings, kidnapping of a minor and corruption of a minor which already exist in the Penal Code. The 29 January 1999 law which strengthens the Penal Code punishes all forms of sexual exploitation of children, girls or boys alike.

#### **g) Corruption of children (Article 324, paragraph 2 of the PC)**

Article 324 paragraph 2 of the Penal Code punishes with a prison term of 25 years and a fine of 300,000 to 400,000 CFA francs, any person engaged in acts prejudicial to moral standards by inducing, enhancing or habitually facilitating the debauchery or corruption of young people of either gender under 21 years of age or even, occasionally, minors of 16 years old.

#### **h) Living off immoral earnings (Articles 324, 323 to 328 of the CP)**

Any one, man or woman, who knowingly aids, abets or protects the prostitution of another or solicits for prostitution shall be considered as living off immoral earnings and punished by a prison term of one to three years and a fine of 350,000 to 2,500,000 without prejudice to a more severe punishment.

#### **i) Prostitution (Article 327b of the PC)**

Article 327b institutes a special provision in the event of prostitution by a minor. Such a minor is expected to appear before a children's tribunal and is entitled to the protection measures provided for by the Code of Penal Procedure.

#### **j) Abduction of a minor (Articles 346, 347 and 348 of the PC)**

Any person who by fraudulent act or violence abducts or causes to be abducted a minor or makes away with, or removes or causes a minor to be removed, made away with or displaced from the place where he/she has been kept by those with authority over him/her or by those in the Directorate to which he/she is subject or has been entrusted, shall be liable to 5 to 10 years of hard labour (Article 346 of the PC).

Article 347 of the Penal Code stipulates that where a minor under 15 years has been abducted and taken away, the punishment shall be hard labour for life. This punishment may be reduced to 5 to 10 years where a minor is found alive prior to the pronouncement of the guilty decision. The age of the minor constitutes an aggravating circumstance.

Law 99-05 of 26 January 1999 created new incriminations complementing the existing repressive provisions which now allow for repression of both child abuse and sexual exploitation of children.

**k) Exploitation of children for sexual purposes (Articles 300, ... 319, 320 b, ...348 of the PC)**

Paedophilia is punishable by 5 to 10 years imprisonment. It comprises any gesture, touch, caressing, pornographic manipulations, the use of images and sounds by whatsoever technical procedure on a child of less than 16 (girl or boy) for sexual purposes.

The position of the parent or any person with authority over the minor constitutes an aggravating circumstance which exposes the perpetrator to a maximum sentence of 10 years in prison.

The three forms of sexual exploitation of children for commercial ends are defined:

- 1) Prostitution of children;
- 2) Trafficking and sale of children for sexual purposes beyond or within national borders;
- 3) Child pornography punishable by Article 320b of the Penal Code on paedophilia.

**k) Corruption of a minor (Article 320c of the PC)**

This consists of the fact of promoting corruption, the organization of meetings comprising sexual exhibitions or sexual intercourse targeting minors. This offence is punishable by one to five years imprisonment and a fine of 100,000 to 1,500,000 CFA francs. The punishment will be 3 to 7 years in prison or a fine of 200,000 to 3,000,000 CFA francs where an under 13 minor is involved.

**l) Sequestration (Articles 334, ... 337 of the PC)**

Sequestration is essentially defined by two facts:

- 1) The conclusion of an agreement for the purpose of alienating, free of charge or for a fee, the freedom of any person. This offence is punishable by 10 to 20 years imprisonment with hard labour;
- 2) The fact of placing or receiving a person as a pawn whatever the motive. This offence is punishable by one month to two years imprisonment and a fine of 20,000 to 115,000 CFA francs.

This punishment shall be five years where the person placed or received as a pawn is less than 15 years of age.

**n)/ Hostage taking (Articles 334, .... 337 b of the PC)**

Hostage taking is defined in Senegal as the fact of sequestering a person with the purpose either to prepare or facilitate the commission of an offence or to enhance the escape of the perpetrators or ensure their impunity or the payment of a ransom. The offence is punishable by life imprisonment since the death sentence has been abolished. It is noteworthy that such an offence has since not occurred in Senegal.

### **o) Forced marriage (Articles 300-379 paragraph 4 of the PC)**

Article 18 of the Senegalese Constitution regards this type of marriage as a violation of individual freedom. Articles 300 and 374, paragraph 4 of the Penal Code makes the consummation of the marriage of a girl minor and marriage under false pretences as a serious offence punishable by two to five years in prison and a fine of 100,000 to 1,000,000 CFA francs.

### **p) Sex tourism and clandestine emigration**

This is a new phenomenon, a practice newly introduced into the scenery of tourism development and attracting an increasing number not only of young girls and/or women but also young boys to hotel establishments or other venues arranged for that purpose, where the women or boys lend themselves to sex trade.

## **II.2.3./ Code of Penal Procedure (Articles 593 to 607 of the PC)**

Articles 593 to 607 of the Code of Penal Procedure make provision for special protection for under 21 juvenile delinquents and/or minors in moral or social danger through the offer of educational assistance in open custody (AEMO). To this end, the State has put in place judicial and administrative structures to ensure that children in moral and/or social danger are not left on their own and fall prey or victim to traffickers without defence or protection.

## **II.2.4./ Labour Code (Law 97-17 of 1 December 1997)**

Law 97-17 of 1 December 1997 establishing the Labour Code provides, in several of its provisions, for enhanced protection for children to shield them from any form of exploitation even if the Constitution in its Article 25 recognizes that every one has the right to work and to seek employment without discrimination as to employment and salary.

Articles 135....137 of the Labour Code compel the employer to comply with the edicts of the Minister of Labour regarding child labour. The Minister of Labour also subjects child labour to the provisions of ILO Conventions on minimum age for admission to employment and on the worst forms of child labour.

Article 139 gives a nursing mother the right to one hour rest per working day for 15 months after child birth. This very Article stipulates that the duration of work in public institutions and departments shall be regulated by decree.

Article 143 gives the right to one day additional leave per year for each dependent child under 14 years of age.

Article 141 focuses on the nature of work that could be entrusted to children. It indicates and prescribes that children shall not be tasked with any work that is beyond their energies even for a reduced duration.

With regard to child labour in particular, Article 140 proscribes any employment, even as an apprentice before 14 years of age, save with the authorization of the Minister of Labour after advice of the consultative council for labour.

Article 143 prescribes the right to paid leave for two working days per month of actual service for any minor worker aged less than 18.

Articles 145 and 146 up to 148 regulate weekly rest, the intensity and duration of child labour and stipulate that children cannot be employed even as apprentice before the age of 15.

## **II.2.5/ Family Code (Law 72-61 of 12 June 1972)**

### **A/ Definition of Minor**

The minor is defined by the Family Code as a girl or boy who has not attained the age of 18.

Through its legal arsenal, Senegal has demonstrated real concern to protect the child, including repression of offences.

On this score, it distinguishes the under 13 child who cannot be subject to any repression whatever the offences committed. Moreover, it regards this age as an aggravating circumstance for any offences perpetrated against a minor.

Although the age of maturity has been set at 18 even for participation in election, the child undergoing re-education can up to the age of 21 be provided with care and support as well as protection similar to that accorded to minors defined as children (-18) by legislative texts especially the Family Code.

### **B/ Uniting a child with his/her family and its effects (Articles 3 to 6, 260 to 265, 277 to 288, 305 to 334 and Article 399 and others of the PC)**

The above Articles determine and organize the conditions for uniting the child with his/her legitimate natural and adoptive family, so that at every moment of his/her life, the child would have a point of anchorage. This family anchorage will have the effect of offering the child a parentage relationship at birth which may be legitimate or natural (Articles 3 to 6 of the Family Code).

The Articles also allow for the submission of the child to parental authority, exercise of which embraces the right of guardianship, right of correction and of legal administration of the child's assets (Articles 277 to 288 of the Senegalese Family Code). For the Senegalese legislation, the natural and primordial place of the child is the family. Besides, even where the child is estranged from the family, it is absolutely necessary to work consistently towards his/her return to the family or parental home.

This also includes the obligation between the child and his/her parents to provide support (Articles 260 to 265 of the Family Code – FC) and the organization of guardianship for the child in case of death of his/her parents (Articles 305 – 334 of the FC). It finally comprises the right of succession between the child and his/her parents which is defined by the same text (Articles 399 and others) of Volume V11, Chapter 1 on succession.

### **C./ Child adoption (Articles 223, 224 to 229 of the FC)**

Concerning the adoption mechanism in particular, the law stipulates that adoption creates a more substantial than artificial family linkage between the child and his/her adoptive parents. Article 223 of the Family Code defines adoption as the procedure which, by the effect of law, creates a relationship of parentage, irrespective of the origin of the child. Whether the adoption is full or limited, it can take place only where there are justifiable motives which guarantee the supreme interest of the child adopted, under judicial control.

Articles 224 to 229 of the Family Code set out the conditions to be met by the adopting individual who must have at least 15 years age difference with the child to be adopted. The adoption conditions are, among others, the absence of a child in the adoptive home except where this condition has been waived by the President of the Republic, and restriction of the number of adoption to one only.

As for the adopted child, he/she must be an unsophisticated minor, declared abandoned or be adopted with the consent of his/her parents or that of the family council in case of guardianship.

### **D./ Adoption procedure (Articles 230 to 239)**

Articles 230 to 239 define the procedure for adoption, based essentially on the consent of the parents or guardian and also the personal consent of the child where such a child is not less than 15 years old. All the necessary consent must be given before a judicial, notary, diplomatic or consular authority.

A trial period known as placement of the child in the family of the adopting individual is required. This period has to be confirmed by a comprehensive report on the informed decision taken by the competent jurisdiction, submitted by a social officer appointed by the relevant tribunal.

To avoid any practice to the contrary with respect to foreign adoption, the procedure sets out a number of special precautions to be taken, including a report of the governmental body in charge of validating the intended adoption in the host country and the presentation of the particulars of the adopting individual(s), their marital status, professional activities, their income, their parental capacity and the detailed opinion of the governmental body. Without this comprehensive report, there will be no foreign adoption. In this connection, several prospective adopting individuals have stated that the adoption was a too painful a process in Senegal (cf: the archives of the French Consulate, among others).

### **E./ Nationality Code (Law 61-10 of 7 March 1961)**

Nationality is the political element of civil status which attaches an individual (a child) to a given State to which he/she lays a claim, the benefit being a duly recognized citizenship.

With respect to children, Article 7 of the Convention on the Rights of the Child (CRC) enshrines the right of the child to be registered at birth, the right to a name and the right to acquire a nationality without which he/she is regarded as a stateless individual. In this connection and pursuant to this international commitment, the Senegalese Nationality Code (SNC) contains several provisions on this issue:



#### **F./ Senegalese nationality for a child (Articles 3, 5 and 10-1)**

- a) A new born child found in Senegal, whose parents are unknown is a Senegalese citizen. Such a child will cease to become a Senegalese national where, in the course of his/her minority, his parental relationship with a foreigner is established (Article 3).
- b) The legitimate child born of a Senegalese mother and a father without nationality or of an unknown nationality is a Senegalese citizen (Article 5).
- c) A natural born child has Senegalese nationality, where the nationality of his/her parent in respect of whom parentage relationship has been established in the first instance, is Senegalese (Article 5).
- d) A natural born child has Senegalese nationality where the nationality of his/her parents in respect of whom parentage relationship has been established in the second instance is Senegalese and where the other parent is without nationality or is of an unknown nationality (Article 5).
- e) A legitimate minor whose widower father or widow mother acquires Senegalese nationality (Article 10-1).
- f) A natural born minor whose parents' nationality in respect of which parentage relationship has been established in the first instance or whose surviving parent acquires Senegalese nationality, as the case may be.

#### **G./ Law 02-05 of 29 April 2005, on Human trafficking and related practices**

This law revisits human trafficking and the associated begging on behalf of others, punishment of which was deemed to be inadequate in relation to the magnitude of the problem. The law provides fore severe punishment for such offences by judicial act or decision.

The law widens the scope and defines more clearly acts that are to be suppressed with special reference to begging on behalf of others.

It strengthens existing legal provisions and measures, and more severely punishes offences by stepping up the requisite sanctions in the case of human trafficking or child exploitation through begging. It revisits and specifies the assistance to be given to victims before competent jurisdictions with the intervention of a lawyer. The law also organizes and defines the presence and participation of public associations and services that provide care and support to victims.

The weakness of this law resides in the responsibility recognized for the child victim of trafficking.

***II.3/ Initiatives taken to promote positive cultural values, traditions and practices, and discourage those incompatible with the rights, duties and obligations enshrined in the African Charter on the Rights and Welfare of the Child***

Senegal as a country is made up of a range of spaces built around positive values and practices: tales and legends, teachings and knowledge organized to promote and transmit values that are conducive to the protection and promotion of the rights of a child. It is possible to highlight some of these values and practices, as well as their underlying principles.

Tales and legends extol the bravery and exploits of men and women whose physical integrity were conferred only by God who has endowed them with assets that have made them exceptionally gifted with supernatural powers.

### **3.1./ Traditional values**

Traditional values that are deeply welded into highly dissuasive taboos in all ethnic groups and communities of Senegal constitute the foundations of and perpetuate the solidarity of the Senegalese community at large. These values are the springboard of a protection system from which the promotion of the rights of the child can find the basis for its launch and justification. This is explained in part by the existence in towns and villages of various solidarity mechanisms as well as mechanisms for social regulation, citizens' associations and "dahiras" (cf: lexique, acronyms and abbreviations for the content). The following facts, among others, may be highlighted:

- Parental, ethnic, local and religious solidarities exist in all communities, although this may be now be decaying with the economic crisis and value disruptions, and ensure that material and non-material support are provided for all children especially where their parents are no more: "Baayo" and "Jërim"
- Senegalese social values and religious beliefs which ensure that Senegalese families make it a point to have in their midst their beggar *talibé* or a street child who come to the house for a meal in the morning, afternoon and evening. This practice is to be found in all religions, brotherhoods and congregations in Senegal.
- Formal and informal initiation rites for children, and tales recounted by grandparents who are therefore avenues for sharing and dissemination of constructive and positive values and traditions, focal points of solidarity and social unity around the welfare of the society and for combating social ills with a view to enhancing the future of the community and of the nation.
- Prolonged maternal breast feeding (one and a half to two years) taught and recommended by tradition to all women and all fathers both in the rural areas where the practice is taking root, and in urban areas where it is somehow losing ground at least in the past 30 years. This is despite the fact that in the urban areas, awareness raising campaign is being carried out by medical personnel, women's groups, NGOs and other Civil Society Organizations (CSO) to re-establish exclusive maternal breast feeding during the first six months of the life of a child.
- Placement of children for occupational apprenticeship in their parents' place of work provides the children with the opportunity to learn about the compartments and acts that will shape their social interaction.

### 3.2./ CSOs

The following national and international NGOs, coalitions and networks and development partners: CONAFE Senegal, ACAPES, RADDHO, TOSTAN, Centre Emmanuel, APROFES, Enda Graf, Claire Enfance, Plan International, FPGL, Save The Children Sweden, Aide et Action, ActionAid, ASDES, ANAFA, FENOVI, GADEC, UNICEF, UNFPA, UNESCO, Claire Enfance, the CGIDE...etc, to mention but a few, have carried out or put in place the measures listed hereunder:

- Numerous advocacy campaigns to promote knowledge and acceptance of the Rights of the Child;
- Training and capacity-building for the players on the rights of the child for more effective mainstreaming of these rights in the implementation of children related programmes, policies and projects;
- Awareness-building and popularization campaigns for the promotion of the African Charter on the Rights and Welfare of the Child with focus on its peculiarities in relation to the CRC;
- Diverse campaigns and support towards the schooling of girls and keeping them in school;
- Support towards the organization and the operation of children's networking;
- Sporting events (football, basket, tennis, etc.) and open centres with diverse games;
- Campaigns and support by the State and its partners towards combating Female Genital Mutilation, with UNICEF backing;
- Financial, material and economic support, however limited, to former circumcisers who have abandoned the practice to enable them to reconvert into other activities that will allow them to earn their living, meet the needs of their families and stand up to society pressure;
- Several activities to achieve significantly reduced circumcision in Senegal were organized through awareness-raising and ownership by the communities, of the dangerous effects of genital mutilation on the health and life of girls and the benefits to be derived from discarding this practice. In this regard, over 5,000 communities that hitherto practiced excision, on 31 July 1997, issued the first "Declaration Abandoning Excision"; for example, the women of Malicounda Bambara. On 23 November 2008, date of the "Public Declaration to Abandon Excision" by all the villages of the Vélingara Department in the region of Kolda where 3,548 communities renounced excision, a 71% decline of excision was recorded in Senegal (Epsilon).

Thus, thanks to persuasion/ownership initiatives, within a decade, giant steps were made with respect to the abandonment of excision (FGM). It can therefore be projected that, by 2015, the deadline for the MDGs, total eradication of excision would have been achieved. A worse case scenario will be the continued existence of very negligible pockets of the practice.

This achievement should however not result in relaxation of efforts and make one to forget that very strong resistance still prevails especially in Fouta, Kédougou, Casamance and elsewhere, and that FGM continues to be practiced clandestinely even in Grand Yoff, a densely populated district of Dakar with rudiments thereof in Mbour. In any case, the resistances constitute only a force of inertia, the vigour of which will fade gradually and very soon, with the passage of time.

- Awareness-raising campaigns, training on and promotion of the human rights of the child, especially those of young girls;
- Introduction of the module on the rights of the child in the initial training of polyvalent animators of little children's homes;
- Establishment of solid coalitions or networks for children (CONAFE, COSAED, CAINI, PARER) which deal with all children's rights related issues: violence, begging, trafficking of children, street children and other forms of violence perpetrated against children. These structures receive technical and financial support from the State, UNICEF, the World Bank, Save The Children Sweden, Plan International, FPGL, UNFPA, UNESCO, etc.;
- Large-scale practicalization, throughout the national territory, of retraining and skills upgrading schools and classes in the educational system (ACAPES), informal training programmes with appropriate teaching methods and modules (ENDA/GRAF);
- Providing young apprentices, girls and boys alike, with service materials, work tools, libraries together with the means for protection against dangerous tools and materials (Enda/Graf, Enda Jeunesse Enfance, GADEC, ACAPES, APROFES, GADEC, Raddho, ASAFIN, Plan, Save, etc.) with the support of UNICEF, ILO/IPEC, EU, USAID, French, Spanish and Italian Cooperations and other international NGOs ;
- Introducing at the level of the *daaras* activities relating to sanitary and hygienic care and support, as well as professional and certificate courses;
- The conduct by Plan International in cooperation with the Ministry for pre-school, elementary, middle level, general secondary and national languages education, of national campaigns to combat violence at school;
- Establishing ways and means to expand the school registration rate for girls and prolonging their the duration of their attendance in the school system, with scholarships (FAWE/Senegal, GADEC);
- Establishment by FEMSA of a project to encourage girls' access to scientific and technical subjects with a support programme in mathematics, physics, life and earth sciences and sensitizing teachers, headmasters, IDEN and IA to provide girls with orientation courses in mathematics, physical sciences, life and earth sciences as well as in technical and technological disciplines.

Despite all that, the efforts so far deployed need to be intensified.

### **3.3./ State level**

#### **3.3.1./Legislative and regulatory measures**

- Adoption of Family Code in 1972 regulating divorce, a child's parentage relationship and support; condemning repudiations, making divorce a legal issue irrespective of the conditions under which the marriage was celebrated and regulating the issue of children (children's support and other costs, etc.) and succession;

- Adoption of January 1999 law which defines and punishes rape, paedophilia, sexual harassment, conjugal violence and abandonment of matrimonial home;
- Adoption of law 02/2005 of 29 April 2005 on Child Trafficking and Exploitation through begging for others, strengthening the repression of begging by children.
- Draft law on illegal migration of women and children;
- Planned review of the Family Code on paternal power to instead introduce parental power in terms of responsibilities sharing between the man and the woman on every issue concerning the child;
- Law 2004 – 37 on compulsory schooling from 6 to 16 years;
- Laws proscribing the consummation of marriage on a girl minor under 13;
- Law setting the minimum age of marriage at 18 with the provision that may render legal the marriage and its consummation on a girl minor over 15 years of age by authorization of the parent(s) ;
- Four (4) edicts of the Ministry of Labour (3748, 3749, 3750, 3751 of 6 June 2003) respectively, setting the minimum age of admission to employment or to work (15 years), identifying works regarded as dangerous and the 7 categories of activities regarded as the worst forms of child labour in Senegal;
- Ministerial edict 004379 of 11 October 2007 authorizing a pregnant girl to continue to attend school and to return to school after child birth. This edict establishes monitoring committees in each institution to prevent early marriages;
- Planned review of the Penal Code to introduce more effective mainstreaming of children’s rights;
- Planned adoption of the **Family Code** to harmonize international, African and sub-regional legal instruments (CRC, ACRWC, C138 and C182) with national legislation which will become the baseline text on the rights of the child. The prospect of an ILO Convention on workers with family responsibilities could be envisaged in the text, as requested by the women and some of the men consulted.

### **3.3.2/ At institutional and programme level**

- Establishment of national directorates responsible for the rights of the child in several Ministerial departments. These include the directorates for the protection of the rights of the child in the Ministries for the Family, Security, Women Entrepreneurship, Micro-Finance and Childhood which is in charge of child protection policy;
- The Ministry for the Family has functional projects designed for the survival, development, protection and participation of the children. The projects include:
- Formulation and adoption of the School Orientation Law of December 2004 which makes the schooling of children compulsory and free up to 16 years;

- Creation of the National Agency for Small Children's Home (ANCTP) which provides care and support for children of 0 to 6 years through a holistic and integrated approach to the rights of the child;

- a) Family life education in the *daaras* at the Ministries of the Family and Education;
- b) Two projects at the Ministries of the Family and of Labour to combat the worst forms of child labour;
- c) Programme for special protection of vulnerable children with Cash Transfers supported by UNICEF, which is in pilot stage and domiciled at the level of the project on the worst forms of child labour;
- d) HIV/AIDS project, the objective of which is to develop advocacy and build awareness, for psycho-social and health support and care for OEV affected or infected children;
- f) Introduction of the module on the rights of the child in the training of specialized social workers (ENTSS);
- g) Reception, orientation and reintegration centre for street children and children that have severed relation with their family "Ginddi";
- h) The newly created national office for war orphans which targets children, either or both parents of whom died in national service or national disaster ;
- i) Children's Parliament, a framework for expression, participation and consideration of the children's opinion (all categories of children) with representation in all the regions and Departments of Senegal. Children's Parliament exists at departmental, regional and national levels;
- j) Establishment in collaboration with UNICEF, TOSTAN and others, of the "Decade which has caused the decline of excision" to the extent that 71% of the over 5,000 communities that used to practice excision issued a solemn declaration abandoning FGM;
- m) Establishing the National Initiative for Social Protection of Vulnerable Groups (INPS) - 'Suxxali Jabotte' which is in line with the National Poverty Reduction Strategy (NPRS) and the National Social Protection Strategy (NSPS). This project will enhance the transformation of members of low income and low capacity vulnerable groups into economic players who create wealth, thereby enhancing their access to basic infrastructure and social services and the mainstreaming of the rights of the child.

However, the magnitude of poverty and the spread of the vulnerable in all the regions are such that the resources available be it financial, technical, logistics and human, for this project allow for synergy building with other social problems. The budget for the "Suxxali Jabotte" project stands at 30 billion CFA francs, 10 billion of which will be provided by the State of Senegal and 20 billion by partners.

**NATIONAL AGENCY FOR SMALL CHILDREN'S HOMES (ANCTP) STATISTICS -  
2008**

**Table 2:**

**Infrastructure - December 2008**

| <b>REGIONS</b>      | <b>NURSERIES</b> | <b>Small<br/>Children's<br/>Homes</b> | <b>COMMUNITY<br/>CENTRES</b> | <b>TOTAL</b> |
|---------------------|------------------|---------------------------------------|------------------------------|--------------|
| <b>DAKAR</b>        | 21               | 28                                    | 41                           | 90           |
| <b>THIES</b>        | 22               | 46                                    | 181                          | 249          |
| <b>KAOLACK</b>      | 12               | 39                                    | 09                           | 60           |
| <b>SAINT- LOUIS</b> | 19               | 34                                    | 19                           | 72           |
| <b>DIORBEL</b>      | 7                | 32                                    | 31                           | 70           |
| <b>LOUGA</b>        | 11               | 38                                    | 51                           | 100          |
| <b>FATICK</b>       | 7                | 33                                    | 11                           | 51           |
| <b>TAMBACOUNDA</b>  | 7                | 74                                    | 34                           | 115          |
| <b>KOLDA</b>        | 18               | 40                                    | 12                           | 70           |
| <b>MATAM</b>        | 16               | 21                                    | 3                            | 40           |
| <b>ZIGUINCHOR</b>   | 33               | 42                                    | 28                           | 103          |
| <b>TOTALS</b>       | <b>173</b>       | <b>427</b>                            | <b>420</b>                   | <b>1,020</b> |

Table 3:

Statistics as at December 2008

| Regions            | Public nurseries |       |        | Small children's homes |        |        | Community centres |        |        | Total children 2 to 6 years | Couples mothers-children |
|--------------------|------------------|-------|--------|------------------------|--------|--------|-------------------|--------|--------|-----------------------------|--------------------------|
|                    | G                | F     | T      | G                      | F      | T      | G                 | F      | T      |                             |                          |
| <b>Kaolack</b>     | 470              | 533   | 1,003  | 782                    | 1,142  | 1,924  | 331               | 456    | 787    | 3,714                       | 1,160                    |
| <b>Fatick</b>      | 348              | 359   | 707    | 840                    | 1,053  | 1,893  | 383               | 429    | 812    | 3,412                       | 748                      |
| <b>Kolda</b>       | 1,067            | 1,156 | 2,223  | 1,961                  | 2,129  | 4,090  | 574               | 634    | 1,208  | 7,521                       | 748                      |
| <b>Matam</b>       | 574              | 660   | 1,234  | 622                    | 759    | 1,381  | 90                | 106    | 196    | 2,811                       | 1,200                    |
| <b>Thiès</b>       | 863              | 1,164 | 2,027  | 1,050                  | 1,425  | 2,475  | 6,350             | 8,120  | 14,470 | 18,972                      | 840                      |
| <b>Louga</b>       | 706              | 786   | 1,492  | 951                    | 1,219  | 2,170  | 75                | 66     | 141    | 3,803                       | 840                      |
| <b>Saint-Louis</b> | 858              | 723   | 1,581  | 902                    | 964    | 1,866  | 465               | 558    | 1,023  | 4,470                       | 840                      |
| <b>Diourbel</b>    | 326              | 474   | 800    | 693                    | 1,664  | 2,357  | 986               | 1,348  | 2,334  | 5,491                       | 840                      |
| <b>Tambacounda</b> | 396              | 441   | 837    | 2,514                  | 2,143  | 4,657  | 505               | 533    | 1,038  | 6,532                       | 840                      |
| <b>Ziguinchor</b>  | 1,386            | 1,268 | 2,654  | 1,378                  | 1,270  | 2,648  | 698               | 745    | 1,443  | 6,745                       | 840                      |
| <b>Dakar</b>       | 1,002            | 961   | 1,963  | 643                    | 806    | 1,449  | 792               | 822    | 1,614  | 5,026                       | 840                      |
| <b>Totals</b>      | 7,996            | 8,525 | 16,521 | 12,336                 | 14,574 | 26,910 | 11,249            | 13,817 | 25,066 | 68,497                      | 8,760                    |



**Table 4:****Personnel as at December 2008**

| Regions       | Pre-school educators |            |            | Education volunteers |            |              | Polyvalent animators |            |              | Total personnel DIPE |              |              | Standby women /maternal aides | Mother assistants |
|---------------|----------------------|------------|------------|----------------------|------------|--------------|----------------------|------------|--------------|----------------------|--------------|--------------|-------------------------------|-------------------|
|               | H                    | F          | T          | H                    | F          | T            | H                    | F          | T            | H                    | F            | T            |                               |                   |
| Kaolack       | 26                   | 23         | 49         | 64                   | 23         | 87           | 48                   | 21         | 69           | 138                  | 67           | 205          | 29                            | 86                |
| Fatick        | 8                    | 2          | 10         | 13                   | 57         | 70           | 9                    | 54         | 63           | 30                   | 113          | 143          | 12                            | 72                |
| Kolda         | 8                    | 1          | 9          | 61                   | 61         | 122          | 59                   | 50         | 109          | 128                  | 112          | 240          | 58                            | 92                |
| Matam         | 7                    | 2          | 9          | 5                    | 36         | 41           | 25                   | 16         | 41           | 37                   | 54           | 91           | 11                            | 72                |
| Thiès         | 20                   | 28         | 48         | 43                   | 143        | 186          | 116                  | 247        | 363          | 179                  | 418          | 597          | 40                            | 60                |
| Louga         | 23                   | 39         | 62         | 15                   | 40         | 55           | 2                    | 38         | 40           | 40                   | 117          | 157          | 17                            | 34                |
| Saint-Louis   | 17                   | 40         | 57         | 19                   | 48         | 67           | 4                    | 12         | 16           | 40                   | 100          | 140          | 18                            | 44                |
| Diourbel      | 9                    | 10         | 19         | 26                   | 84         | 110          | 8                    | 72         | 80           | 43                   | 166          | 209          | 14                            | 54                |
| Tambacounda   | 4                    | 2          | 6          | 47                   | 45         | 92           | 39                   | 79         | 118          | 90                   | 126          | 216          | 29                            | 136               |
| Ziguinchor    | 20                   | 10         | 30         | 72                   | 75         | 147          | 25                   | 55         | 80           | 117                  | 140          | 257          | 36                            | 90                |
| Dakar         | 24                   | 94         | 118        | 10                   | 44         | 54           | 09                   | 76         | 85           | 43                   | 214          | 257          | 102                           | 80                |
| <b>Totals</b> | <b>166</b>           | <b>251</b> | <b>417</b> | <b>375</b>           | <b>656</b> | <b>1,031</b> | <b>344</b>           | <b>720</b> | <b>1,064</b> | <b>885</b>           | <b>1,627</b> | <b>2,512</b> | <b>366</b>                    | <b>820</b>        |

### 3.3.3 Institutional Measures in favour of children in other Ministries

- Directorate for Correctional Education and Social Protection (DESPS) in the Ministry of Justice with branches all over the national territory (AEMO Protection Centre) provides care and support to children in conflict with the law, children in situations of vulnerability and delinquent minors;
- Project to combat the Worst Forms of Child Labour backstopped by ILO/IPEC and domiciled in the Ministry of Labour ;
- Trilingualism Project of the Directorate of Literacy and National Languages in the Ministry of Pre-School, Elementary, Middle Level and General Secondary Education and National Languages which operates in the *daaras*, offering the talibés the opportunity to learn 3 languages (French, Arabic and a national language translated in Arabic letters) in addition to professional qualification training. The first evaluation of the Project provided the following data in respect of capitalization across 25 *daaras*, of which were 10 in Diourbel, 6 in Bambey and 9 in Mbacké, all accounting for a total of 8,039 talibés, 3,317 of which are in Bambey and 4,722 in Diourbel. The region of Diourbel was identified as a test zone, on account of its religious specificities;

Girls represent 33% of the total number. Working hours are organized in a way that 80% of the study hours are devoted to religious teaching and 20% to training in other languages and to qualification training;

- Alternative education and schooling initiatives for children such as SCOFI, objective of which is the enhance girls' access and retention at school, and the ECB designed for children that did not attend school and have passed the age required for access to formal schooling, have been put in place to enable them to receive education and training, thereby reducing the gap with the formal system;
- Establishment by the Ministry of Pre-School, Elementary, Middle Level and General Secondary Education and National Languages, of a "Community Education Programme". Thanks to this programme, some girl pupils got engaged in the registration and retention of girls in school;
- Establishment of school governments in certain institutions and representation of pupils in schools' cooperative bureaus which participate in the management of the institutions with a voice in the chapter which enhances pupils' participation in school management;
- Establishment by the Ministry of Pre-School, Elementary, Middle Level and General Secondary Education and National Languages, of "HIV/AIDS Programme" in schools to sensitize children on the disease. This programme further reduced the prevalence rate of this disease in educational institutions;
- The Talibou Dabo Centre, an educational structure designed for physically challenged children;
- The Verbotonal Centre designed for mentally challenged children;
- FNEJA based in Thiès which provides support towards the training and integration of visually challenged children;

- National Programme to Combat Malaria (PNLP) which focuses on prevention and care as well as malaria-induced morbidity, domiciled at the Ministry of Health and Prevention;
- HIV/AIDS Programme which caters for OEVs that combat mother/child transmission, promotes access to anti-retrovirals and undertakes monitoring activities for the development of the child with appropriate support;
- Project to re-energize UASSU (Union of School and University Sporting Activities) to develop sport in youth circles. This project will also cover the elementary level in cooperation with the Ministry of Youth and Sports, the Ministry of Pre-School, Elementary, Middle Level and General Secondary Education and National Languages, and the Ministry of Higher Education;
- Project designed by the Head of State for reduction of judicial sentence for imprisoned mothers with breast-fed children;
- Project designed by the Ministry of Justice for the construction of more humane prisons for convicted nursing mothers so as to place the child in a better condition without having to be separated from the mother.

### ***II.3/ Measures taken to encourage positive practices***

- Operational Unit to monitor poverty control programmes, and to coordinate the social element of the DRSP2 so as to orientate it to cover the vulnerable segments including children (both boys and girls). This Unit supports and ensures the sharing of good preventive family practices in respect of the health of the child;
- Organization of Days and/or Weeks for the promotion of good practices through awareness raising and advocacy actions for more effective coverage of the rights of the child;
- Promotion of exclusive maternal breast-feeding; consumption of iodized salt; provision of Vitamin A Supplement; campaigns for the prevention of certain diseases and the Expanded Vaccination Programme (EVP);
- Encouragement of public statements for the abandonment of excision;
- Establishment of a presidential council on the withdrawal and re-integration of street children;
- Inter-ministerial council meeting on the trafficking of children and women;
- Networking children's rights players;
- Establishment of consultation Tables for children's rights promotion players;
- Existence of consultation and experience-sharing on good practices in the struggle to promote the rights of the child, supported by the State; and partnership with international institutions - ILO, USAID, ACDI, ADB, UNICEF, UNFPA, UNESCO and the NGOs with model practices in the

domain of the rights of the child (ENDA/GRAF, FAWE, ANAFA, APROFES, Centre Emmanuel, GADEC, Tostan, etc) ;

- Institution of scholarships of excellence and schools of excellence for young girls;
- Introduction of the module on the rights of the child in teachers' training colleges, as well as in police, gendarme, social workers' and magistrates' schools;

#### ***II.4/ Measures taken to discourage negative practices***

Legislative and administrative measures and actions were taken to combat negative practices. These include:

- Strengthening the Penal Code in addition to the upcoming review of the Family Code to introduce parental authority in place of paternal power.
- Setting up a legal assistance fund which will also enable disadvantaged families of children victims of violence to meet legal expenses;
- Will of the State to reinforce the punishment against perpetrators of rape and consummation of marriages on girls under 16 years of age;
- Prohibition of corporal punishment in educational institutions;
- Compulsory schooling for ten years (6 to 16 years of age) which will be accompanied by legal measures;
- Establishment of a police brigade of minors in the Ministry of Interior for more effective tracking of delinquents specialized in child battering and ill-treatment;
- Providing the population with a green telephone number for rapid assistance to persons in difficulty, including the Centre Guididi;
- Effective implementation of the law through the incarceration of circumcisers;
- Severe punishment for rapists and paedophiles with aggravating circumstances where the victim is a minor.

#### ***II.5/ Existing or Envisaged Measures for Policies Coordination and Monitoring of the Implementation of the African Charter on the Rights and Welfare of the Child***

The Children's Rights Protection Directorate is essentially a structure for the monitoring and coordination of the children's rights promotion and protection policy. It also monitors the implementation of the African Charter on the Rights and Welfare of the Child in collaboration with other State services, international institutions and the civil society.

However, difficulties have been noted in the gathering and sharing of information to enhance monitoring and coordination, even if significant progress has been made by the various players.

#### ***II.6/ Measures taken or envisaged to familiarize adults and children with the principles and provisions of the Charter***

- Organization of the “Day of the African Child” on 16 June since 1990. That Day comprises a range of spaces and is the climax of advocacy and awareness-raising actions carried out under an annual theme on the rights of the child, chosen by the African Union;
- Consistent organization each year of the National Week of the Child, the opening of which is often presided by the Head of State or the Prime Minister;
- Organization of training sessions to build the capacities of the players operating in the realm of the rights of the child, with the participation of UNICEF, ILO, Save The Children, Plan International, Enda, among others;
- Taking on board children’s opinion and their participation, through the structures concerned with their rights and welfare, both at the level of NGOs and of the State, and at times with the organization of *questions and answers* sessions for parliamentarians, with possible extension to include government ministries;
- Organization of frequent campaigns for promotion of child registration at birth;
- Wide distribution of brochures translated into the national languages, for awareness-raising on the rights of the child;
- Organization of meetings, with children’s participation, for the sharing of the recommendations contained in the status report on the CRC and the United Nations report on violence against children.

#### ***II.7/ Strategic Measures and Actions Envisaged***

- Project to translate the African Charter on the Rights and Welfare of the Child and the CRC into the codified national languages for wider dissemination, with commercial slots and diverse competitions in school establishments and youth institutions;
- Project to make the brochures on the Rights of the Child available in Ado Centres, CEDAF, community development centres, CDEPS, police and gendarme posts, cultural centres, town council offices, rural council and regional councils, etc;
- Organization, at the level of the State and CSOs, of generalized and experiences visualization trainings with focus on good practices;
- Organization of experience sharing meetings with the children’s parliament, parliamentarians, the government and certain State Directorates and Departments after the submission of the report, with the participation of children of all categories, conditions and of both gender.

### **III/ Definition of Child**

#### **III.I/ Definition of Child by the African Charter**

The African Charter on the Rights and Welfare of the Child defines Child in its Article 2 as “any every human being below the age of 18 years of age”.

#### **III.II/ Definition of Child in Senegalese Legislation**

The Family Code in its Section One, Article 276, defines Minor as follows a Minor is a person of either gender that has not yet attained the age of 18, and hence has not yet attained voting age and legal or civil maturity.

In the Penal Code, mention is made of 18 years age limit in the section dealing with excusable persons. Article 53 indeed stipulates that “where an offence committed by a minor above 13 is a criminal offence or a contravention, the punishment that could be pronounced against him/her shall not be higher than half of the punishment that he/she would have had if he/she was 18 years old”.

### **IV/ General Principles**

#### **IV.I/ Non-discrimination (*Articles 3 and 26*)**

##### ***IV.I.a/ Measures taken to achieve non-discrimination***

Measures have been taken at legislative, judicial and administrative levels to ensure equal and non-discriminatory treatment of children, girls and boys alike.

##### **a.1/ Legislative level**

All relevant international legal instruments dealing with non-discrimination between persons, between men and women even in the police service, have been ratified by Senegal apart from some ILO Conventions, especially those on workers with family responsibilities.

Internal legislation, for example, the Constitution, the Penal Code, Labour Code, Family Code, Code of Civil and Commercial Obligations (COCC) and the Code of Penal Procedure, still contain some discriminatory elements which constitute a constraint especially for girls and handicapped persons.

However, this state of affairs is changing and the introduction in the Preamble of the 2001 Constitution of Senegal, of the international legal instruments ratified by the country, such as CEDAW/CEDEF, CDE, ACRWC and ILO Conventions on Child Labour, demonstrates the significant progress achieved, thereby sounding the death toll of tenacious discriminations which, as a result of socio-cultural beliefs and practices in particular, jeopardize the progress expected with regard to the law. The country’s Constitution solemnly proclaims the adherence of the

Republic of Senegal to all basic texts dealing with human rights (1789, 1948 in particular and International Covenants) and the equality of everyone, both men and women, before the law.

**1.a) The 2001 Constitution:** Article 20 paragraph 2 of the Constitution stipulates that “youth shall be protected by the State and public groups against exploitation, drugs, narcotics, moral neglect and delinquency”. The Constitution further reaffirms that all Senegalese citizens are born free and equal, enjoy the same rights and have the same responsibilities before all institutions and acts of the nation or done on the territory of Senegal.

**1.b) Penal Code (PC) and the Code of Penal Procedure (CPP):** Articles 52, 53, 245, 297, 298, 299, 299 b, 300, 301, 320 ... 326, 334, 346, ... 350, 365, ... 367, as well as Articles 566, ... 608, *inter alia*, of the CPP all focus on the need for a minor to be accorded benevolent attention. In this regard, while adhering to the definition of child under the Charter as anyone under 18 years, Senegal through Article 684, confers on the child the possibility of receiving public assistance and social protection up to the age of 21, where such a child is in a situation of vulnerability and is not in conflict with the law.

Even this can constitute a justiciable right. A child under 13 is not liable to conviction as the courts regard any such offence committed by the child as being without motivation. The case rather falls within the ambit of specialized administrative services.

The same is the case with the obligation concerning 10 years schooling for the child counting from the age of admission to elementary education (6 to 8 years, or even 9 years). Thus, although the law limits this age to 16, without established responsibility for the non-registration of the child in school, this obligation could be extended to 17 years or even 18 years and above, more so as Senegal, in adhering to the CRC and African Charter on the Rights of the Child clearly recognizes that school attendance is the inalienable right of the child. To crown it all, Article 591 of the CPP allows a review at any time of any legal decision imposing any punishment on a minor that has committed a criminal offence.

**1.c) Family Code (1972):** Articles 3 to 6, 277 to 288, 260 to 265, 288, 399 and others, of the Family Code of Senegal provides for the obligation of support between a child and his/her parents as well as organization of guardianship for him/her in the event of the death of his/her parents (Articles 305 to 334).

**The Family Code** also makes provision for as equitable as possible an inheritance.

The weakness of this Code lies in the fact that the proportion of inheritance accorded to the girl child is a half of what the boy receives during distribution of the assets of the dead parent. It is also noteworthy that paternal power confers the primary responsibility for a child to the father, and that limits the capacity of the child to enjoy any possibilities that could be offered by his/her mother especially when such a mother is a worker entitled to social security.

Under the envisaged reforms of the Family Code, the texts of which have been improved, provision will be made, similar to that of an international criminal tribunal, for the admission of testimonies as proof of rape and genocide. The reforms allow for the establishment of parental authority which enables a mother to discharge the same responsibilities, obligations and rights vis-à-vis their children, girls and boys alike.

The key issue of law has, to a large extent, continued to be that of parental relationship, domiciliation and stabilization of a legitimate and so-called natural born child under a specific nationality in Senegal. Article 9 of the Senegalese nationality code stipulates that a legitimate natural born child shall in the course of his/her minority acquire Senegalese nationality where his/her father is Senegalese.

The Law which is supposed to be there for everybody *denies* a woman of a fundamental right and thus deprives the child of nationality. This is contrary to all the provisions of the Constitution, the CRC, the African Charter and all Declarations, Conventions and Charters to which Senegal has adhered. Fortunately, every discrepancy in this regard brought before the court by an interested father or mother or by civil society organizations as accusing parties is automatically corrected by the Judge. Be that as it may, the law deserves to be reviewed for proper harmonization.

#### ***IV.II./ Best interests of the child (Article 4)***

The measures adopted to take into account the best interest of the child are many:

##### **II.1/ Legal and judicial measures**

Legal and social protection measures with appropriate legal standards have been taken in favour of the child. The most prominent are as follows:

- The Constitution of Senegal in its Article 20, paragraph 2 stipulates that “Youth shall be protected by the State and public groups against exploitation, drugs, narcotics, moral neglect and delinquency”;
- In Senegal, the authority of the matter already decided (*res judicata*) is not valid for the child minor (Article 591 of the CPP). The case may be re-opened at any time for appropriate measures to be taken in his/her favour, particularly measures involving bringing him/her back to his/her parents or integration in a foster family;
- Setting up a special court for minors together with aggravation of the punishment (the maximum) where the victim of the abuse or violence is a minor under 13;
- A special brigade for minors;
- Article 340 of the PC confers rights on a picked up child upon birth, including the right to a family, the right to civil status (registration), the right to legal recognition and to protection including institutional protection.

##### **II.2/ Institutional and administrative**

- Establishment of a Directorate for the Protection of the Rights of the Child with responsibility to coordinate all policies on the child and supervise all activities oriented to mainstreaming the rights of the child, especially the right to survival, protection, development and participation;



- Establishment of the Directorate for Corrective Education and Social Protection for support and re-integration of children in conflict with the law;
- Existence of “Children’s Parliament” currently undergoing restructuring, presided by a young girl from Fatick. What are lacking are the operational resources for the proper discharge of its mission;
- Opening of AEMOs, Polyvalent Training Centres and Adolescent Centres;
- Formulation of inclusive training policy;
- Reduction of punishment and discharge for 6 imprisoned mothers with their suckling children;
- Establishment of the project to combat child trafficking and the worst forms of child labour;
- Prospect of creating the “Sukkali Jaabot” project.

### **II.3/ Social measures**

- Reduced cost of the tickets for access to care for children in all districts, health posts, hospitals and medical services;
- On-going formulation of a mutualisation policy for benevolent health project for the survival, development and protection of all girl and boy migrants;
- Experimentation of leadership, skills and social environment management training policy in primary schools, for popularization after evaluation (IDEN in Greater Dakar) with encouraging outcomes and impact for pupils in the test classes. However, this programme seems to be marking time for the past one year;
- Development of mother-educationist and parents’ association policy on school management which opens the possibility of increased children’s participation in within-family interactions and in the appraisal of children’s problems.

### **II.4/ Difficulties**

- The ever-persistent traditional perception of the child whereby, for the majority of the country’s population, the child is not a subject of law, does not facilitate the change of mentality and comportment to promote the full development of the child within the framework of his/her rights;
- Misunderstanding or ignorance of the laws relating to the rights of the child by most of the players exposes the child on daily basis to situations in which he/she cannot enjoy the rights ;
- Socio-cultural imperatives such that parents and civil society organisations generally do not bring cases that constitute violation and denial of the right of the child before the court;

- Generalized ignorance, illiteracy and lack of information on the challenges of childhood.

## **II.5/ Prospects**

- Translation of all international instruments and all other texts relating to the rights of the child into the national languages;
- Introduction of the module on the rights of the child in the initial and continuous training of teachers;
- Integration of a module on the rights of the child into initial training programmes for the personnel in charge of childhood matters, magistrates, police officers, gendarmerie officers, military officers, specialized educationists and social workers;
- Training of coranic teachers (*serignes daaras*) on the rights of the child;
- Training of community leaders and OCB on the rights of the child;
- Aggravation of the punishment for rape and other ill-treatment or abuse especially sexual abuse against children of 10 to 15 years and above;
- Sensitization on and involvement of *marabouts*, priests and other religious guides and public figures including traditional leaders in the promotion of the rights of the child, girl and boy alike, with focus on rape and FGM, hard and painful work, physical and moral abuse, economic exploitation, immunization campaigns, medical, weight and sanitary checkups, school attendance and retention in school, early marriages;
- Intensification of actions on enlightenment, advocacy and awareness-raising for a change of comportment.

## **IV.III./ Right to life, survival and development (Article 5)**

The measures taken to protect the right to life and ensure the survival and development of the child are as follows:

### **III.1/ Legislative and regulatory**

Section II of the Senegalese Constitution titled Public Liberties and the Human Person, Economic and Social Rights, as well as Collective Rights, addresses the issue of the Right to Life as follows:

**Article 7:** The human person is sacred. The human person is inviolable. The State shall have the obligation to respect it and to protect it. Every individual has the right to life, to freedom, to security, to free development of his/her personality, to corporal integrity, and especially to protection against physical mutilations. Every individual also has the right to religion, food, lodging, education, organization, movement, work, leisure, sports, culture, heritage and its preservation.

**Article 20** stipulates that: Parents shall have the natural right and duty to raise their children. They shall be supported in this task by the State and public collectivities. Youth shall be protected by the State and public groups against exploitation, drugs, narcotics, moral neglect and delinquency. **Articles 21 and 22** continue as follows: the State and the public collectivities shall create the preliminary conditions and the public institutions which shall guarantee the education of children. The State shall have the duty and the task of educating and training the youth through public schools.

### **III.2/ Administrative measures**

Several general policy letters (Education, Health, Population etc. and in nearly all sectors except that of protection) which address the rights of the child have come up with guidelines and missions, sometimes with regulatory benchmarks. In addition to specific acts such as Circular 004379 of the Ministry of Pre-school, Elementary, Middle Secondary, General Secondary and Literacy Education already mentioned, in respect of the retention of pregnant girls in school and their re-integration in the educational system, directives were issued to further strengthen the protection of the child whenever deemed necessary.

### **III.3/ Difficulties**

The difficulties facing the right to life, the right to survival and the right to development are of several types and it would be necessary to bear this in mind to facilitate their resolution as speedily as possible. These are: nutrition and related deficiencies, healthcare, absence of quality health services for child birth in certain localities, inadequate human resources or weakness of paediatric technical services, the regularity and conclusion of prenatal care, difficulties in ensuring children's age as citizens. This is in addition to the high cost of medical care and medicine even for the Bamako initiative, the increasingly high cost of school attendance (school manuals, school uniforms and various financial commitments) all of which are beyond the economic power of the vast majority of families.

### **III.4/ Prospects**

- Formulation of a child protection policy;
- Implementation of a strategic plan for the **Survival of the Child**;
- Health Code;
- National Plan of Action on Childhood;
- Attainment of the objectives of the Ten-Year Education and Training Programme (PDEF);
- Integration of *daaras* into the unified educational system with a harmonized curriculum to be respected by all the *seringnes daaras*;
- Implementation of Integrating Education in the run up to EPT/EFA;

- Generalized free school books and other school supplies in the primary and middle secondary levels and subsidy of school uniform;
- **Effectiveness of compulsory schooling from 6 to 16 years** in the coming 4 to 5 years and actual universal school attendance throughout the national territory and for all communities;
- Speedy finalization and adoption of the Children’s Code;
- Involvement of children in the formulation of policies, planning and implementation of the promotion and protection activities that concern them;
- Establishment of Child Observatory;
- Harmonization of National Legislation with International Legal Instruments by 2011 at the latest;
- Formal prohibition of the marriage of minors below 18, age of civil and legal maturity;
- Institution of dissuasive measures to prevent and severely punish physical violence against children (girls and boys alike) and impose severe sanctions for rape in the school environment;

#### ***IV.IV./ Respect for the opinion of children (Article 7)***

##### **IV.1/ Legislative, Regulatory and Administrative**

Legal and regulatory measures are in place to guarantee for every child capable of communicating his/her own view, the right to express his/her opinion freely on all issues concerning him/her and to be taken into account in the decisions taken.

Articles 6 to 10 of the Constitution guarantee for all Senegalese, including children, freedom of opinion, freedom of expression, freedom of organization and the freedom to express and disseminate his/her opinion.

The existence of a children’s parliament, school governments, children’s clubs (EDEN clubs), children’s associations established by strong NGOs (Plan Senegal, World Vision, Save The Children...), children’s press, CDPEDS and ADO Centres, constitute the legal and regulatory framework for the expression, consideration and respect for the opinion of children.

##### **IV.2/ Difficulties**

The major difficulties reside in the inadequacy and poor mobilization of the financial and technical resources required for implementation of the activities for promotion and protection of the rights of the child.

Another significant difficulty relates to the coordination and monitoring of activities implementation. The absence of a framework for the coordination and capitalization of experiences and outcomes with the requisite legal and administrative prerogatives is a handicap to the coordination and monitoring of interventions. This is in addition to the absence of precise

definition of the missions of State players and a regulation for the monitoring of partners' interventions.

### **IV.3/ Prospects**

To allow for more effective integration of the rights of the children as set forth in the African Charter, it is needful to:

- Re-energize the Children's Parliament;
- Organize meetings on regular basis between the various parliaments or councils and the children prior to formulating and validating budgets;
- Put in place a computerized data base and update same on regular basis;
- Establish surveillance, early warning and enlightenment committees at national level;
- Mainstream the opinion of children in all policies that concern them.

## **V. / Civil Rights and Liberties**

### **V.I/ Name, Nationality, Identity and Registration at Birth in the Civil Register (Article 6)**

#### **I.1/ Legislative and Legal Measures**

The Senegalese Constitution explicitly addresses the issue of parentage relationship, mentoring and education of the child.

The Family Code defines, structures and organizes the conditions for uniting the child with his/her natural legitimate and adoptive family. This attachment to the family enables the child to have a socio-cultural anchorage and a family base with domiciliation (Article 13 of the FC); it also provides him/her with parentage relationship at birth, whether legitimate or natural (Articles 3 to 6 of the Family Code).

Relationship of parentage immediately confers on the child the right to a name and family name, and subjects him/her to parental authority which includes the right of guardianship, the right of mentoring, as well as support and administration of his/her assets (Article 277 to 288 of the Family Code of Senegal).

The Family Code also addresses the obligation of support which parents or guardians owe to the child (Article 260 to 265 and Articles 305 and 334). The right of succession between the child and his/her parents are similarly covered in Articles 399 etc of the Family Code.

The procedure to be followed by the civil registry officer after the issuance of a child's birth document by the relevant medical service facilitates the registration of the new-born in the State birth registry (Articles 30 to 42 of the FC). In the event of delay in the registration beyond the

prescribed timeframe (clear one year), a procedure involving a judge clears the way for the registration to take place. In recent years, the campaigns for birth registration, the facilitation of the procedure through public hearings and other similar assemblies, have resulted in the rise of registration rate from 68.9% in 2005 to 79.6% in 2008.

As regards the acquisition of Senegalese nationality, this status attaches the individual to a specific State to which he/she has a claim, and of which he/she assumes citizenship and thus avoids becoming stateless.

In its Article 7, the CRC provides for the right of the child to be registered at birth, the right to a name and the right to acquire a nationality. In adhering to this Convention, Senegal confers on every child born in its territory the *de facto* right to acquire Senegalese nationality.

The Nationality Code enshrines the following provisions:

A new-born child found in Senegal, whose parents are unknown is a Senegalese except where, in the course of his/her minority, his/her parental relationship with a foreigner is established (Article 3).

The legitimate child born of a Senegalese mother and a father without nationality or of unknown nationality (Article 5) is a Senegalese.

A natural born child is a Senegalese where his/her parents in respect of whom parentage relationship was established in the first instance, is a Senegalese (Article 5).

A natural born child is a Senegalese, where his/her parents in respect of whom parentage relationship has been established in the second instance is a Senegalese, or where the other parent is without nationality or of unknown nationality (Article 5).

The legitimate child minor, whose father or mother widow acquires Senegalese nationality, is a Senegalese citizen.

The natural minor child, as well as the child of his/her parents, in respect of whom parentage relationship was established in the first instance or whose surviving parent has acquired Senegalese nationality, as the case may be, is a Senegalese.

A detailed perusal of the Senegalese Nationality Code will show that the provisions relating to nationality are intended to prevent a child from finding him/herself stateless, without nationality.

## **I.2/ Organization and Administration of Civil Status (FC)**

Civil status in Senegal is organized by the Family Code in its Articles 30 to 38 as follows:

All births, all marriages and all deaths are recorded in the form of acts in the civil register. The other facts or acts relating to the civil status of persons are endorsed on the registers. Where this endorsement cannot be made on the sidelines of a civil status act issued in Senegal, it is transcribed into the civil register of District 1 of Dakar commune.

The acts will be received by civil registry officials in the principal centres and also in the secondary centre attached to a principal centre. In the communes, the duties of civil registry officer is performed by the mayor, an assistant, a municipal counsellor or an officer specially designated, or by the authorities appointed by law where it has made provision for a special municipal system. In the sub-prefectures, the duties are performed by the sub-prefects or by any person able to read and write French and appointed by edict of the prefect. The secondary civil centres are created by edict of the Minister of Interior and the functions of the civil registry officer are discharged by a person designated by edict of the prefect. The civil registry officer of a secondary centre exercises his/her function under the control and responsibility of the civil registry officer of the principal centre to which the centre is attached. He/she receives birth and death declarations.

Such declarations are made in the civil registry within a month by the persons enumerated in Articles 51 and 67. Where the declarations in respect of the birth and death that occurred in their district are not justified within a time frame of one month, the village or district heads are expected to make the declaration thus omitted, to a civil registry officer within the following fifteen days, under pain of a fine.

Control of the civil registry is undertaken by a justice of the peace and the district attorney. Once a year, compulsorily and whenever deemed necessary, the justice of the peace embarks upon the control of current year's civil register and, to this end, tours the centres under his/her purview. Mention of this inspection and the date thereof are made in the two relevant registers for each category of acts. This is indicated in the sheet reserved for that purpose immediately following the last act recorded. The mention should include a general appraisal of the way and manner the registers have been kept, followed by the signature and seal of the justice of the peace.

At the end of the inspection, the justice of the peace addresses to the civil registry officer his observations on the contraventions found, together with the Articles of the law violated. Where necessary, he/she indicates the means he/she deems appropriate to avoid a repeat of the discrepancies. A copy of this report is forwarded without delay to the district attorney. During submission of the civil registers to the registrar, the district attorney is expected to check its condition. He/she addresses to the Minister of Justice, Keeper of the Seal, a report on the keeping of the registers and on the control conducted by the justice of the peace during the year. He/she indicates the irregularities observed and the infractions that need to be suppressed.

The civil registry officer is expected to receive all the declarations made for preparation of the acts. Where in his/her view, a declaration is contrary to the law, he/she should immediately notify the district attorney who, if need be, takes appropriate corrective or other State action.

### **I.3/ Progress achieved**

Despite the gaps that still have to be filled through sustained awareness building to get parents to register their babies in the week following their birth, a lot of progress has been made. In the last four years alone, the rate of registration of births saw a phenomenal rise in both rural and urban areas. It progressed from 60% (MISCS2 2003) to 71% in 2007), thus enabling the DPRE to come a little closer to the real school age population, each year.

#### **I.4/ Difficulties**

The difficulties relating to the identity of the child are due mainly to the fact that several births take place outside appropriate health structures (at times, in the home in rural and periburban areas), and to the inaccessibility of such areas and of the civil registry centres. The cost of the edicts and other fees, certain socio-cultural beliefs, the fear of taxes and other taxes in the rural areas compound the difficulties. The non-payment for services rendered to the family by daily labourers also constitutes a source of difficulties.

#### **I.5/ Prospects**

- Introduce a provision into the Senegalese Nationality Code, offering the possibility to a Senegalese natural mother or adoptive mother to immediately by simple registration in the civil register, give Senegalese nationality to their natural born or adoptive children;
- Conduct awareness-raising and birth registration campaigns each year in all areas where illiterates or semi-illiterates predominate (including formal and informal enterprises) with the support of the concerned Ministries (Industry, Arts and Crafts, Agriculture, Livestock Development, Water Resources, Environment, etc. the CNEES, CNP, etc) in the rural, periburban and urban areas;
- Network the civil registry system to facilitate the acquisition of birth certificate, avoid fraud in the civil registry and make the certificate more reliable;
- Equip and provide appropriate resources to maternities and paediatric centres in all rural communities to supplement what has already been done for the districts.

#### **V.II/ Freedom of expression, and freedom of thought, conscience and religion**

**The Senegalese Constitution in its 3rd introductory paragraph** affirms that “considering that national construction rests upon individual freedom and respect for the human person, sources of creativity” and also, in its preamble, that “respect for fundamental freedoms and civil rights as the basis of Senegalese society; observance and consolidation of the rule of law in which the State and the citizens are subject to the same legal norms under the control of an independent and impartial judiciary; access to the exercise of power at all levels, for all citizens, without discrimination; equal access to public services for all citizens; the rejection and elimination of all forms of injustice, inequality, and discrimination”.

**In Section II which deals with public liberties and the human person, economic and social rights as well as collective rights**, the Constitution solemnly affirms that: “The Republic of Senegal is a secular State, democratic and social. It guarantees equality of all citizens before the law, without distinction as to origin, race, gender and religion. It shall respect all beliefs. The principle of the Republic of Senegal is: government of the people, by the people and for the people”.

**Article 7 continues:** “every individual has the right to life, to freedom, to security, the free development of his/her personality, to corporal integrity and especially to protection against



physical mutilation. The Senegalese people recognize the existence of sacred and inalienable human rights as the basis of any human community, of peace and of justice in Senegal and the world. All human beings shall be equal before the law”.

**Article 8 of the Constitution stipulates:** “the Republic of Senegal guarantees to all citizens their individual fundamental freedoms, economic and social rights as well as group rights. These freedoms and rights are: civil and political liberties, freedom of opinion, freedom of expression, press freedom, freedom of association, freedom to hold meetings, freedom of movement, freedom to protest, cultural freedoms, religious freedoms, philosophical freedoms, union freedoms, freedom of enterprise and the right to a variety of information”.

**Articles 9 and 10 state that:** “any infringement of these freedoms and any intentional restriction of the exercise of a freedom shall be punishable by law. No one may be convicted other than by virtue of the law which became effective before the act was committed. Defense is an absolute right at all stages and at all levels of the proceedings. Everyone shall have the right to freely express and disseminate his opinion by word, pen, image or peaceful match, provided the exercise of these rights shall not undermine the honour of and respect due to other persons, nor threaten public order”.

### **V.III/ Freedom of association and peaceful assembly (Article 8)**

All the freedoms guaranteed by the Constitution such as freedom of expression are equally valid for freedom of association and peaceful assembly as set forth in Article 8 of the African Charter, especially its 3<sup>rd</sup> preamble paragraph and Articles 7, 8, 9 and 10.

To facilitate the realization of these freedoms, the Constitution in its Article 11 prescribes that “the creation of a press body for information on politics, the economy, culture, sports, recreation or science shall be free and shall not be subject to prior authorization of any kind. Press regulations shall be set by the law”.

Freedom of association is guaranteed even more precisely by the Constitution in its **Article 12** which states that “all citizens shall have the right to freely constitute associations and economic, cultural and social groups as well as societies, on condition that they comply with the formalities set down by the laws and regulations”.

With regard to children, the freedoms are guaranteed by the fact that their places of exercise of their rights and their participation are guaranteed in several ways especially at school, and by the creation of socio-educational homes with the material support of the heads of the institutions (schools, CDEPS, Centre Ado, CDF, etc).

For the exercise and protection of all the freedoms, the Constitution in its Articles 9 and 10 states: “any infringement of these freedoms and any intentional restriction of the exercise of a freedom shall be punishable by law. No one may be convicted other than by virtue of the law which became effective before the act was committed. Defence is an absolute right at all stages and at all levels of the proceedings”.

#### **V.IV/ Protection of private life**

Private life is well protected in Senegal. It is solemnly proclaimed as sacred and inviolable, except under the exceptional conditions defined by law. Article 6 of the Constitution guarantees for every Senegalese citizen the inviolability of domicile and private life and the secrecy of correspondence.

The Penal Code proscribes the divulging of reports on audiences and publicity of audiences on issues involving children. This fundamental principle is highlighted in several Articles and covers all Senegalese nationals without discrimination.

**Article 7:** The human person is sacred. The human person is inviolable. The State shall have the obligation to respect it and to protect it. Every individual has a right to life, to freedom, to security, the free development of his/her personality, to corporal integrity and especially to protection against physical mutilation.

The people of Senegal recognize the existence of inviolable and inalienable human rights as the foundation of all human communities and of peace and justice in the world. All human beings are equal before the law.

**Article 13:** The secrecy of correspondence and of postal, telegraphic, telephonic or electronic communications shall be inviolable. This inviolability shall be subject only to such restrictions as are imposed by law.

**Article 14:** All citizens of the Republic shall have the right to move freely and settle any where, within the national territory and abroad. These freedoms shall be exercised under the conditions provided by law.

**Article 15:** The right of property is guaranteed by the Constitution. It may not be impaired except in the case of public necessity legally established, and subject to the prior payment of fair compensation. Men and women shall have equal rights to gain possession and own land subject to conditions determined by the law.

**Article 16: The home shall be inviolable.** A house search may not be ordered except by a Judge or another authority designated by law. Searches may be conducted only in the form prescribed by law. The Senegalese legislation exceptionally makes provision for violation of the home where the life of a child is under threat and such a child has to be saved.

Such measures may also be taken, pursuant to law, in order to protect public order against impending threats.

#### **V.VI/ Protection of children against abuses and ill-treatment**

Protection against abuses and ill-treatment of children is regulated by relevant international instruments and by Senegalese law, including those listed hereunder:

## **VI.1/ International Instruments**

- Senegal unreservedly adhered to the CRC on 20 November 1989 at the Special Session of the United Nations General Assembly and ratified it on 31 July 1990;
- ILO Convention C.105 on the abolition of forced labour;
- ILO Convention C138 concerning the Minimum Age for Admission to Employment, which inspired our Labour Code setting the minimum age at 15;
- ILO Convention C182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child, which in its Article 3 defines the “worst forms of child labour”;
- Additional Protocol to the United Nations Convention Against Organized Crime to prevent, suppress and punish human trafficking especially women and children, adopted in 2000 and ratified by Senegal on 19 September 2003;
- African Charter on the Rights and Welfare of the Child adopted in July 1990, ratified by Senegal in 1998 and entered into force in 1999;
- Optional Protocol to the Convention on the Rights of the Child relating to child prostitution and child pornography;
- Optional Protocol to the Convention against Torture and Cruel or Inhuman or Degrading Treatment relating to Abolition of the Death Penalty;
- Additional Protocol to the United Nations Convention Against Organized Transnational Crime to prevent, suppress and punish human trafficking especially women and children;
- Additional Protocol to the United Nations Convention Against Transnational Organized Crime aimed at combating the trafficking of migrants by sea or by land, signed in Palermo on 15 December 2000;
- ECOWAS Convention on mutual legal assistance of July 1992;
- ECOWAS Plan of Action on Human Trafficking.

## **VI.2/ National Legal Provisions of Senegal**

The Senegalese legal arsenal for the protection of children against abuse and ill-treatment contains a range of laws, some of which are listed hereunder:

- Law 65-60 of 21 July 1965 on the Penal Code giving effect to the international and regional commitments entered into by Senegal, a Code which records and suppressed all acts and comportments relating to human trafficking. Prominent examples are begging (Articles 245 and 247b of the PC), living off illegal earnings (Articles 323 to 328 of the PC) for which Article 327b of the Penal Code prescribes a special procedure in the case of prostitution by a minor. Such a minor will have to appear before a children's tribunal and be subjected to the protection procedures set forth in the Code of Penal Procedure.

Rape (Article 320 of the PC, abduction of a minor (Article 346), violence against women including girls (Article 294 paragraph 2 of the PC), paedophilia (Article 320b of the PC), sexual harassment (Article 319 b of the PC) are also severely punished. With regard to rape, Senegalese parliamentarians in concert with NGO/CSOs (AJS, Aprofes, Radi, CLVF, Réseau Siggil Jiggeen, GREFELS, etc.), are in the process of taking measures to aggravate the punishment. The same is the case for corruption of a minor (Article 320 of the PC), sequestration (Article 334) and forced marriage (Article 300-379, paragraph 4 of the PC).

As regards child labour, edicts of the Minister of Labour (3748, 3749, 3750, 3751 of 6 June 2003), respectively, set the minimum age for access employment and work at 15, and identify work regarded as dangerous and 7 categories of activity constituting the worst forms of child labour in Senegal. Article 136 of the Labour Code regulates child labour and subjects this to the provisions of the Washington International Conventions extended to Senegal by decree of 28 December 1997. Article 141 thereof defines the nature of work that could be entrusted to children. They may not be tasked with any work that is not commensurate with their energies, and the Labour Inspector has the responsibility to get a physician to appraise the work and, where appropriate, issue an order for a stop to the said work, without this act being seen as an abusive break of the contract. Article 140 of the Labour Code more especially prohibits all labour by a child, even as an apprentice, before the age of 15, except exempted by the Minister of Labour after opinion by the labour advisory council. Moreover, Article 143 provides for every worker, the right to two working days of paid leave per month of actual service.

## **V.7. Difficulties**

The most obvious difficulties stem from the existence of laws prohibiting and severely suppressing the relevant offences, alongside other laws providing for exemptions from such punishment, thereby opening the way for all sorts of abuses and discrepancies and hence the need to harmonize the texts.

This is the case for the marriage of a girl minor which is subject to exemption on the authorization of the parents, guardian or of a judge; and this, despite the fact that the minimum age for marriage has been set at 18 for boys and 16 for girls and despite all the consequences that such a marriage can generate for the girl minor, which includes fistula and social exclusion, among others.

The non-alignment of the legislation on the international instruments with its internal legal provisions is such that, in Senegal, the child is faced with the problem of acceptance of his/her rights especially in circumstances where vulnerability is at its height: nationality, marriage, inheritance, etc.

### **V.8/ Prospects**

- Proceed with the harmonization of the texts so as to leave no room for abuse against the child and to protect him/her against early marriage, premature work and educational wastage under the guise of exemption.

-Ensure strict compliance with Article 17 of the Constitution which states that: “forced marriage of a young girl minor or of a woman is a violation of personal freedom. It shall be forbidden and punished according to the conditions laid down by law”.

- Make it obligatory for cases of violation of the physical and/or moral integrity of a child to be automatically brought up by the prosecutor of the relevant tribunal.

- Give children, girls and boys alike, training in citizenship and leadership, and turn children into players in the pursuit of their rights.

- Introduction of modules on the rights of the child into the education curriculum; and provision of citizenship, good governance, etc education for children.

## **VI/ Family environment and foster parentage**

**Article 16 of Senegalese Constitution** stipulates that “marriage and the family shall constitute the natural and moral basis for the human community. The State and public collectivities shall have the social duty to watch over the physical and moral well-being of the family and, in particular, that of the handicapped and the aged”. According to the same Article, the State guarantees families access to health and welfare services.

It is therefore obvious that the family in Senegal is regarded as the first anchorage point and the foundation not only for the development of the personality of the child, but also for the social and economic edification of the country as a framework for education, training and socialization; reason for which its importance is recognized by the country’s basic text and the Family Code which defines the modalities and, in the event of failure on the part of the family, provides for guardianship of the child based on the protection and promotion of his/her best interest.

### ***VI.I./ Parental control***

#### **I.1/ Legislative and regulatory provisions**

- The Family Code defines all the rights relating to family life with parents up to succession (Articles 3 to 6, 260 to 265, 277 to 288, Article 399 and others;

- The Social Security Code in its Articles 8 to 11 deals with the rights of children in relation to the worker status of both parents.

## **I.2/ Administrative provisions**

- The National Social Security Fund (CNSS) of Senegal, the IPRES for private sector workers and the National Pensions Fund have regulations and operational modalities which provide adequate support for children of paid workers recruited for indefinite duration. It should be mentioned that this issue should be further looked into by the State with ILO support in as much as children whose parents do not belong to these categories are left out by the administrative provisions. This is more so as health services paid for in full are becoming increasingly expensive, besides the cost of certain medicines which are not affordable to the most disadvantaged families. The State is however investing considerable effort to reduce the cost of providing care and support for children.

- Existence of social workers in hospitals and health centres to facilitate the provision of care and support for children from disadvantaged families.

- To provide more effective protection for children, the State has established:

- ✚ Child Protection Support Unit (CAPE)
- ✚ Directorate for Protection of the Rights of the Child
- ✚ Directorate for Corrective Education and Social Protection, and its branches
- ✚ Project to Combat Human Trafficking and the Worst Forms of Child Labour (PLCTPFTE)
- ✚ Reception and Orientation Centre for Children with Special Needs (Ginndi).

- Establishment in 2008 of a social protection programme with cash transfer to assist children of vulnerable families.

Noteworthy in this regard is that, with this cash transfer programme, vulnerable children and families increasingly receive services, and effective administrative measures and provisions have been put in place to that end.

## **I.3/ Progress**

Cash transfers, improved technical facilities at the health centres, support of local NGOs alongside the programmes backstopped by the Agencies of United Nations system offer changes that have been appreciated by the populations.

The AEMOs, polyvalent centres, protection centres as well as informal training and apprenticeship constitute a real life line for the people. On this score, 32,565 minors in danger were able to find relief, and were given reorientation and support in 2006, 2007 and 2008; thus enabling them to look forward positively to the future with real hopes, in very words of the children received and attended to at the Guédiawaye protection centre, as well as at Enda Jeunesse Action (EJT), ASSEA, Enda-Graf, etc.

In addition to these results, the PLCTPFTE recorded the following data with the support of the PTF:

- 153,294,366 CFA Francs financed in the form of micro-projects or cash transfers to combat the vulnerability of children and their families through the development of income generating activities.
- 1,040 vulnerable families developed AGRs with a revolving interest-free loan.
- 4,524 were protected from the worst forms of labour including:
  - 2, 293 children protected from begging through sponsorship.
  - 101 *talibés* were returned to their villages of origin with their coranic masters.
  - 364 school children were placed in school or reintegrated in pre-vocational training.
  - 1,650 were protected from sexual abuse and exploitation.
- Support towards certificate training for 116 young girls withdrawn from early domestic work.
- 57,500,000 CFA F was spent to provide *ad hoc* support to children and families in situations of vulnerability.
  - Financing of 520 poor households.
  - Withdrawal of 4,191 children from situations of extreme vulnerability.
  - Re-integration of 5,922 children.

Through a do-do approach, this project supports communities through the local action plans of technical monitoring committees and provides care and support to children exposed to the worst forms of child labour.

#### **I.4/ Difficulties**

The difficulties may be summarized by the magnitude of the needs in relation to the modest means available, as a result of which the element of “definitive withdrawal of children from vulnerability through the development of the means and capacities for wealth creation” has remained ineffective.

According to evaluation by DSRPI, the efforts deployed to provide care and support to the most vulnerable segments have been constrained by the lack of appropriate means. As such, poverty has continued to be the lot of at least 2/5 Senegalese. The magnitude of this phenomenon seems to be widening a little more by the day, with the floods and the difficulty of access to decent housing and to social services, etc in a context in which working with a decent salary as stipulated by ILO is a challenge hard to tackle.

## **I.5/ Prospects**

The prospects should be strictly linked to increased wealth creation possibilities by the majority of the vulnerable group of working age. To this end, the following measures need to be taken:

- sensitization of the vulnerable segments to the need to provide their own support by producing their own goods and services;
- sensitization to the problems created by the various deficiencies affecting children ;
- training of members of the vulnerable groups in the spirit of enterprise, economic creativity, economic and social leadership, self-esteem and self-confidence;
- transformation of micro-projects into wealth creation enterprises to be monitored and supported for transformation into SME/SMI in the short and-medium term; for example - PALAM, PNCR, PLCP, ‘‘Sukkali Jaboot’’, etc. ;
- transformation of income generating activities into wealth creating enterprises through increased volume of credit to micro-enterprises.

## ***VI.II./ Parents’ responsibilities***

### **II.1/ At legislative level**

Parents’ responsibilities are set forth by **the Constitution** in its Articles 20 to 24, **the Family Code** in its Articles 3 to 6; 260 to 265; 277 to 288, Article 399 and others, and the **Social Security Code** in its Articles 8 to 11.

### **II.2/ At administrative level**

Apart from the serious lapses and shortcomings with which the administrative and legal authorities are seized or informed, the State of Senegal does not take administrative measures to ensure parental authority over the children. It regards this as a breach of the individual freedoms and responsibilities guaranteed for all Senegalese by the Constitution.

### **II.3/ Progress achieved**

The State sets aside nearly 70% of its budget to the social sectors, so called (education and training, health and social prevention, water points, production roads and tracks development, exit from isolation, etc.

Noteworthy is the existence of collaboration and mutualisation for provision of support by self-help and social providence institutions to workers of the informal sector, with support from ILO and employers.

The increase in the budget for social investment has resulted in the health sector claiming nearly 15% of the State operational budget, apart from the Investment Consolidated Budget (ICB).



## **II.4/ Difficulties**

The difficulties faced by parents in fully assuming their socio-cultural responsibilities vis-à-vis their children, stem from the situation of poverty in which the country finds itself and the concomitant dearth of resources.

The dispersion and lack of remunerative work for youth and women have resulted in the burden and cost of providing for them being borne, for a country like Senegal, by a very small minority of the population: (+ 65% are less than 35, and under 15s represent 50% of the total population of the country). 10% of the active population is trained in the modern sector with less than 10%, of which 1/10 have professional qualification (*Source: Document evaluating professional training in Senegal produced at the time by the Ministry in charge of the Sector and the Annual National Reports on the Status of Education produced by DPRE in 1999 and FEMSA*).

## **II.5/ Prospects**

In view of this situation, it is needful as a matter of urgency to:

- increase the possibilities for large-scale wealth creation for the overwhelming majority of the Senegalese population;
- set up a children's fund;
- guarantee a benchmark price for agricultural producers and the primary sector;
- provide credit to finance working capital for youth and women;
- provide proper support to children through the "Sukkali Jaboot" project;
- harmonize the strategies to combat poverty through a platform geared to transforming the poor and vulnerable segments into large-scale producers of goods and services.

## **VI.III/ Separation of the child from the parents**

Secular social traditions and beliefs, religions and Senegalese legislation compel parents to provide for their children, food, clothing, leisure, health, education, accommodation, etc. The State has the responsibility to monitor and assist in the realization of these rights.

Total abandonment of the family is almost a novelty, a feature of modern times. It calls for a review and strengthening of the Family Code, grounded in a deepening of the rights which the Constitution confers on the child, while defining the obligations of parents.

In certain cases, the judge can intervene within the limits of the powers conferred on him by law, to compel the defaulting parent to assume his responsibilities as defined by legislation.

Moreover, the child separated from the two parents or from either of them, may for the purpose of appeal, be placed under guardianship as prescribed by the **Family Code** in its Articles 277 paragraph 3, 305, 306, 307 and 308. Guardianship is legal and it is the children's judge that appoints the guardian. The child may also be adopted; and adoption can be in several degrees and may be national or international. Adoption is regulated in accordance with the modalities defined and laid down by Senegalese legislation.

### **III.1/ Progress**

The progress achieved relates to the new law 2005-06 of May 2005 on human trafficking and related practices, protection of victims of trafficking and of begging, and reaffirms the will of the State to implement ECOWAS Plan of Action. The law also more clearly defines exploitation of children through begging and imposes appropriate punishment.

Similarly noteworthy is the current project to modify the **Penal Code** and the **Family Code** in respect of which women's contributions especially *AJS*, *RADI*, *Réseau Siggil Jegéen*, resulted in the concerns of women and children being taken on board.

One may also cite the existence of two volumes of national and the international legal instruments ratified by Senegal and relating to the Rights of the Child, prepared by the Ministry of Justice.

### **III.2/ Difficulties**

Senegal has known no major difficulties as regards guardianship. In contrast, with respect to international adoption, cultural misgivings and the absence of institutional management mechanism in line with the recommendations of the Hague Convention on Inter-country Adoption, constitute significant difficulties.

### **III.3/ Prospects**

Embracing the best interest of the child in light of national laws and the orientation of international instruments in their diverse and manifold fields, has continued to constitute a key imperative.

It is also needful to finalize the process of adoption of the Family Code and actually adopt it. This will provide Senegal with a unified framework to monitor and control all interventions to promote the rights of the child.

### ***VI.I./Family reunification and children deprived of family environment***

The problem of a foreign child residing outside the country has never arisen in Senegal. It is pertinent to mention the CRC which requires States Parties to facilitate the return of children to their family. In the event of divorce decision, a programme of parents' visits is required in the higher interest of the child.

In case of separation, as soon as the two parties decide to reconcile and to get reunified in family, the Senegalese law does not pose any problem and at least encourages it.

As regards a child that does not reside in the country, he/she may even find a host family and support to look for and find any of his parents. **The Constitution, the Penal Code and Family Code** address and regulate almost all the cases in the aforementioned Articles.

### *VI.V/ Upkeep of the child*

#### **V.1/ At legal level**

- **Article 20 of the Constitution** states: “Parents shall have the natural right and the duty to raise their children. They shall be supported in this task by the State and public collectivities. Youth shall be protected by the State and public groups against exploitation, drugs, narcotics, moral neglect and delinquency”.

- The Constitution regards the family and parents as the framework, par excellence, for the full development of the child. Articles 20 to 24 thereof clearly address the issue of education, control and support towards his/her full development.

- **The Family Code** defines all the rights relating to family life with parents, up to their succession (Articles 3 to 6, 260 to 265, 277 to 288, Article 399 and others).

- **The Social Security Code** in its Articles 8 to 11 treats the rights of children in relation to the worker status of their parents.

In certain cases, the judge may intervene, within the limits of the powers conferred on him, to compel a defaulting parent to assume his responsibilities.

#### **V.2/ At administrative level**

Provisions are in place offering the competent services of pay offices the possibility of deducting funds at source from the salary of a parent in both public and private employ, found wanting in discharging his responsibilities towards his child, for direct transfer into the bank account of the guardian.

The same goes for independent workers whose funds and payments are normally lodged in an account in any bank or financial institution from which monies can be deducted on the orders of a judge. In other cases, the judge has the legal means to compel the defaulting parents to assume their responsibilities vis-à-vis their children.

#### **V.3/ Progress**

The progress realized in this regard relates to a child born outside wedlock or recognized late in the day. **The Law and Family Code** in the Articles already listed earlier, protects all children without distinction as to birth status; save where a judge has not declared or designated a father as responsible for the concerned child.

#### **V.4/ Difficulties**

The difficulties stem from the prohibition of the search for the paternity of a child born outside marriage. Despite that, Senegalese law allows for the possibility of proving paternity by all means

through any action that can indicate paternity without the possibility of any action on the part of the State.

### **V.5/ Prospects**

The prospects lie in the increasingly marked and shared acceptance of the rights of the child, which strengthens proposals to deepen such rights.

The Children's Code needs to be finalized speedily to supplement and rectify the deficiencies, and contribute to the harmonization of the country's legislation with all the international instruments to which Senegal has acceded.

The Code will arm the judge with legal instruments that would blunt all hesitations or lapses, and where appropriate, open the way for appeal before other jurisdictions.

### ***VI.VI/ Adoption and periodic evaluation of a child's placement***

#### **VI.1/ Legislative and regulatory**

Notwithstanding the ratification of international legal instruments on the rights of the child by Senegal, Senegalese law very clearly sets out the modalities of adoption of a Senegalese child or for bringing a child back to Senegal.

#### **VI.2/ Progress**

The progress resides in the clarity and precision of Senegalese legislation with respect to national and international adoption. The judicial procedure is quite rigorous with specific enquiries made out in reports compiled by a specialized social worker. The outcomes of the work are transmitted to a judge who takes the final decision to accord or reject the adoption. The legislation on adoption offers the possibility of appeal.

#### **VI.3/ Difficulties**

Senegal is yet to ratify the Hague Convention of 1993 on Inter-country adoption. In the Senegalese law, there is no provision for monitoring a child, adoption of which has been authorized by the judge. However, with the mafia-like trafficking of young people becoming increasingly widespread, Senegal should go ahead and put in place a mechanism to manage and monitor international adoption.

#### **VI.4/ Prospects**

In terms of legal and judicial action, Senegal has a law authorizing ratification of the 1993 Convention. It is important to proceed with establishing a mechanism for management and monitoring of international adoption.

***VI.VII/ Abuse, negligence, exploitation including physical and psychological exploitation as well as rehabilitation and social integration of the child***

**VII.1/ Legal and judicial measures**

AEMOs, Polyvalent Centers, Protection Centers and PLCTPFTE have rehabilitated and socially integrated many children as reflected in the figures communicated earlier in the Sections dealing with these issues. Administrative and judicial measures for the benefit of the child were taken whenever the need arose.

Structures such as Enda Jeunesse Action (EJT), ASSEA, Enda-Graf, Radi, RADDHO, EDEN, Centre Emmanuel of Fatick, Claire Enfance, ACAPES and FPGJ, among others, with the support of UNICEF, Plan International, Save The Children Sweden, Canadian Cooperation and Dutch Cooperation, etc. withdrew 32,565 minors in danger thanks to their various actions.

**VII.2/ Information relating to the number of children per year during the period covered by the report, made out according to age, gender, ethnicity, social segment, rural and urban environment.**

Several actions have been taken to free children from all forms of abuse, negligence and exploitation. There have even been several cases of return from neighbouring and other countries such as Guinea Bissau, Guinea Conakry, Mali, Niger, etc, but there is so far almost no statistics on this issue.

Appraisal will be conducted and a disaggregated data bank will be established. Supplementary reports with well documented statistics will then be forwarded to the Committee on the Rights and Welfare of the Child before the next report is submitted by Senegal. There are isolated data on the number of children receiving care and support in various centres (example: DESPS – 4,556 children, ASSEA – 98 children, Centre Guindy – 6,318 children: Source – Statistical Study on support to children in danger and children in conflict with the law in Senegal, 2005).

**Table 5:**

The Table hereunder provides additional data on the period 1995 to 2004

| <b>Other Children Support Associations and NGOs</b> |             |             |             |             |             |             |             |             |             |             |
|---|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| <b>Year</b>   | <b>1995</b> | <b>1996</b> | <b>1997</b> | <b>1998</b> | <b>1999</b> | <b>2000</b> | <b>2001</b> | <b>2002</b> | <b>2003</b> | <b>2004</b> |
| ADMG  | 12          | 26          | 34          | 31          | 43          | 0           | 0           | 0           | 0           | 0           |
|   | 2           | 13          | 36          | 40          | 61          | 32          | 45          | 60          | 63          | 69          |
| ENDA<br>GRAF  | 36          | 55          | 67          | 798         | 95          | 39          | 38          | 41          | 38          | 53          |
|   | 28          | 44          | 73          | 110         | 132         | 115         | 135         | 128         | 127         | 127         |
| MDG   | 36          | 55          | 67          | 79          | 95          | 39          | 41          | 53          | 53          | 41          |
|   | 28          | 44          | 73          | 110         | 132         | 115         | 128         | 127         | 127         | 141         |
| D.I.M   |             |             |             |             |             |             |             |             |             | 2           |
|   |             |             |             |             |             |             |             |             |             | 8           |
| MJR   |             |             |             |             |             |             | 16          | 30          | 49          | 38          |
|   |             |             |             |             |             |             | 3           | 5           | 2           | 9           |
| Vivre<br>Ensemble                                   |             |             |             |             |             |             |             | 11          | 17          | 31          |
|   |             |             |             |             |             |             |             | 9           | 27          | 26          |
| Domi Neep   | 76          | 145         | 124         | 140         | 171         | 156         | 98          | 91          | 99          | 117         |
|   | 1           | 1           | 7           | 7           | 16          | 2           | 9           | 11          | 11          | 4           |
| Empire des<br>enfants                               |             |             |             |             |             |             |             |             | 17          | 27          |
|   |             |             |             |             |             |             |             |             | 0           | 0           |
| PDEF<br>Eluup Anil                                  |             |             |             |             |             |             |             | 575         | 572         | 1395        |
|   |             |             |             |             |             |             |             | 472         | 475         | 1137        |
| ENDA Acas   | 265         | 380         | 396         | 406         | 414         | 431         | 345         | 345         | 490         | 490         |
|   | 494         | 583         | 705         | 717         | 770         | 800         | 630         | 630         | 908         | 910         |
| Cause Première                                      | 23          | 30          | 42          | 38          | 38          | 36          | 20          | 20          | 23          | 28          |
|   | 38          | 45          | 55          | 48          | 48          | 37          | 21          | 21          | 25          | 25          |
| ASSOREP   |             |             |             |             |             |             |             |             | 140         | 60          |
|   |             |             |             |             |             |             |             |             | 60          | 70          |
| <b>TOTAL</b>  | <b>1039</b> | <b>1421</b> | <b>1613</b> | <b>2524</b> | <b>2105</b> | <b>1802</b> | <b>1559</b> | <b>2627</b> | <b>2923</b> | <b>4708</b> |

**Statistical Study on support to children in danger and children in conflict with the law in Senegal, 2005)**

According to the NGO/CSOs that provided data, the total cumulative figure comprised 22, 321 children, all of whom were boys.

## **VII/ Basic health and welfare**

### ***VII.I./ Survival and development of the child (Article 5)***

#### **I.1./ General situation and difficulties**

Despite all the mechanisms put in place and the positive developments achieved in less than 10 years, the populations have continued to face serious problems in the health sector. Children and women have been the most affected, more so as every disease suffered by the mother immediately affects the child under 18 years. The mortality rate continues to be very high in Senegal with 401 life births out of 100,000. The health condition of children may be summarized as follows:

Infantile morbidity is generally very high with a greater frequency of certain diseases: malaria which affects 30% of children; Acute Respiratory Infections (ARI) which affect 13% of children; diarrhoea 22%; and mild anaemia, 55% of children. Underweight is also recurrent with a global rate of 17% for mild cases, and 3% for acute cases. 6% of children suffer from underweight at birth.

Infant mortality fell sharply between the two recent demographic and health surveys, declining from 70/1,000 to 61/1,000. The causes of the death of under one year children are: ARI, diarrhoea, malnutrition and malaria. It is noteworthy that infant mortality accounts for 54.7% of infant-juvenile mortality. It is also to be noted that neo-natal mortality constitutes a serious concern for children's health in Senegal.

Neo-natal mortality indeed constitutes a serious concern for children's health in Senegal. It represents 57% of infant mortality and nearly 30% of infant-juvenile mortality. These percentages need to be disaggregated by gender for more targeted interventions.

The major causes of death during the neo-natal period are apparently largely the same as those of infant mortality, in addition to some other causes relating to pre-maturity, asphyxia, infections, congenital diseases and tetanus. According to the Strategic Plan for the Survival of the Child, sustained efforts should be focused on the neo-natal period if there is to be any hope of a significant decline in infant and infant-juvenile mortality.

Apart from the above mentioned diseases which call for sustained attention with the provision of adequate human and financial resources in particular, other diseases have continued to impair the survival and normal development of children. These include: fever, ARI, overweight of under 5 children (*cf. Health Report for the Africa Region, WHO, 2006*), endemic goitre in the South East of the country with prevalence ranging from 34% up to 51% in some areas (EDSIV).

In addition to the above difficulties, there are the specific problems of PTME with the unavailability of ARV for new born children, inadequate training for staff and the absence of data on this issue, a situation for which a solution needs to be found. It is to be noted that the mortality of under 5s has been fluctuating, accounting for, respectively, 135‰ in 1992, 150‰ in 1997 and 121‰ in 2005. Besides, there is a huge disparity in infant mortality among the regions of the country. These disparities are substantial between the different regions as well as between urban and rural areas. The following Table illustrates the major diseases that result in infant morbidity and their prevalence rate by region.

The Tables below provide some indications as to the prevalence and distribution of the major diseases which affect the normal development of the child in Senegal and impact on infant morbidity by region, as well as on neo-natal and infant-juvenile mortality, also by region.

**Table 6:**

**Distribution of the Major Causes of Infant Morbidity by Region**

| Regions         | Prevalence<br>Malaria/<br>Fever 2<br>as per<br>recent<br>survey<br>(DHS IV) | ARI          | Diarrhoea    | Anaemia      |             | Underweight  |             | FPN         |
|-----------------|---|--------------|--------------|--------------|-------------|--------------|-------------|-------------|
|                 |   |              |              | Mild         | Acute       | Mild         | Acute       |             |
| DAKAR           | 34.7 %  | 21.0%        | 27.9%        | 48.7%        | 5.5%        | 6.0%         | 1.5%        | 8.2%        |
| DIOURBEL        | 23.2 %  | 9.2%         | 19.1%        | 61.0%        | 5.2%        | 19.9%        | 2.4%        | 6.6%        |
| FATICK          | 22.7 %  | 10.5%        | 18.6%        | 60.3%        | 10.0%       | 15.8%        | 0.4%        | 7.8%        |
| KAOLACK         | 37.6 %  | 17.2%        | 33.1%        | 58.8%        | 13.0%       | 11.2%        | 1.7%        | 4.9%        |
| KOLDA           | 26.5 %  | 3.6%         | 16.2%        | 51.2%        | 6.9%        | 32.2%        | 7.3%        | 2.8%        |
| LOUGA           | 28.6 %  | 15.9%        | 17.2%        | 58.5%        | 8.7%        | 20.6%        | 5.8%        | 6.6%        |
| MATAM           | 30.4 %  | 15.1%        | 22.7%        | 55.2%        | 9.1%        | 28.4%        | 5.8%        | 8.6%        |
| SAINT LOUIS     | 35.2 %  | 14.4%        | 21.2%        | 50.5%        | 5.7%        | 27.3%        | 3.1%        | 4.4%        |
| TAMBACOUNDA     | 29.3 %  | 7.0%         | 23.6%        | 58.3%        | 10.9%       | 24.5%        | 5.7%        | 1.9%        |
| THIES           | 26.3 %  | 12.2%        | 16.3%        | 56.8%        | 4.6%        | 13.3%        | 1.3%        | 8.4%        |
| ZIGUINCHOR      | 23.1 %  | 5.8%         | 16.8%        | 41.3%        | 3.9%        | 10.5%        | 1.5%        | 9.0%        |
| <b>NATIONAL</b> | <b>30 %</b>   | <b>13%</b>   | <b>22%</b>   | <b>55%</b>   | <b>7%</b>   | <b>17%</b>   | <b>3%</b>   | <b>6%</b>   |
| <b>Urban</b>    | <b>30.4 %</b>   | <b>16.3%</b> | <b>22.2%</b> | <b>51.7%</b> | <b>5.1%</b> | <b>9.7%</b>  | <b>1.6%</b> | <b>8.5%</b> |
| <b>Rural</b>    | <b>29.4 %</b>   | <b>11.3%</b> | <b>22.4%</b> | <b>56.8%</b> | <b>8.7%</b> | <b>21.5%</b> | <b>3.7%</b> | <b>5.1%</b> |

Source: DHS IV 2005

**Table 7:**

**Distribution of Neonatal and Infant-Juvenile Mortality by Region**

| Region         | Prevalence | Neonatal Mortality | Infant-Juvenile Mortality |
|----------------|------------|--------------------|---------------------------|
| DAKAR          |            | 30‰                | 79‰                       |
| DIOURBEL       |            | 53‰                | 178‰                      |
| FATICK         |            | 56‰                | 154‰                      |
| KAOLACK        |            | 44‰                | 156‰                      |
| KOLDA          |            | 53‰                | 205‰                      |
| LOUGA          |            | 28‰                | 96‰                       |
| MATAM          |            | 38‰                | 110‰                      |
| SAINT LOUIS    |            | 27‰                | 93‰                       |
| TAMBACOUNDA    |            | 56‰                | 200‰                      |
| THIES          |            | 33‰                | 101‰                      |
| ZIGUINCHOR     |            | 32‰                | 129‰                      |
| <b>COUNTRY</b> |            | <b>35‰</b>         | <b>121‰</b>               |
| <b>Urban</b>   |            | <b>32‰</b>         | <b>91‰</b>                |
| <b>Rural</b>   |            | <b>46‰</b>         | <b>160‰</b>               |

Source: EDS IV, 2005



In addition to DHS I, II, III, IV, all the health data contained in the above Tables were obtained from the Strategic Plan for the Survival of the Child (2008-2015).

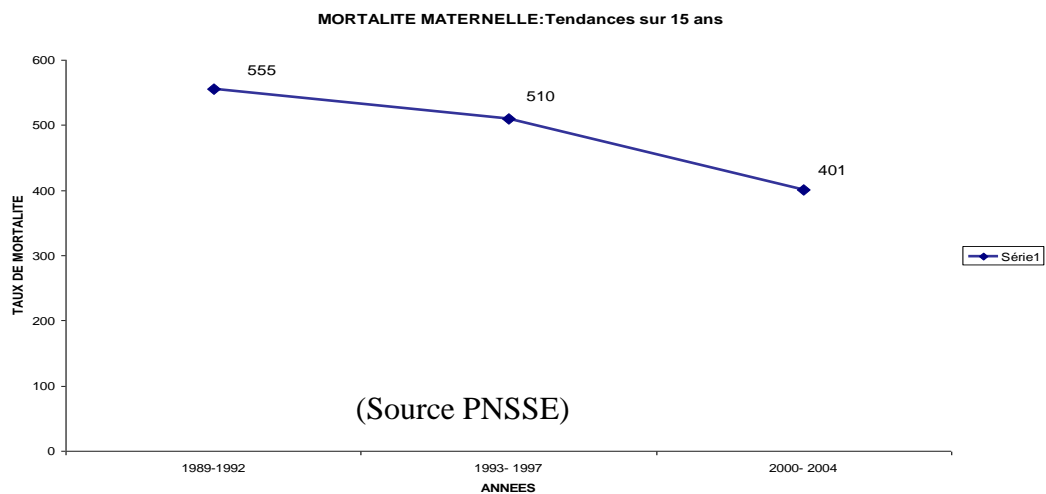
## I.2/ Some remarkable progress

To control the situation and address all the challenges affecting the survival of the child, Senegal has deployed meaningful efforts resulting in tremendous progress year after year.

- Between 1998 and 2009, Senegal put in place several programmes for the survival and development of the child, ranging from PNC to PRNC with vitamin A and PEV supplementation campaigns which are still ongoing, with improved paediatric facilities and better distribution across the national territory.

- A sharp decline in the maternal mortality rate which fell from 510/100,000 live births in 2000 to 401/100,000 live births in 2005 (DHS 2.4). This represents an increased number of children enjoying maternal love and protection, apart from the impact on the health of the child, the duration of the child's school attendance and his level of success. The Table hereunder derived from the PNSSE document shows a positive development in terms of the downward trend of maternal mortality which will be 139/100,000 live births in 2015.

**Graph 1:**



- Significant decline in infant mortality from 70/000 in 1998 to 61/000 in 2005;
- Substantial decline of infant-juvenile mortality from 145 in 2000 to 121 in 2005;
- Decline in juvenile mortality rate which was 64% in 2005, as against 100% in 1998 according to UNDP Human Development Report and the 2000 World Bank Report on Poverty;
- Remarkable decline of neonatal mortality between the two DHS, according to DANSE, from 135‰ to 121‰ despite the continued very high level;
- Breathtaking decline in recorded cases of malaria, from 1,500,000 in 2006 to 275,000 in 2008;

(Source: Supplement Daily *Le Soleil* April 2009);

- Measures and arrangements put in place to formulate a “Health and Prevention Code”;
- Since the late 90s and early 2000s, there has been a two-pronged movement of health personnel training structures development (including through private training institutions) and development of innovating experiences geared to offering certain essential gyneo-obstetrics services such as caesarean surgery at district level;
- Training of several competent doctors in SONUC, senior technicians in anaesthesia, procedure assistants, circulating nurses, IDE and SFE in SONU, and mid-wives in ultrasonography;
- Sustained information from families and communities through ASCs, GPFs and community networks on the promotion of exclusive maternal breastfeeding (AME) in virtually all districts of the country. These initiatives helped in reducing the rate of AME (Source: DHS IV) from 23% in 1997 to 34% in 2005. However, more sustained effort is needed to achieve national coverage of AME promotion at family and community level through the PCIME and the communication integrated package (CIP);
- Exclusive maternal breastfeeding promotion activities by head nurses and mid-wives at health posts with the support of ASCs in the districts, during interactive talks;
- Introduction of solid food in children’s diet as from 6 months. With this, 64.1% of children consume solid or semi-solid food rich in protein and minerals, according to DHS IV;
- Existence of networks of persons who, at the level of communities, conduct interactive chat sessions in families and during social events, for introduction of solid food in children’s diet, i.e. solid or semi-solid food rich in protein and minerals from 6 months in addition to maternal milk;
- Emphasis by CIP, mid-wives and doctors in all health posts and health centres on the importance of diet for control and prevention of infantile pathologies, especially as, at the moment, such activities continue to be limited to patients that often visit health structures, which is not the case for very many mothers and parents;
- Increased level of iodized salt consumption by households with 64% coverage for households, 41% of which has adequate coverage;
- Wide Vitamin A supplementation coverage for children of 6 to 59 months, at 75.3%;
- Organization, on regular basis, of de-worming and Vitamin A supplementation campaigns, resulting in remarkable levels of coverage of around 98% for Vitamin A and 97% for de-worming, etc;
- Gradual elimination of bottle-necks at the PTME thanks to availability of and free ARV, especially paediatric ARV, and training of health personnel;
- Establishment of Ado centres specifically oriented to the conduct of adolescent sensitization and orientation actions to mainstream their special needs into a comprehensive and emphatic environment;

**An evaluation of PNLP carried out by the Human Development Research Centre (HDRC) between November 2008 and January 2009 and published in July 2009 (see the Daily *Le Soleil* of 23 August 2009) shows that the incidence of malaria on the morbidity of children under 5 is 6%, whereas it stood at 30% in 2007, according to PNSSE statistics.**

**Impact of malaria home care and the pertinence of the measures to get the private sector involved at affordable cost: *Medicine 2000* is also involved in this home-care programme especially for women, children and the aged at costs negotiable with the Health Ministry and the municipal authorities, its objective being to contribute its quota to the health of indigent Senegalese and those Senegalese in remote areas or prevented, for various reasons, from making their way to public and private health centres.**

### **I.3/ Prospects**

- Organization of sustained mass communication campaigns in endemic areas and providing families with iodized salt together with promotional control exercise, and also providing them with testing kits.
- On-going implementation of a systematic policy for eradication of acute malnutrition and underweight aimed at bringing down the current rates of 17% and 16% respectively, to below 3% by 2015 in the drive to attain the MDGs;
- Continuation of the PEV and the Vitamin A supplementation policy, and integrating therein other projects relevant to the survival of the child such as preventive immunization (4.6% of children of 0 to 12 months received no vaccination);
- Widening of the sensitization activities conducted by the PICs, mid-wives and doctors at all health posts and health centres, on the importance of diet in the control and prevention of infant pathologies in the wards, rural communities and villages with the involvement of ASCs and GPFs;
- Finalization and implementation of the policy, standards and protocols for the control of tuberculosis and HIV, to ensure more appropriate prophylaxis for 0 to 5 year old children;
- Adoption of a policy for the elimination of measles, and for eradication of poliomyelitis and neonatal tetanus;
- Intensification of the malaria home-care policy and promotion of insecticides treated nets;
- Continuation and expansion of the “Reach Out to Community Beneficiaries through the Districts” strategy;
- On-going formulation of policies, standards and protocols with the aim to provide appropriate prophylaxis to under five year olds with tuberculosis and HIV;
- Institutionalization and generalization of the Day of Survival of the Child: strategy and the occasion to improve preventive, curative and promotional coverage, as well as interventions for children;

- Continuation and generalization, across the national territory, of the “SR Minimum Activity Package” and expanding it to embrace other areas, depending on the peculiarities of the zones and regions;
- Strengthening and expanding free caesarean procedure across the national territory and subsidy for pre-natal care, with fixed charge for outcome statements and prescriptions;
- Increased SMI infrastructure to reduce accessibility related difficulties, elaboration of a policy to network the entire national territory in terms of infrastructure, and provision of equipment to SMIs to actualize the attainment by 2015 of the MDGs on maternal and infant-juvenile mortality (MDGs 4 and 5);
- Inducing women to comply with the 4 post natal consultations (4 CPN) and post-natal care;
- Putting in place and improving the quality of immediate pre-natal and post-natal care in all health structures by providing them with adequate equipment, medicines and staff to carry out SONUB and SONUC activities;
- Strengthening gender equality policies by complementing SNEEG in this direction, for greater influence of women on health policies at both national and local levels;
- Development of education and communication for behavioural change and targeting not only young girls and mothers, but also men and the religious so as to surmount cultural obstacles;
- Provision of adequate resources for contractualization with ASCs and GPFs as part of sensitization, education and communication for behavioural change targeting not only children but also mothers, the religious as well as customary and traditional leaders, with a view to surmounting the cultural obstacles;
- Intensification and widening of the Protection of Children and Mothers in Difficult Situation, on which the Table hereunder provides an exhaustive overview, but not a full coverage of both genders.

**Table 8: Number of Children’s and Mothers’ Lives saved and the Level of Attainment of the two major MDGs targeted (4 and 5)**

| <b>Domain</b>                              | <b>Phase 1</b> | <b>Phase 2</b> | <b>Phase 3</b> | <b>Total</b> |
|--|----------------|----------------|----------------|--------------|
| Number of children’s lives saved           | 13,769         | 32,491         | 49,681         | 95,941       |
| Rate of reduction/objective MDG 4 attained | 54 %           | 88 %           | 160 %          |              |
| Number of mothers’ lives saved             | 420            | 808            | 1,546          | 2,774        |
| Rate of reduction/objective MDG 5 attained | 41 %           | 50 %           | 105 %          |              |

The budgetary efforts envisaged from now until 2015 in the Strategic Plan for the Survival of the Child, if sustained, will enable Senegal to save the lives of 95,941 children (girls and boys alike) and 2,774 lives of mothers, according to PNSSE. True, the resources needed are considerable; but it is equally apparent with a large margin of certainty, that the set objectives will be attained especially as Senegal is moving towards a “Health Code”.

**Table 9:**

**Indices regarding Senegal’s classification  
in terms of the Welfare of the Child (2008)**

| Areas   | Classification | Score        | Position  | No. Of countries |
|---|----------------|--------------|-----------|------------------|
| Benevolence towards the child                                 |                | -            | 15        | 52               |
| Protection of children  |                | 0.756        | 13        | 52               |
| Budgetary commitment  |                | 0.499        | 21        | 52               |
| Provision in the budgetary commitment (1998/1999)             |                | 0.450        | 31        | 52               |
| <b>Children action outcomes classification indices (2005)</b> |                | <b>0.525</b> | <b>17</b> | <b>52</b>        |

(Table compiled from data contained in the African Report on the Welfare of the Child published by the African Child Policy Forum)

This Table shows the progress made by Senegal since 1998/1999, for which it has been classified in 31<sup>st</sup> position amongst 52 countries in terms of budget projection. Its position in this regard in 2008 was 21<sup>st</sup>, representing a surge of 10 positions.

***VII.II/ Situation of physically disabled children (Article 13)(the terms used by the law with respect to this target group***

The physically disabled account for 10% of the population (DHS 2). As regards provision and support for disabled children, specialized structures have been established not only for the visually challenged but also for those children that are mentally or communication handicapped (deafness, speech impairment, etc).

Efforts have similarly been deployed to facilitate their mobility as advocated in the international conventions and treaties ratified by Senegal. Government even plans to take them into consideration while establishing infrastructure and providing equipment not only for their mobility and health services and while designing schools, and but also for their employment and vocational training, with the gradual elimination of all discriminations and exclusions, and a sound communication policy for behavioural change (CBC).

**II.1/ Administrative measures**

Measures have been taken to make easy the life of handicapped persons and ensure their socio-economic promotion with subsidies, establishment of specialized training institutes with operational rules that take on board the realities of the lives of the handicapped (example: INEFJA

of Thiès). Measures have similarly been put in place with respect to transport, with vehicles that are accessible to them despite their handicap.

According to the General Population and Housing Census (GPHS, 1996), handicapped children (under 20 years of age) accounted for 18.39% of the 168,698 handicapped persons, 12% of whom are below 15. Their situation is characterized by illiteracy which affects 99% of them, thus portraying the society in a negative light.

## **II.2/ Progress achieved**

The progress achieved in this domain includes Senegal's accession to treaties and the signing of international conventions. Associations of handicapped persons are also becoming increasingly demanding and combative for the mainstreaming of and respect for their rights especially in relation to the conventions signed by Senegal.

Government provides a lot support to the disabled towards their participation in international meetings, without however attempting to promote the inclusion of handicapped children in delegations to either national or international level meetings.

## **II.3/ Difficulties**

The financial resources required to mainstream the opinion and ensure the participation of the handicapped in development efforts through their associations is hugely lacking. Handicapped women are largely still discriminated against in terms of attending to their training needs and their participation.

Access of handicapped persons to social structures has remained very modest.

There is no interaction platform for handicapped children, for self-evaluation of their specificities and for lobbying for themselves to obtain consideration of their special problems.

## **II.4/ Prospects**

Following the adoption of the 2009 Law authorizing Senegal to ratify the international convention on the rights of handicapped persons, the State initiated a draft law for social orientation in favour of the handicapped which was recently adopted by parliament on 30 June 2010. It has become necessary to proceed with promulgation of the law and adoption of regulatory texts to ensure its effective application.

## **VII.III. Health and Health Services (Article 14)**

Senegal has, for over ten years, deployed efforts at all levels to improve the health of its people. Thus, maternal mortality which stood at 510/100,000 live births in 1998 fell to 401/100,000 live births in 2005 (DHS III and DHS IV). Neonatal mortality which was 37.4/1000 in 1998 stood at nearly 3/1000 in 2008, with 28/1000 in certain regions.

Infant mortality fell from 70/1000 in 1998 to 61/1000 in 2005. Juvenile mortality currently stands at 64/1000 as against 100/1000 in 1998. Infant-juvenile mortality fell to 121/1000 in 2005 as against 175/1000 in 1998 (Sources: DH/UNDP and PNSSE Reports). The rate of utilization of CNP1 services increased by 93% and that of CNP 4 by 40% between DHS 1 and DHS IV. Capacities grew at all levels with increasingly competent and diversified human resources.

As regards health infrastructure, the numbers in 2005 were 67 health centres including 18 SONUC centres, 22 hospitals including 2 that were not functional and 1,534 health posts including 15 that were not functional.

According to general indications, the country also accounts for 2,000 health homes and 476 rural maternities, according to the data contained in the SNIS statistics directory. Accessibility remains very poor, however. According to WHO standards, to achieve an average health cover for the population, one needs to have a hospital for 135,000 persons. The Table hereunder is quite eloquent in this regard.

**Table 10:**  
**Availability of Health Structures in Senegal**

| Types of Health Structure | Current Ratio | PDIS/PNDS Standards |
|---------------------------|---------------|---------------------|
| Hospitals                 | 1/505 172     | 1/Region            |
| Health Centres            | 1/165 878     | 1/150 000           |
| Health Posts              | 1/11 874      | 1/10 000            |

In addition to public infrastructures, Senegal in its private sector, has one hospital, 24 clinics, 414 consulting clinics, 800 dispensaries and pharmacies and some 20 medical analysis laboratories, not counting the medical services of enterprises, the army, the customs, etc. plus the health infrastructures known as “American Hospital” (at least a dozen of such hospitals exist) across the national territory offering quality health care as recognized by the concerned populations.

Senegal has established a referral system for health centres based on the pyramidal precept whereby patients are directed between the peripheral levels (PS and CS) and health structures. The regional hospital offers tertiary health care and constitutes the referral for the districts. It is noteworthy that all the infrastructure of the health system has a paediatrics facility and offer gynae-obstetrics services.

As regards human resources, the staff establishment as contained in the ledger of the personnel division of MSPM stands at 5,462, made up mainly of State Registered Nurses and similar staff (39%). State mid-wives represent the second most numerous category. Coverage in terms of doctors remains inadequate especially in the peripheral regions.

To ensure more efficient management of human resources, the Ministry of Health initiated the signing of “performance contracts” with the MCR based on priority programmes indicators.

In 2005, the health sector was allocated a budget of 38,072,146,000 FCFA, 41.28% thereof for staff costs, 28.54% for operational expenses and 30.17% for transfer costs. The health budget in 2008 and 2009 exceeded 13% of the country's overall budget and tended towards 15% in the following years. The budget set aside for the social sectors stood at above 50% of the national budget.

This clearly demonstrates the commitment of the State of Senegal to meeting the basic needs of the people with special focus on children, despite the country's modest resources.

For example, an increasing number of the population contribute to the health budget. The income derived from the participation of the populations of the health districts rose to 4,038,839,124 CFA F in 2004. These incomes come mainly from the sale of medicines and, to a lesser extent, from consultation tickets. The participation of the population is realized through deterrent fees.

### **III.1/ Legislative Measures**

Senegal participated in the Alma Ata Conference and all international conferences on population matters (Cairo 94 in particular). It has adhered to all the resolutions and conclusions including those on primary health care and relating to the health and wellbeing of all components of the population.

The Constitution of Senegal evokes in its preamble "the respect for fundamental freedoms and civil rights as the basis of the Senegalese society; equal access to public services for all citizens; the rejection and elimination of all forms of injustice, inequality and discrimination".

In its Article 88, the Constitution further states: "The Republic of Senegal guarantees to all citizens their individual fundamental freedoms, economic and social rights, as well as group rights. These freedoms and rights shall be considered as fundamental and include, in particular, the right to health, the right to education, the right to a healthy environment and the right to information.

**Article 9** of the Constitution makes these freedoms and rights inalienable: "any infringement of these freedoms and any intentional restriction of the exercise of a freedom shall be punishable by law"; and, continues the Constitution, "these freedoms and rights shall be exercised under the conditions provided by law".

"These freedoms and rights shall be exercised under the conditions provided by law." With respect to children, the international conventions and national laws provide for a protective environment.

In Senegal, the right and access to health services is recognized under the law. During training sessions for players in favour of children (the *talibés*, handicapped children, etc.), these notions should be clearly defined and explained not only to them but also to their parents and guardians.

### **III.2/ Administrative Measures**

The health system is decentralized by region and by district across the national territory. Each district comprises health centres and health posts, and has established a health committee at every level in which the populations participate including in the composition of its management



committee. It is noteworthy, however, that children are not represented in the said committee. It is nevertheless needful to recognize that their interests in the committees are firmly defended and supported.

Administrative actions were taken to strengthen already existing measures. In this regard, mention may be made of the home care system and the recent announcement by the Minister of Health regarding free medicines against malaria, as part of the National Malaria Control Programme (NMCP). Thanks to this programme, malaria induced infections declined from 1,500,000 cases in 2006 to 275,000 in 2008 (Source: Supplement to the Daily *Le Soleil*, April 2009). Free tests were instituted in every health centre and health post for more effective diagnoses of malaria especially in children.

This policy is also implemented with the involvement of private structures, such as the Keur Baax which, at affordable cost, provides health care for home monitoring of ASC used as booster in the countryside. This policy will be of immense benefit to children whose parents have difficulty, financial or physical, travelling to health points; and so, the incidence of diseases most frequently responsible for the deaths of children will decline significantly.

### **III.3/ Progress**

Considerable progress has been made, prominent among which is the increased health budget which shot from less than 9% in 1998 (and hence exceeds WHO recommendations) to over 13% as of today, with a trend towards 15% in 2010 or 2011, according to senior officials of the Ministry of Health and of hospitals.

Malaria induced mortality and morbidity is currently on the decline and the technical facility have improved with free testing to determine if indeed the clinical signs are due to malaria. This action has implications on the finances of families.

Mortality, be it infant, juvenile and infant-juvenile, has declined with increased number and improved paediatric facilities.

Nurses have been trained in ultrasonography in the regions, thereby making malaria testing and services accessible in most health centres in the said regions.

### **III.4/ Difficulties**

Compliance with the doctor/patient (children) ratio is yet to be achieved. Difficulties exist at the level of SMMI qualified and well-trained staff especially in Dakar where such trainings are lacking, whereas in the regions the trainings have taken place, attended by mid-wives, nurses, matrons and patient care assistants.

The distances to be covered in the regions and the means of transferring patients (5 kms and over and indeed three times that distance in certain areas: Tambacounda, Kédougou, Matam and even in the outskirts of Dakar, etc.) to the nearest or most equipped health posts and the weakness of local communities health support, all these constitute aggravating factors.

The means of transport for speedy evacuation of sick mothers, children or other persons in difficult situations are inadequate and indeed inexistent in the rural and peri-urban areas.

### **III.5/ Prospects**

The most strategic prospect is the implementation of the National Strategic Plan for the Survival of the Child for which mobilization of funds amounting to 573,433 billion CFAF will help bring down maternal mortality probably below 100/1000 live births by 2015, thus largely exceeding MDG projections.

With this strategy, neonatal mortality will also decline to below 10/1000, infant mortality to below 40/1000, and infant juvenile mortality which has remained very high, to below 50/1000.

## **VIII/ Education, Leisure and Cultural Activities**

### ***VIII.I/ Education and Professional Training***

#### **I.1/ Status of Education and Progress achieved**

During the second half of the 90s, the significant reductions observed in terms of access were at the origin of the organization of the Forum of Fatick. The major decision was the initiative for girls' education which had reached particularly worrying levels. Senegal has since not ceased to register substantial progress in its educational system, though with respect to professional training, much ground remains to be covered.

In the pre-school sector, the number of pupils rose from 1,099,839, of which 48.68% were girls in 1999, to 1,306,214 including 49.07% girls in 2007. The "Little Children's Home" offers the opportunity to prolong the duration of children's school life and to raise the rate of completion of primary education. Sixty-eight thousand, four hundred and ninety-seven (68,497) children in the 2 to 6 years age bracket, are catered for in four hundred and twenty-seven (427) Little Children Homes, i.e. 8.8% of the total number of pre-school age children.

It is however necessary to point out that, given the cost of equipment, attendance at private pre-school facilities has become burdensome for the children of families with limited income.

At the elementary level, registration is on steady increase, rising from 1,107,712 pupils in 2000 (46% of whom were girls) to 1,652,585 (including 50.6% girls) in 2009, and thus representing a gap of 544, 873 pupils during the period. We observe in this regard that parity has been achieved, and even exceeded in favour of girls thanks to vigorous measures to mobilize players, both men and women, for the system towards girls' education (cf. National Report on the Status of Education in 2009, DPRE).

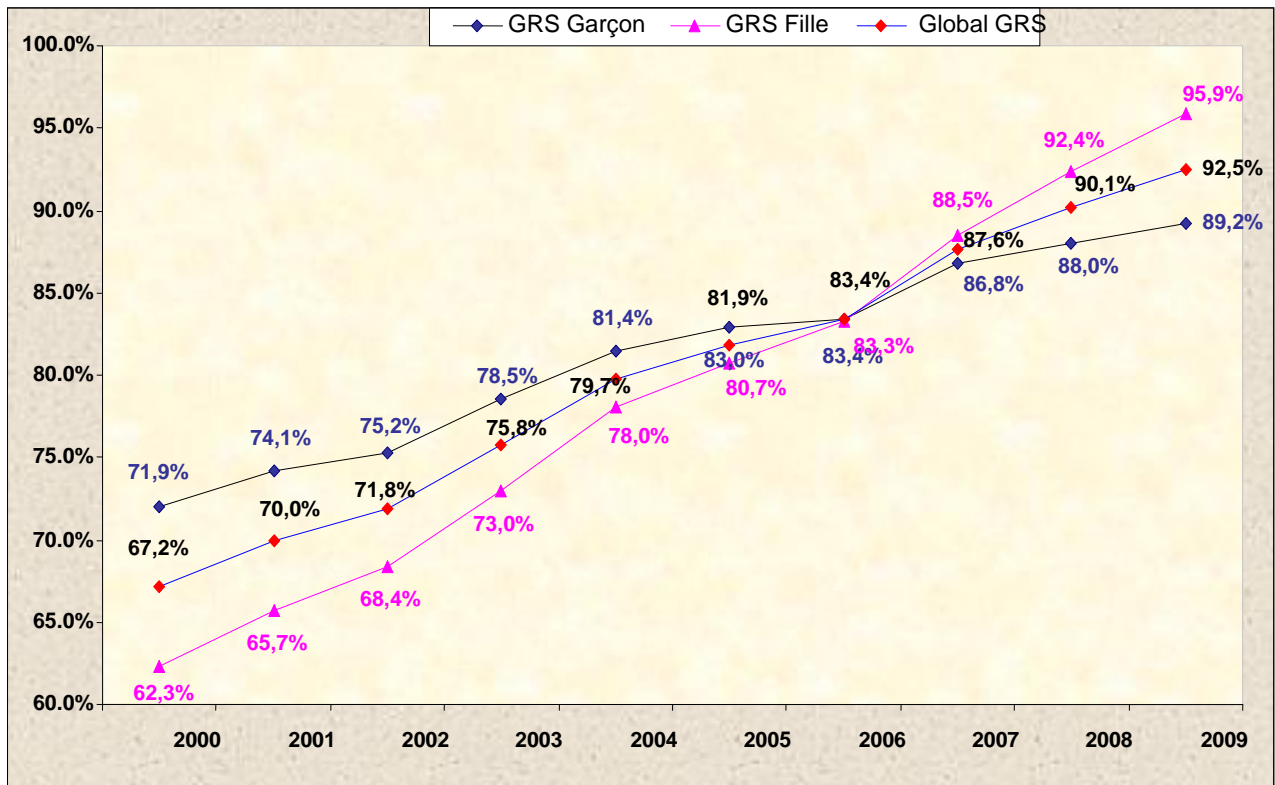
**School registration trends and percentage of girls registered**

| IA             | 2003             |               | 2007             |               | 2009             |               | TAMA of registrations |             |             | Trends proportion of girls |             |
|----------------|------------------|---------------|------------------|---------------|------------------|---------------|-----------------------|-------------|-------------|----------------------------|-------------|
|                | Total            | % girls       | Total            | % girls       | Total            | % girls       | 2003-2007             | 2007-2009   | 2003-2009   | 2003-2007                  | 2007-2009   |
|                |                  |               |                  |               |                  |               | Total                 | Total       | Total       | % girls                    | % girls     |
| Dakar          | 313 047          | 49.0 %        | 329 152          | 49.6 %        | 352 504          | 50.7 %        | 1.3%                  | 3.5%        | 2.0%        | 1.3%                       | 2.2%        |
| Diourbel       | 73 526           | 48.5 %        | 77 026           | 49.0 %        | 108 746          | 54.2 %        | 1.2%                  | 18.8 %      | 6.7%        | 1.1%                       | 10.6 %      |
| Fatick         | 96 411           | 47.6 %        | 105 582          | 48.3 %        | 131 352          | 50.2 %        | 2.3%                  | 11.5 %      | 5.3%        | 1.5%                       | 3.9%        |
| Kaolack        | 115 944          | 47.8 %        | 126 481          | 48.8 %        | 156 553          | 51.9 %        | 2.2%                  | 11.3 %      | 5.1%        | 2.2%                       | 6.4%        |
| Kolda          | 128 502          | 41.9 %        | 141 758          | 43.0 %        | 177 166          | 47.0 %        | 2.5%                  | 11.8 %      | 5.5%        | 2.5%                       | 9.2%        |
| Louga          | 64 696           | 46.9 %        | 72 579           | 48.4 %        | 89 567           | 50.3 %        | 2.9%                  | 11.1 %      | 5.6%        | 3.2%                       | 3.9%        |
| Matam          | 38 586           | 52.3 %        | 45 038           | 53.7 %        | 61 313           | 57.8 %        | 3.9%                  | 16.7 %      | 8.0%        | 2.6%                       | 7.6%        |
| St Louis       | 93 438           | 50.9 %        | 100 922          | 51.7 %        | 119 411          | 53.2 %        | 1.9%                  | 8.8%        | 4.2%        | 1.6%                       | 2.8%        |
| Tamba          | 73 826           | 44.1 %        | 79 548           | 44.8 %        | 111 841          | 47.9 %        | 1.9%                  | 18.6 %      | 7.2%        | 1.6%                       | 6.9%        |
| Thiès          | 185 491          | 48.1 %        | 197 253          | 48.5 %        | 237 043          | 50.6 %        | 1.5%                  | 9.6%        | 4.2%        | 0.9%                       | 4.2%        |
| Ziguinchor     | 103 626          | 46.1 %        | 107 410          | 46.5 %        | 107 089          | 47.6 %        | 0.9%                  | -           | 0.5%        | 0.9%                       | 2.4%        |
| <b>Senegal</b> | <b>1 287 093</b> | <b>47.5 %</b> | <b>1 382 749</b> | <b>48.3 %</b> | <b>1 652 585</b> | <b>50.6 %</b> | <b>1.8%</b>           | <b>9.3%</b> | <b>4.3%</b> | <b>1.6%</b>                | <b>4.8%</b> |

**(TAMA: Average annual increase)**

In 2000, the gross rate of overall school registration was 67.2%; that of girls stood at 62.3% and boys at 71.9%. In 2009, the overall gross registration (TBS) rose to 92.5, in relation to that of girls and boys stood at 95.9 and 89.2, respectively.

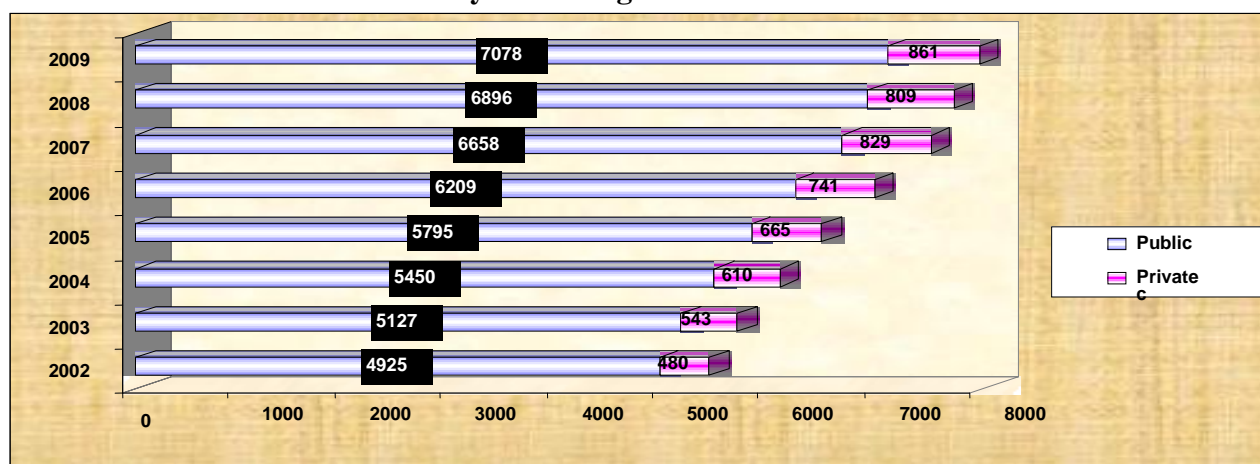
## TBS trends in the elementary education sector during the past ten years



The number of newly registered pupils calculated on the basis of the total number registered for the initiation course (IC), less those repeating the year, rose in 2009 to 343,625 pupils, 43,734 in private institutions, i.e. 12.7% of the total number. The proportion of girls on the school roll rose from 49.2% in 2001 to 50.1% in 2005, and then to 51.0% in 2009. In four regions, this percentage of girls was higher than the national level. The region of Dakar came tops with 57.3% of girls among the newly registered for the initiation course.

From 2002 to 2009, the number of schools also saw a net increase from 5,405 to 7,939, thus representing an increase of 2,534 units and hence a variation of 46.9. The proportion of private institutions stood at 10.8%. In the same period, the number of classrooms grew from 38,938 to 41,128, thus representing a gap of 2,128 units with 40 to 55 pupils per class. The Graph hereunder shows the number of schools in the period 2000-2009.

### Trends in elementary school registration between 2002 and 2009



The number of teaching staff also more than doubled during the same period, increasing from 22,301 to 54,445. The proportion of private institutions in this number was 6,760 teachers, that is, 12.41%.

It is however noteworthy that, despite the enormous progress recorded in terms of access, efforts still need to be deployed to avoid mortgaging Senegal's chances of attaining the universal school attendance rate in 2015. Be that as it may, areas of resistance subsist, and in these areas, education offer is perceived as inadequate. These are the areas where *daaras* abound, presenting themselves as an alternative to the model of school offered by the formal system. Moreover, owing to the poverty situation, numerous children are thrown to the street, employed in domestic work or quite simply exploited in the worst forms of labour. The increasingly frequent opening of French-Arabic schools in the said areas helps to overcome parents' reluctance and make the school more attractive.

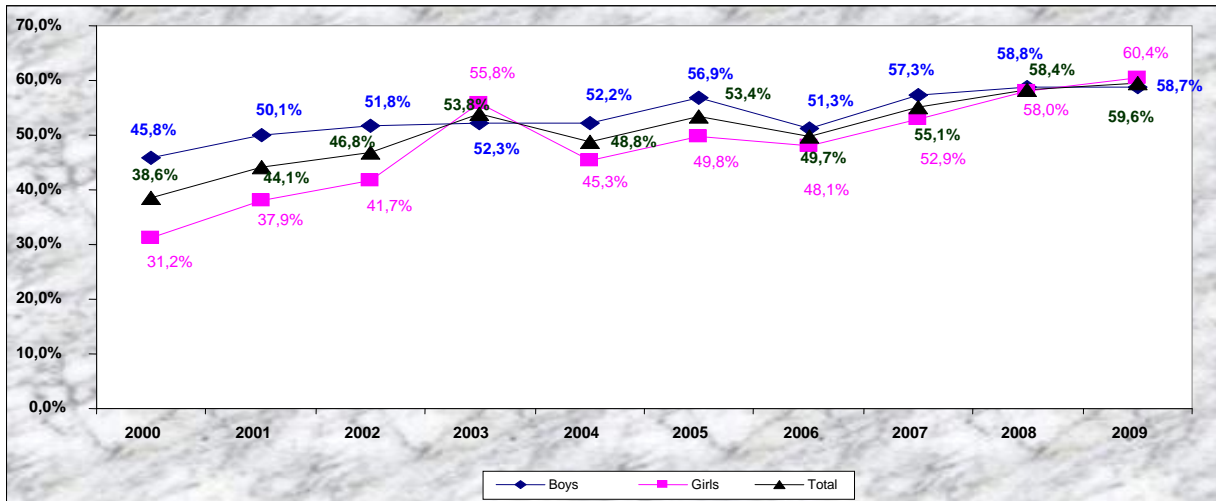
Despite all the progress made in terms of access, the situation of the network calls for improvement. There are still quite a number of make-shift shelters and numerous schools without all the grades across the country. Multi-stream, double school sessions (e.g. morning and afternoon sessions) and the dual-use of classrooms offer solution to the lack of staff and accommodation. Multi-grade classes are used in the countryside – to take full advantage of the teaching staff – whereas in the big centres, over-staffing results in the creation of double school sessions (for example, IDENs of Dakar-Banlieue, Thiaroye and Kaolack Department). These forms of child support in a context of insufficient manuals and classroom facilities are not acceptable to the populations and are likely to induce them to seek other choices. The Table below shows that the results achieved in terms of quality are not commensurate with the efforts invested and provides a measure of the work that needs to be done.

**School Flows by year of studies in 2008 (%)**

|                         | CI    | CP    | CE1   | CE2   | CM1   | CM2   |
|-------------------------|-------|-------|-------|-------|-------|-------|
| Rate of generation      |       | 82.1% | 86.9% | 83.4% | 88.5% | 76.2% |
| Rate of grade repeating | 3.9%  | 7.6%  | 5.7%  | 8.7%  | 7.0%  | 16.4% |
| Fall-out rate           | 14.1% | 5.4%  | 10.9% | 2.8%  | 16.8% | 21.7% |

The same is the case for completion rate which stands at just fair.

**Primary level completion rate trends between 2000 and 2009**



It can therefore be seen that a lot remains to be done to improve the efficiency of the Senegalese school. Despite all that has been realized in terms of improving teaching and apprenticeship, the results obtained remain quite mixed. This state of affairs has led to the thinking that it is by impacting on the school environment that one can have the chance to upscale the performance of the children.

To this end, it is needful to welcome the partners' subscription to the drive of the State of Senegal to standardize the schools by providing them with vital package of integrated services. This specifically involves walling of the schools, installing water points, building separate hygiene blocs, improving the working conditions and optimizing pupils' apprenticeship period through health and nutrition measures.

In the bid to improve the quality and management of the system, innovations have increasingly been put in place. Apart from the new Basic School Curriculum (BSC) which is on course for generalization, mention may be made of school projects and the creation of associations of directors at the level of IDENs (CODEC). School governments and parliaments also constitute a response to the need to prepare the pupils for their life as citizens. Experimentation by the districts in certain IDENs of the country is likely to upscale the supervision rate by bringing inspectors close to teachers.

As regards middle level schooling which concerns essentially children in the 13 to 16 age bracket, the numbers have risen from 186,138 pupils, 39.7% of whom were girls in 2000, to 472,661 of whom 46.1% were girls in 2009 (cf. Provisional Report, 2009, DPRE). Though the number of girls in this age bracket of the population is higher than that of boys, their presence rate continues to be less than that of boys. The reasons for this phenomenon include, among others, dropping out of school owing mainly to non-adaptation of the school to the nature of girls in terms of lack of separate toilets – especially for girls that have attained puberty – the cost of girls' clothing in relation to that of boys, early marriages and domestic work.

### Middle level school attendance trends between 2000 and 2009

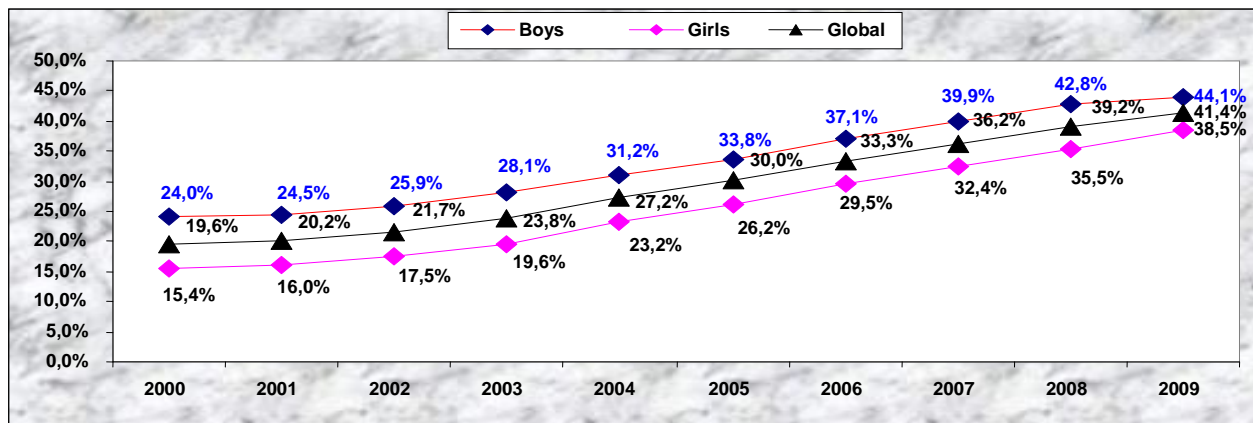
| Gender  | 2000    | 2003    | 2007    | 2009    | TAMA 2000-2003 | TAMA 2003-2007 | TAMA 2007-2009 |
|---------|---------|---------|---------|---------|----------------|----------------|----------------|
| Boys    | 112,230 | 140,028 | 219,846 | 254,969 | 7.7%           | 11.9%          | 7.7%           |
| Girls   | 73,908  | 98,940  | 173,630 | 217,692 | 10.2%          | 15.1%          | 12.0%          |
| Total   | 186,138 | 238,968 | 393,476 | 472,661 | 8.7%           | 13.3%          | 9.6%           |
| % Girls | 39.7%   | 41.4%   | 44.1%   | 46.1%   | 1.4%           | 1.6%           | 2.2%           |

(TAMA: Average annual increase)

The constant trend of the gross attendance rate (TBS) in middle level education shows the steady increase of efforts at school attendance.

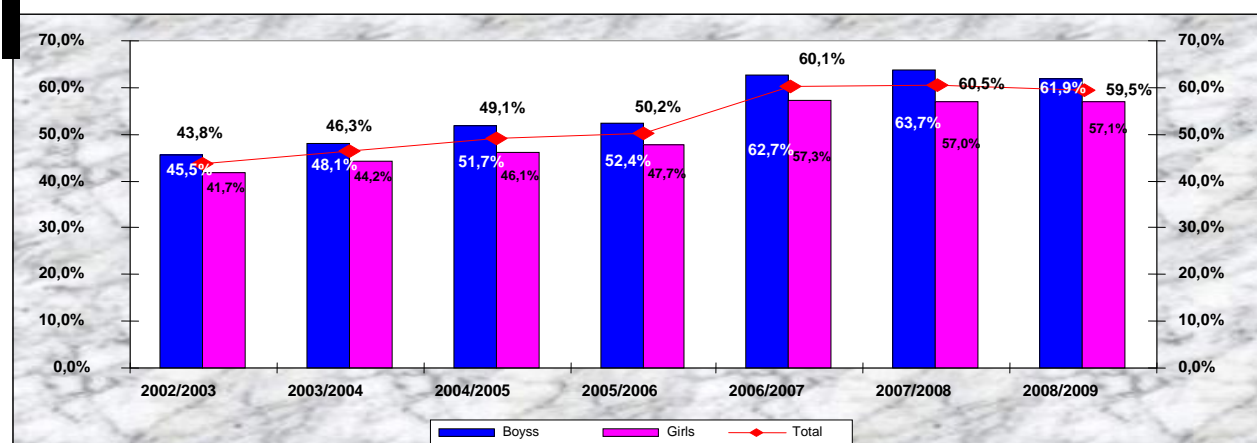
The Graph hereunder presents the TBS trends during the period 2000-2009.

#### TBS Trends between 2000 and 2009



The rate of transition which determines the proportion of pupils in CM2 in a given year progressing to the sixth grade of colleges is the indicator most often used to analyze access to middle level education. This proportion saw a steady rise of 43.8% to 59.5% between 2002/2003 and 2008/2009, representing an average annual increase (TAMA) of 5.2. The transition remained favourable for boys in 2009. The transition rates for girls were almost constant between 2008 and 2009, but have since 2003 remained lower than that of boys (cf. Graph below).

## CM2-6<sup>th</sup> Grade transition rate trends



In the general secondary level which concerns the 17 to 19 age bracket and indeed 20 year olds, demand similarly saw 2.7% increase between 1999 and 2007, representing a surge from 634,612 to 760,736 pupils. The proportion of this age bracket in the overall school age population fell from 7.1% to 6.9%, according to DPRE statistics. This may be explained especially by the introduction of new census data, rather than by poor performance of the system.

Secondary level structures comprise colleges with senior elementary grades and high schools with pre-graduate grades or hosting only senior elementary grades. The number of these structures rose from 238 in 2008 to 284 in 2009, representing an increase of 19.3% as against 6.7% between 2007 and 2008. With respect to public schools, the institutions saw an average annual increase of 10.8%, with their numbers rising from 61 to 113. Thus, the development of the network was due essentially to the robust surge in the number of private institutions.

### Institutions offering secondary education in 2009

| Area         | Status  | Senior elementary and pre-graduate courses | Pre-graduate courses | Total      |
|--------------|---------|--|----------------------|------------|
| Rural        | Private | 3  |                      | 3          |
|              | Public  | 27   | 7                    | 34         |
| Total Rural  |         | 30   | 7                    | 37         |
| Urban        | Private | 161  | 7                    | 168        |
|              | Public  | 34   | 45                   | 79         |
| Total Urban  |         | 195  | 52                   | 247        |
| <b>Total</b> |         | <b>225</b>                                 | <b>59</b>            | <b>284</b> |

An evaluation of the results of the various examinations in the middle and general secondary levels shows a decline in the success rates. Despite the peaks experienced in 2003 (54.9%) and 2004 (55.4%), BFEM results saw a global decline over the 2000-2009 period. In 2009 alone, 3 academies (Ziguinchor with 60.6%, Matam with 36.5% and St Louis with 35.5%) achieved a result higher than the national level (35.4%), the latter declining by 1.9 points in relation to 2008. Kolda recorded the lowest performance: 26.6%. The results of the other academies hovered around 34%. With regard to girls, Ziguinchor had the best score (31.1%) as against Kolda where the lowest score (26.6%) was recorded.



**BFEM success rate distribution by region in 2009**

| IA             | Rates recorded |              |              |
|----------------|----------------|--------------|--------------|
|                | Boys           | Girls        | Total        |
| DAKAR          | 35.4%          | 29.4%        | 32.2%        |
| DIOURBEL       | 39.8%          | 27.3%        | 34.1%        |
| FATICK         | 39.1%          | 29.2%        | 34.5%        |
| KAOLACK        | 37.9%          | 30.7%        | 34.6%        |
| KOLDA          | 29.1%          | 21.4%        | 26.6%        |
| LOUGA          | 43.1%          | 24.1%        | 34.4%        |
| MATAM          | 40.8%          | 30.9%        | 36.5%        |
| ST- LOUIS      | 40.4%          | 30.4%        | 35.5%        |
| TAMBA          | 34.2%          | 26.3%        | 31.2%        |
| THIES          | 39.4%          | 29.9%        | 34.8%        |
| ZIGUINCHOR     | 61.2%          | 59.7%        | 60.6%        |
| <b>SENEGAL</b> | <b>39.2%</b>   | <b>31.1%</b> | <b>35.4%</b> |

BAC success rates continued to be low with a national average of 41.8%. In the regions, the rates recorded were quite disparate, varying between 62.8% in Louga and 33.4% in Ziguinchor. The gap between the rates for boys (42.1%) and girls (41.3%) stands at less than one point.

All the same, education stakeholders need to be commended for their commitment, which made it possible to achieve remarkable progress.

The following measures, if taken, would improve Senegal's educational system:

- Actualize the application of Ministerial Circular No. 004379 of 11 October 2007 to end the exclusion of pregnant girls from school and facilitate their reintegration after child birth;
- Pursue actions to popularize the rights of children within the framework of trilingualism which accounted for seventy-two (72) Arabic teachers that take care of fifteen thousand, seven hundred and thirty-five (15,735) pupils/*talibés*, of whom 33% are girls. Include the increasingly significant numbers of *daaras* comprising mostly 6 to 12 olds in the calculation of access indicators. In this regard, for 2010, a new contingent of 3,200 pupils/*talibés* in eighty (80) new *daaras* are expected to be enrolled, at the rate of 40 pupils/*talibés* per class;
- Pursue the classroom building and rehabilitation policy;
- Standardize the schools and upgrade their environment;
- Calm the school space and bring the time quantum to a level that allows for upscaled performance of the pupils;
- Fence round the schools, primary and middle secondary alike;
- Pursue the classroom building and rehabilitation policy to improve the networking of elementary schools and middle level colleges;
- Develop middle level education with a view to ten years basic education;
- Eradicate illiteracy and promote the national languages;
- Effectively mainstream inclusive education and eliminate disparities at all levels of education.

Merging education and training under a single structure would bring in more visibility and coherence and improve the monitoring of education and training curricula.

## **I.2/ Situation of Vocational Training/Progress Achieved (cf. Article 11)**

Despite the good legal climate, the 2% education budget proportion set aside for vocational training did not make it possible to meet the immense manpower needs at all levels of certification. It is true that many high level institutes and colleges increasingly offer diversified training, but this is far from meeting the massive demand, especially the demand emanating from the informal sector.

A growing number of boys and girls do their apprenticeship in structures which, though informal, do not contribute less to the growth of entrepreneurial potential and wealth production for the greater good of the economy, social progress and wide-spread blossoming in the country.

According to the evaluation conducted at the time by the Ministry in charge of vocational training, only 3% of Senegalese, both men and women, in 2004, hold vocational certificates officially recognized by the competent public authorities. The number of technical and scientific colleges and centers that issue such training certificates has significantly increased, but access to the sector needs to be regulated.

### **2.1/ Difficulties**

The difficulties relate, *inter alia*, to the lack of well targeted certificate professional training to facilitate integration into the economic fabric through promotion of the spirit of enterprise that can enhance access to collective or individual employment.

Another difficulty stems from the deficit in the participation of employers' associations as well as technical and social research centres in the definition of educational and training policies, which would have resulted in even more effective expression of needs at the request of enterprises and companies, in line with the imperatives of the modern world.

The proliferation of training colleges, especially those of the tertiary level, constitutes a formidable difficulty, in as much as the country mostly needs to produce goods rather than services. This state of affairs calls for adequate administrative measures oriented to the provision of qualified personnel for the country.

### **I.3/ Prospects**

Intensified effort to create the conditions for quality education at all levels of education and training with increased focus on significant improvement of the school environment as well as the learning and apprenticeship conditions:

- Promotion and orientation of professional training towards the labour market;
- Liberalization and diversification of education and training supply, promotion of an effective and well coordinated partnership and openness to cooperation within ECOWAS space;
- Upscaling and widening the CRETEF and CETEF with the introduction of new areas of training to avoid any exclusivist orientations built on sex based occupations.
- Promotion of programmes initiated with technical cooperation;
- Broadening access to higher education to ultimately attain the 2% standard, of the population in higher education. To this end, at least 90% of bachelor's degree holders should be

admitted to higher education per year, with the objective to bring to 40% the proportion of private institutions in the overall number by 2015.

### ***VIII.II/ Leisure, Recreation and Cultural Activities (Article 12)***

#### ***VIII.I/ Leisure, Recreation and Cultural Activities (Article 12)***

Senegal is a country rich in culture and heritage, with its artists, leisure and recreational activities forming part and parcel of its riches. Manifestations of the rights of the child to rest, leisure, recreational activities and participation in cultural life are visible at the following levels:

### **II.I/ Legislative and Regulatory**

Regulatory ministerial circulars and edicts regulate these activities as part of the missions entrusted to the Ministries.

### **II.II/ Administrative**

- The existence of a Directorate for Leisure attached to the Ministry of Youth and Sport. This Directorate works mainly with the Ministries of Culture and National Education which have similar mandates in this regard ;
- CSO/NGOs as well as sporting and cultural associations which offer additional possibilities to youth (ACAPES across the national territory, ASDES in Kaolack, Enda especially in Pikine and Guédiawaye. etc.), according to the policy defined by the State.

### **II.III/ Difficulties**

The difficulties include the dispersal and inadequate care and support for young people. This leaves the CDEPS deprived in relation to their supervisory role. Currently, UASSU which had disappeared is undergoing reorganization especially with the creation of a Division in charge of sports and cultural activities in the Ministry of Education.

### **II.IV/ Prospects**

- Organization of this area with youth matters attached to the Ministries of Education and Youth and Culture to ensure the participation of the daara talibés and of all street children ;
- Revival of UASSU championships ;
- Allocation of a higher coefficient to physical education and sports competitions, in particular;
- Integration of leisure and recreational activities in the trilingualism programmes.

## **VIII/ Nature and Scope of the Cooperation with Local, National, Regional and International Organizations**

### **III.I/ Cooperation with Local and National Organizations**

Several associations and NGOs provide Senegal with technical and financial support towards the promotion of education, leisure, sports and cultural and recreational activities for children. The “Rights of the Child” approach is increasingly taking root thanks to the sensitization of UNICEF, UNESCO, Aide et Action, Save The Children, ENDA GRAF, RADI and Plan International, in particular.

### **III.II/ Cooperation with Regional and International Organizations**

Regarding international cooperation, a dynamic partnership exists in the area of education, leisure, sports, cultural and recreational activities with numerous organizations including UNICEF, UNESCO, WHO, UNDP, EU, USAID, IOF and Italian Cooperation. Bilateral cooperation through the Embassies and Ambassadors’ Wives Associations and International NGOs offer support to NGO Associations involved in children’s matters. The cooperation programmes are in line with the policy of the Senegalese Government. Their activities generally cover the health, basic education, protection, water access and sanitation sectors.

### **III.II/ Prospects**

Prospects exist for more effective articulation and enhanced collaboration between local NGO/CSOs and the government in the field of promotion and realization of the rights and welfare of children in the educational, leisure, sports and cultural and recreational activities sectors.

The numerous potentials at this level include Italian Cooperation and Belgian Cooperation in collaboration with the State for the launch of a professional training programme for girls under 18 or indeed 21 year old girls in the regions of Kaolack and Diourbel.

## **IX./ Special Protection Measures**

### **IX.I/ *Children in Emergency Situation***

#### **I.1/ Refugee, Returnee or Displaced Children (Articles 23 and 25)**

##### **I.1.1/ Legislative and Regulatory**

The competent State services such as the police, gendarmerie, the DESPS and the State Attorney have no record of refugee, returnee or displaced children. Some of such records, however, exist in the Bignona Commune of Kankani where children who left the country for The Gambia with their parents as a result of the rebellion, returned to their homes with their families following the appeal by the Head of State who held talks with their Patriarch and the Old Chief of MFDC, right from the very early days of the rebellion.

All the children of school going age have remained without education to this date. Houses are about to be reconstructed gradually and life is resuming its normal course despite the extreme deprivation faced by all the people of the area.

At more or less regular intervals, the State provides *ad hoc* support in the form of food, building materials and several equipment including battery operated television sets. All those concerned have stated that they have returned definitively and resolved to no longer return to the bush.

All the children, some of whom were nearing 18 years of age and others born in The Gambia have been registered in the civil registry and enjoy their Senegalese nationality.

Another case is that of the Mauritanian children refugees who settled in Senegal as a result of events of 1989.

All parents who so desired registered their children in the Senegalese civil registry and have Senegalese nationality. The children also attend school with the possibility of presenting themselves as candidates in the examinations and competitions organized in the country. Senegal has made available to their parents spaces to lead their community life and some of them (a very tiny minority) have even acquired pieces of land in which they have erected houses.

The government took all the actions developed in these areas in collaboration with HCR. The children and their parents enjoy all the freedoms that the Constitution confers on the citizens of the country, within the limits of State resources in addition their own possibilities.

All these have been done pursuant to the international commitments of Senegal and its constitutional principles as enshrined in the preamble of its basic law such as the building of peace and solidarity among the people, participation in a peaceful environment for the security of persons and property both in the country and at sub-regional, regional and international levels.

There are, in addition, rare cases of children repatriated upon their discovery in the Dakar/Bamako express train at the Kidira station. According to unconfirmed information, such children have most often been abducted for transportation to coffee and cocoa plantations in the countries of the sub-region. Nearly 5 years ago, UNICEF revealed that nearly 200,000 children were reportedly working in agricultural holdings.

Only systematic enquiries conducted in application of the International Protocol on Slavery, Human Trafficking and Cross-border Crime can help put a definite stop to this ill-treatment and engagement of children in the worst forms of labour or o effectively mitigate the situation. However, this matter deserves to be highlighted and exposed.

### **I.1.2/ Prospects**

The returnee populations of Kankani, especially the women, have continued to live in a state of stark deprivation with all the repercussions this has on the children.

The conditions of isolation and mobility difficulties and interaction with the other communities of the Department, the region and the country at large further compounds their condition of helplessness, despite the consistent energies and titanic efforts which have continued to be deployed on daily basis to lift them out of the situation.

Thus, the Government, national and international NGOs as well as development partners and individuals who feel challenged by the lot of children, should put heads together, define measures and formulate a realistic programme for the survival, development, protection and participation of the children of Kankani, boys and girls alike; children who are the hope of their communities and the nation.

All these measures should be implemented in agreement with the youth including children, especially those that are yet to return to the area. The Government has a programme in this connection. This programme needs to be evaluated to more effectively translate it into concrete measures.

## **I.2 Children in Armed Conflict and Special Measures for Protection of and Care for Children (Article 22)**

Even with the rebellion in Casamance, children are not involved in armed conflict in the country. This point is therefore, not applicable to Senegal.

However, Senegal has acceded to all the Conventions, Protocols and Treaties relating in particular to the Optional Protocol to the CRC on the involvement of children in armed conflict, the Palermo Protocol, ECOWAS agreement on slavery and child trafficking and the subsequent ECOWAS Plan of Action on Human Trafficking as well as the extant regulations and legislations of the country. All these have made it possible for Senegal to effectively address this issue.

Senegal is part of the first 57 countries signatories of the International Convention for the Protection of Persons against Forced Disappearance unanimously adopted by the United Nations General Assembly on 20 December 2006. The Senegalese National Assembly has already authorized the Head of State to ratify this Convention.

Child protection services and numerous other public and private structures together with NGO/CSOs coordinated by CONGAD and CONAFE which itself is a branch of an African organization, plus the International Defence for Children, are similarly well placed with real intervention facilities where necessary, as was the case when the conflict erupted in Casamance.

## **IX.II/ Children in Conflict with the Law**

Such children are catered for by the Court for Minors which provides them with robust protection. It is noteworthy, for example, that Articles 52 and 53 of the Penal Code, contain exemptions for minors and impose less severe punishment for offences committed by them.

Children subject to trial, benefit from the privilege of jurisdiction. They are subjected to trial only by a special jurisdiction with conviction in exceptional circumstances. Throughout the legal proceedings, children are assisted by social workers or special educationists.

According to Article 576, a minor under 18 can be placed provisionally in a remand or correctional centre only by an investigating judge where such a measure is indispensable or where it is impossible to take any other measure. In that case, the minor is kept separate from adults.

Children deprived of their freedom are remanded in areas distinct from where adults are kept. For example, convicted children are held in a special prison in the region of Dakar. In the other

remand homes in the country, the children are, as far as possible, kept in rooms separate from those of adults.

Where a measure to place a child in an institution is taken, the minor is so placed in accordance with a guardianship edict. Such a measure is subject to review at any time.

### **II.1/ Administration of Juvenile Justice (Article 17)**

A juvenile court with responsibility for juvenile cases and treatment of such cases exists within each regional jurisdiction. Similarly, there exists a juvenile brigade, but only in Dakar, most often with specialized personnel, or able to enlist the assistance of specialized educationists such as a juveniles' judge.

Specialized educationists work as DESPS agents or otherwise and are in a position to assist the children, and in some cases, almost play the role of judicial assistants.

The attorney is almost always involved in the proceedings but the judge of the juvenile court always assumes preponderance, irrespective of the level of the proceedings. The attorney must in all cases bring matters to the attention of the juveniles' judge.

### **II.2./ Children Deprived of their Liberty, Forms of Detention, Imprisonment or Placement in a Remand Structure and Compliance with the Provisions of Article 5 (3) which Forbids the Imposition of Death Sentence on Children (Article 17.2 (a)).**

Children are placed in social rehabilitation and training centres more for the purpose of their socio-economic rehabilitation than to deprive them of their liberty. They are always accompanied by a specialized social worker where the need arises.

Senegal places at the forefront of all its measures, the best interest of the child; and this, well before the advent of the Charter whose provisions on the child in conflict with the law or in rupture with the family are respected within the limits of the material and financial resources of the State which has the responsibility to implement the said provisions.

Children placed in specialized institutions enjoy a large measure of liberty and can receive or go to visit their parents in accordance with the modalities agreed between them and the concerned institution authorities. With regard to AEMO, education in open custody is applicable.

The death sentence has been abolished in Senegal; and when it existed, it was applied only 3 or 4 times (and not on children).

### **II.3/ Reformation, Family Reintegration and Social Rehabilitation (Article 17.3)**

This issue has been treated in detail in Chapter IV, pages 37 to 49, as part of a series of other measures.

### **IX.III/ Children of Imprisoned Mothers**

There is a legal vacuum with respect to children of imprisoned mothers. Children of imprisoned mothers constitute a problem for the government of the Republic of Senegal. In this connection, the Head of State has directed the competent services to carry out brainstorming so that appeal will be made to judges to make it possible for nursing women in prison to benefit from reduced sentence on the part of the judicial authorities, and even to be released to prevent their children from growing up in a prison environment in that phase of their lives. The Constitution in its preamble guarantees for their children and all their offsprings a healthy environment for optimal development and sets forth this issue as an inalienable right for all Senegalese citizens, both men and women.

On this score, following the actions undertaken in 2008 by the Ministry of the Family, 15 nursing women received presidential pardon. It is noteworthy that the children in question were accorded medical and nutritional facilities and that gifts of clothing were also made to them by the Ministry of the Family.

#### **III.1/ Special Treatment for Expectant Mothers and Nursing Mothers and Mothers of Young Children found Guilty of an Offence under the Law (Article 30)**

Expectant mothers receive medical attention, undertake all their ante-natal consultations normally and receive all the appropriate preventive packages. The same is the case for nursing mothers.

The conditions for proper physical and environmental hygiene are made available to them. Babies and young children learning how to walk also enjoy freedom of movement within the prison institution.

The appeal of the President of the Republic covers all these cases. The DESPS, judges, women's associations and other civil society organizations and associations as well as religious and traditional leaders are in the process of conducting brainstorming so that children may enjoy proper parental love and protection, especially that of the mother.

While retaining the principle of punishment for criminal offences committed, judges, jurists and all concerned players have called for the construction of special and convenient accommodation with all necessary facilities and equipped for vocational training in a number of occupations with external human resource support to the prison environment.

A religious leader reportedly signified to certain competent authorities and to MFSAEFMFPE his readiness to offer a piece of land or a building for the above purpose.

Thus, the issue is quite topical in all institutions and at all levels where major decisions could be taken. It is therefore not to be excluded that, by the time of the next report in 3 to 5 years at most, solutions would have been found or the grounds prepared in that direction, the key objective being as always the best interest of the child.



### **III.2/ Prohibition of imprisonment of a mother with her child (Article 30 (d))**

In Senegal, the law has tolerance only for juveniles in conflict with the law. Consequently, women that have committed criminal acts, irrespective of their family realities, have continued to be remanded in prison, even with their babies.

### **III.3/ Reformation, Integration of the Mother to the Family and Social Rehabilitation (Article 30 (f))**

This issue is yet to be addressed and has not been the subject of any public policy, though the Directorate of Women Entrepreneurship and the Women Entrepreneurship Support Fund are prepared to do something, as a model.

### **IX.IV/ Children in situation of exploitation and abuse**

The child in situation of exploitation and abuse may be identified, as in the case of dangerous work, through difficult nutritional condition due to parental or guardianship neglect, by prostitution, sequestration, hostage situation, situation of corruption, danger of paedophilia, torture, other degrading treatment, etc.

The Penal Code together with the Code of Penal Procedure, the 29 January 1999 law, the Family Code, the Labour Code and the new law on human trafficking and cross-border crime, organize the repression of all the offences, as indicated in Chapter 4.

### **IV.1/ Economic exploitation and child labour (Article 15)**

The Constitution in its Article 25 recognizes for everyone the right to work and to seek employment without discrimination regarding employment and salary.

Law 97-17 of 1 December 1997 establishing the Labour Code organizes, in several of its provisions, an enhanced protection of children against exploitation in all its forms and against all hazardous work and work beyond their physical and mental energies.

Article L.139 entitles a nursing mother to one hour rest per day of work, for 15 months after child birth.

Article L.141 sets the duration of daily rest for working children at eleven consecutive hours maximum.

Article L.143 entitles every dependent child under 14 years of age one day additional leave per year.

Article L.145 prescribes in its paragraph 1, that children shall not be employed in any enterprise, even as apprentice, before 15 years of age, except with exemption notified by edict of the Minister of Labour, depending on the local circumstances and the tasks that could be required of them.

It further states in its paragraph 2 that an edict of the Minister of Labour shall set down the nature of the work and the categories of enterprise from which a child is debarred and the age limit to which the ban is applicable.

Article L.146 addresses the nature of the work that may be entrusted to children. It sets out and prescribes that children may not be tasked with work that is beyond their energies, and also reduces the duration of such work.

While permitting child labour in certain circumstances, this legal arsenal protects the child against all abuse, as well as submission to hazardous work and exploitation in all its forms.

The 29 April 2005 Law on Human Trafficking and Similar Practices: this basic law more severely punishes the exploitation of the child through begging, and complements Articles 245 to 247b of the Penal Code which proscribes begging. It goes further to penalize any person who causes children to beg. The sanctions are very severe and are designed to dissuade the authors and masterminds of begging; and better still, the sanctions in question suppress begging and considers industry and the mafia as channels for trans-national trafficking for the purpose of begging.

Clearly, the 29 April 2005 Law is a robust measure by Senegalese legislators to more severely condemn the phenomenon of begging and similar practices, and it strengthens the punishment where the acts have been organized against a juvenile or any other vulnerable person. The law also spells out the assistance to be accorded to victims before competent jurisdictions, such as the presence of a lawyer. It organizes and defines the presence and the participation of public associations and services that offer care and support to victims.

Decree 2001-362 of 4 May 2001 establishing the procedures for execution and organization of penal sanctions, in its Article 10, reaffirms the principle of separation of minors from adults in remand and correctional institutions; and this, in accordance with the provisions of Article 576 of the Penal Procedure. According to this Article, a juvenile over 13 may be placed provisionally in a detention facility by an investigating judge, only where such measure is indispensable or indeed where it is impossible to take any other action. In that case, the juvenile is remanded in a special district or, that failing, in special premises. He/she shall be subject to seclusion by night.

An investigating judge may not take such a measure against a minor under 13 except by speaking order or where the purpose is to prevent a crime.

## **IV.2/ Drug Abuse (Article 28)**

### **IV.2.1/ Legislative and Regulatory Measures**

In 1988, the United Nations came up with a Convention on illicit trafficking of narcotics and psychotropic substances. This Convention requires States to repress all acts of illicit drug trafficking and every laundering of money derived from the trafficking of narcotics and psychotropic substances. Senegal participated in the preparation of the Convention and has acceded to it.

There has been no let-off in the repression of drug at national level. An anti-drug squad comprising police officers and representatives of drug control associations has been constituted. This organization has been in place since the late 60s, at least.

In 1997, Senegal incorporated in its own legislation, the repression of drug and more clearly defined, by Law 97-18 of 1 December 1997, the categories of drug and the judicial and administrative procedures applicable. This Law strengthens the provisions of the Penal Code.

It severely punishes drug traffickers and all members of drug networks to very heavy terms which can be as much as 10 years imprisonment with fines of up to 10 million CFA Francs. The Law also punishes drug users with terms of 2 to 5 years and fines of up to 2 million CFA Francs.

#### **IV.2.2/ Administrative Measures**

Public prosecutor's office has quite speedy procedures for seizure; the drug trafficker cannot benefit from any attenuating circumstances. Even with conditional freedom which is hard to obtain, he/she could be re-arrested at any time.

The child juvenile can always benefit from a placement in an open or more or less restricted custody with the possibility of rapidly recovering his/her freedom if he/she makes amend early. Throughout his/her period of placement, the child is maintained, mentored, counselled, monitored and trained. It is noteworthy however that, despite all these provisions, drug consumption by children seems to be on the rise.

Trafficking exists both in Dakar and in other regional capitals, secondary cities and rural areas. This may be explained partly by the fact that Dakar has become a crossroads, a hub for international trafficking and a real international transit point. Seizures reported by the media are on the increase by the year. Between 2007, 2008 and 2009 alone, the media reported the seizure of several tens of tonnes of all types of drug and the arrest of persons from African and Latin American countries.

#### **IV.2.3/ Measures taken to rehabilitate the juvenile**

The gendarmerie, police and customs services destroy drugs and other psychotropic substances on regular basis. The same is the case for:

- The specialized and well equipped drug detection squad;
- The availability of a body of specialists experienced in the provision of care and support to the child;
- Legal and judicial facilities are accorded to collaborating delinquents;
- Detoxication sessions;
- Occupational apprenticeship;
- Leisure, sports and culture;
- Mediation with the family, etc.;
- NGOs specialized and very active in drug control and social rehabilitation (Jamra, Centre Jacques Chirac. etc.);
- Regular coordination and consultation among the CSOs concerned by this issue;
- The facilities accorded by the State to the CSOs active in the sector.

#### **IV.2.4/ Difficulties**

The difficulties are diverse:

- Feeling of helplessness on the part of youth in the face of persistent and massive joblessness;
- Resignation of families;
- Repeated and massive school strikes and failures;
- Inadequacy of the resources made available by the State for provision of care and support to children potentially in conflict with the law;

- The absence of a real support and social service with appropriate means and the requisite authority to accompany children in delinquency situation;
- Insufficient number of public service social workers to cover all the needs and the entire national territory;
- Sharing of the same spaces by young people in delinquency situation and delinquent adults in police and prison custody.

#### **IV.2.5/ Prospects**

It is needful to:

- Establish a real juvenile police endowed with appropriate resources at all levels, by presidential decree defining its functions and organizing it;
- Formulate a diversified support programme for rehabilitation and economic integration in at least 50% of the cases;
- Create a detoxication centre for young drug addicts;
- Separate or isolate juveniles and keep them far away from hardened delinquents in police and detention centres.

#### **IV.3/ Abuse and Torture (Article 16)**

Articles 593 to 607 of the Code of Criminal Procedure provide for special protection for delinquent children and children in moral and social danger for the purpose of provision of care and support and educational assistance in open custody.

In this respect, judicial and administrative organs have been put in place and are working to ensure that children in moral and social danger are not left on their own and within the reach of child traffickers.

In addition, Senegalese legislation has been strengthened by all the Protocols, Conventions and Treaties on all forms of torture and abuse signed by Senegal.

#### **IV.4/ Early Marriage (cf. point 14.g)**

The Constitution of Senegal, in its Article 18, considers this type of marriage as a violation of personal freedom. Articles 300 and 379 of the Penal Code complement this provision. Chapter IV treats this issue in great detail.

#### **IV.5/ Other Forms of Abuse and Exploitation such as Begging, Early Pregnancy etc. (Article 29 (b))**

The following Articles of the Penal Code: 245 to 247b, 294 paragraph 2, 320, 323 to 328, 346, organize the repression of all these types of exploitation. Furthermore, a juvenile may always be placed in AEMO and polyvalent centres. Chapter IV treats this issue in great detail.

#### **IV.6/ Sale, Trafficking and Abduction of Children (Article 29)**

The following articles of the Penal Code: 300, 320, 334, 337b, 346, 379 para 4, provide for the repression of these types of offences; and the new law 2005-06 of 10 May 2005 complements and further represses human trafficking and aggravates the punishment imposable where a minor is involved. Senegal is very well equipped on this issue (see Chapter IV).

#### **IX.V/ Children Victims of Harmful and Social and Cultural Practices Impacting on the Well Being, Dignity, Normal Growth and Development of the Child**

Children victims of these practices and abuses are catered for under the Code of Penal Procedure, Articles 593 to 607, as well as by the January 1999 law on violence against children through support and educational assistance in open custody.

To this end, judicial and administrative organs have been established and work to ensure that children in moral and social danger are not left on their own and within the reach of traffickers.

#### **V.1/ Betrothal of Girls and Boys (Article 21-2)**

In Senegal, marriages at a certain age are repressed by law even if such a law deserves to be standardized.

#### **V.1/ Forced and Early Marriage (Article 21.2)**

Forced marriage is punishable under the Penal Code (already cited in Chapter IV). The Constitution of Senegal, in its Article 18, regards this type of marriage as a violation of personal freedom.

Articles 300 and 379, paragraph 4 of the Penal Code punish the consummation of marriage on a girl minor under 13 with a prison term of 2 to 5 years and a fine of between 100,000 and 1,000,000 CFA Francs.

#### **V.3 Female Genital Mutilation, Harmful Social and Cultural Practices (Article 21.1(a))**

The January 1999 law provides a legal resolution to this issue and makes it automatic criminal offence. Additionally, Senegal has ratified the Additional Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa which specifically proscribes FGM.

Other international texts dealing with degrading and humiliating treatment and all forms of torture may also be used to repress FGM as was the case with the January 1999 law. To this end, judicial and administrative organs have been established with the mission to assist and protect children in moral and social danger (cf: Chapter IV).

#### **IX.VI/ Children from Minority Group (Article 26)**

Children from minority groups are not subject to discrimination in Senegal and they enjoy the same rights as other children.

#### **IX.VII./ Children in Risky and Vulnerability Situations and needing Special Protection (Street Children and HIV/AIDS Orphans) (Article 25).**

##### **VII.1/ Children Living in the Street**

###### **VII.1.1/ Administrative Measures**

Social care and support for children living in the streets is provided by public and private structures and in open or secure custody.

NGOs such as Plan International, Save The Children, Aprofes, Radi, AFEM, Enda Graf, Caritas, Centre Emmanuel, FFPGLJ, etc. have reception points and centres to help children regain their hope. The key objective is always reintegration within families or, that failing, social support and rehabilitation.

The objective is to facilitate the social and economic integration of the concerned children through occupational apprenticeship, school attendance, literacy and training courses. Educational action in open custody consists, for the educationists, in catering for children in specialized centres to enable them regain their confidence and assist them through psychosocial and cultural support activities and pre-vocational initiation.

The following structures - Action Educative en Milieu Ouvert (AEMO), Centre Sauvegarde, Guindy, Centre de Nianing, Red Cross, etc.), have become a national strategy, relevant and promising, providing regular support to children.

Several private structures (associations, NGOs, etc) are engaged in the rehabilitation of children and youth. Provision of care and support in semi-open custody is an alternative to the formal educational system.

Isolated data exist on the number of children receiving care and support in different centres: (DESPS – 4,556 children, ASSEA - 98 children, and centre Gindy - 6,318 children) – Source: Statistical study on social support to children in danger and in conflict with the law in Senegal, 2005.

**Table 11: Other Children Support Associations and NGOs**

| Year                  | 1995        | 1996        | 1997        | 1998        | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 |
|-----------------------|-------------|-------------|-------------|-------------|------|------|------|------|------|------|
| ADMG                  | 12          | 26          | 34          | 31          | 43   | 0    | 0    | 0    | 0    | 0    |
|                       | 2           | 13          | 36          | 40          | 61   | 32   | 45   | 60   | 63   | 69   |
| ENDA<br>GRAF          | 36          | 55          | 67          | 798         | 95   | 39   | 38   | 41   | 38   | 53   |
|                       | 28          | 44          | 73          | 110         | 132  | 115  | 135  | 128  | 127  | 127  |
| MDG                   | 36          | 55          | 67          | 79          | 95   | 39   | 41   | 53   | 53   | 41   |
|                       | 28          | 44          | 73          | 110         | 132  | 115  | 128  | 127  | 127  | 141  |
| D.I.M                 |             |             |             |             |      |      |      |      |      | 2    |
|                       |             |             |             |             |      |      |      |      |      | 8    |
| MJR                   |             |             |             |             |      |      | 16   | 30   | 49   | 38   |
|                       |             |             |             |             |      |      | 3    | 5    | 2    | 9    |
| Vivre<br>Ensemble     |             |             |             |             |      |      |      | 11   | 17   | 31   |
|                       |             |             |             |             |      |      |      | 9    | 27   | 26   |
| Domi Neep             | 76          | 145         | 124         | 140         | 171  | 156  | 98   | 91   | 99   | 117  |
|                       | 1           | 1           | 7           | 7           | 16   | 2    | 9    | 11   | 11   | 4    |
| Empire des<br>enfants |             |             |             |             |      |      |      |      | 17   | 27   |
|                       |             |             |             |             |      |      |      |      | 0    | 0    |
| PDEF<br>Eluup Anil    |             |             |             |             |      |      |      | 575  | 572  | 1395 |
|                       |             |             |             |             |      |      |      | 472  | 475  | 1137 |
| ENDA Acas             | 265         | 380         | 396         | 406         | 414  | 431  | 345  | 345  | 490  | 490  |
|                       | 494         | 583         | 705         | 717         | 770  | 800  | 630  | 630  | 908  | 910  |
| Cause<br>première     | 23          | 30          | 42          | 38          | 38   | 36   | 20   | 20   | 23   | 28   |
|                       | 38          | 45          | 55          | 48          | 48   | 37   | 21   | 21   | 25   | 25   |
| ASSOREP               |             |             |             |             |      |      |      |      | 140  | 60   |
|                       |             |             |             |             |      |      |      |      | 60   | 70   |
| <b>TOTAL</b>          | <b>1039</b> | <b>1421</b> | <b>1613</b> | <b>2524</b> |      |      |      |      |      |      |

**Source: Statistical study on social support to children in danger and in conflict with the law in Senegal, 2005.**

### VII.1.2/ Progress

This sector is becoming increasingly interesting for the partners operating in the field of street children care and support through national and international associations and NGO/CSOs, as well as centres like *Empire des enfants*, SAMU social etc.

A study on the situation of street children was conducted in 2007 in the region of Dakar. That study led to identification of the various age groups of children beggars between 4 and 17, regions of origin and the policies put in place by the State and its partners for their access to basic social services.

The study also resulted in a relative grasp of the situation of street children, victims of sexual violence, vulnerable children and youth as well as children emerging from specialized institutions like the prison. The direct beneficiaries, i.e. parents, have been more effectively integrated through better enlightenment.

### **VII.1.3/ Difficulties**

These are:

- Poor financial capacity of the Social Action sector;
- Poverty of the population;
- Disintegration of parental and community solidarity;
- Emergence of a new phenomenon, namely, that of entire families in the street;
- Inadequate reception infrastructure;
- Inadequate qualified human resource;
- Sharing, mutualisation, capitalization, coordination and information difficulties.

### **VII.1.4/ Prospects**

The following measures are necessary:

- Involvement of families and communities in the process of social and economic rehabilitation of children and youth living in the street;
- Development of appropriate strategies for care and support to girls and families living in the street;
- Creation of a framework and networks to combat the phenomenon;
- Development of mechanisms to monitor youth emerging from specialized education centres;
- Evaluation of the impact of already implemented programmes and projects;
- Establishment of a framework for coordination and monitoring of the interventions in the sector;
- Creation of a special police post for minors with requisite powers, under the authority of competent jurisdiction;
- Increasing the number of social support personnel specialized in this issue, i.e. educationists, assistants, teachers, judges, police officers, gendarmes, etc.;
- Organization of campaigns to mobilize religious guides;
- Substantial increase of the funds allocated to the children's sector;
- Development of national conscience for support to street children and for denunciation of such situation with a view to repression by the competent structures.

## **VII.2/ HIV/AIDS ORPHANS**

“Combat HIV/AIDS”, the 4<sup>th</sup> priority area of the Action Plan, calls for the showcasing of the results achieved by Senegal for over a decade. First of all, it has to be said that the country is characterized by an AIDS epidemic of the concentrated type given the low prevalence of HIV estimated at 1.5% in 2003 and 0.7% in 2005.

These levels square perfectly with the objectives set by the National Multi-Sectoral Programme to Combat HIV/AIDS (PNMLS) to keep the level of prevalence in the general population below 3% by the end of implementation of the National Strategic Plan 2002-2006. These data are being increasingly appropriated across the country. Similarly, voluntary screening is being increasingly acceded to and carried out by the population, especially the youth, thanks probably to the ADO



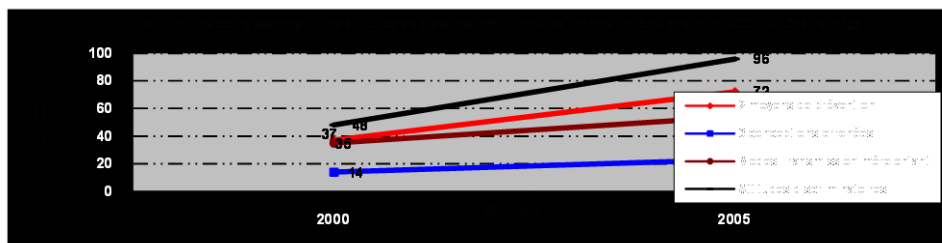
Centre and the awareness-raising campaigns in youth circles conducted by NGO/CSOs, GPG, ASC, etc. as well as in school circles by GEEP.

The level of HIV/AIDS knowledge is on the increase in the population, especially the youth and girls who are the main victims.

The rate of condom use, though still low, is increasing by the day; and this represents a clear indication of the level of efforts so far deployed, efforts which have made Senegal the only African country South of the Sahara and also at global level, with the lowest prevalence rate of the disease.

The Table hereunder illustrates the trends in the level of knowledge and attitude to HIV/AIDS in Senegal between 2000 and 2005.

**Table illustrating the Trends in the Level of the Knowledge of the HIV/AIDS Pandemic and Attitudes**



Since 2003, HIV/AIDS prevention interventions have been undertaken through a range of activities including, *inter alia*, IEC/CCC for the benefit of specific target populations, advocacy, training/capacity building, HIV/AIDS prevention and mother-to-child transmission reduction, promotion of an improved access to Counselling and Voluntary Screening Services (CDV).

These activities seemed to have yielded fruit because, between 2000 and 2005 the proportion of women between 15 and 49 years old aware of at least two or three main methods of prevention of HIV transmission, increased from 39% to 72%, and from 24% to 67%, respectively.

The intensity of erroneous perceptions of HIV/AIDS transmission declined among women in general and also in young girls of 15-24 years old in particular (see Report on National Response to HIV/AIDS Epidemic, Senegal, 2005; Follow Up on the Extra-Ordinary Session of the United Nations Assembly (UNGASS) on HIV/AIDS in January 2006).

The use of condom during risky sexual intercourse has increased considerably. However, substantial effort should be deployed to combat the population's resistance to HIV screening and stigmatization of PLWHA.

As regards screening tests, only a small minority of women, youth and adults (2% to 3%) declared in 2005 that they had undergone HIV tests at a any given time. With respect to stigmatization, it is observed that in 2005 the level of full tolerance of PLWHA was relatively low in Senegal. However, 4% of women and 9% of men have signified a tolerant attitude vis-à-vis people living with HIV.

## **VII.2/ Progress**

The progress achieved includes:

- Development of the system for protection of vulnerable children;
- Repression, through wide media publicity, of the perpetrators of abuses and ill-treatment against children;
- More effective coverage of the national territory by police and gendarmerie services with more adequate resources for patrol and surveillance;
- Better organization and effectiveness of drug and crime repression services;
- Full OEV care and support and creation of new projects in this area;
- Involvement of people living with HIV, NGOs and associations in the implementation of the strategic plan to combat HIV/AIDS (National HIV/AIDS Control Council, National Executive Secretariat, Joint United Nations Programme on HIV/AIDS);
- Free ARVs for infected children;
- Participation of the religious, customary and traditional authorities and dignitaries in HIV/AIDS awareness building;
- Better knowledge of HIV and increased use of condoms;
- Drastic reduction of the price of condoms and access to modest allowances;
- Establishment of Club EVF in high schools and colleges with precise information on HIV/AIDS;
- Adoption of laws and measures against stigmatization;
- Establishment of Ado centres and their sustainability.

## **VIII.3 Difficulties**

These relate to the following:

- Inadequate State budget allocations to the Social Action sector makes it difficult to provide care and support to OEVs;
- Inadequate or absence of ARV paediatric doses;
- Persistence of risky behaviour on the part of children and youth (inadequate use of condoms and multiple partners);
- Insufficient and inadequate use of prevention services;
- Care and support to OEVs in the family is made difficult as a result of stigmatization and disintegration of certain values such as solidarity;
- Weakness of awareness-building campaigns owing to the illiteracy and fatalism affecting the majority of Senegalese citizens who constitute the most vulnerable and the most exposed segment of the population;
- Reticence of certain religious people to awareness-building for the use of condoms or to resort to abstinence;

- Too sexist slogans, speeches and sketches on HIV/AIDS associating women with the diseases, and hence, ignorance-based stigmatization;
- Absence of any fund to combat HIV/AIDS on the part of the population and structures;
- Ignorance of HIV protection and transmission modes.

#### **VII.4. Prospects**

The measures to be taken should be oriented towards:

- Reduced prevalence and number of children affected and/or infected by HIV/AIDS;
- Enhanced awareness building and advocacy actions for better coverage of OEV care and support at medical, psychological and socio-economic levels for persons affected and infected by HIV/AIDS particularly orphans and vulnerable children;
- Enhanced communication for change of behaviour and for responsible sexuality through campaigns programmed at regular intervals;
- Enhanced targeting and enlightenment of children, even at early age, for prevention of rape and other forms of paedophilia;
- Organization of large-scale campaigns to empower the people and potential victims;
- Abortion legislation in the case of rape leading to pregnancy and related free medical attention.

#### **X. Responsibilities of the Child**

##### **X.1.1 Towards parents, the family and the community**

The duty of a child to respect his/her parents and the larger family is fundamental to his/her education. Children owe respect and assistance to their parents and members of their families which accord them the same respect and assistance, in return.

In Senegal, a minor of 16 years wishing to get married is obliged to seek the consent of his/her family or of any person exercising parental authority following judicial decision or by a social or personal agreement.

However, the responsibility of the family, the community, the State and the international community towards the child in the process of his/her education is strongly guaranteed. In this regard, the child is subject of law and should be given the conditions necessary for his/her full development by his/her parents or guardians.

The 2001 Constitution of Senegal which incorporates the old text addresses public liberties and the liberty of the human person, economic and social rights as well as collective rights in the following articles:

1. Article 17: marriage and the family shall constitute the natural and moral basis for the human community. There shall be placed under the protection of the State. The State and public collectivities shall have the social duty to watch over the physical and moral well-being of the family and, in particular, of the handicapped and the aged. The State guarantees families in general and those living in rural areas in particular, access to health and welfare services. It also guarantees women in general and those living in rural areas in particular, the right to improve their living conditions.
2. Article 20: parents shall have the natural right and duty to raise their children. They shall be supported in this task by the State and public collectivities. Youth shall be protected

by the State and public groups against exploitation, drugs, narcotics, moral neglect and delinquency.

All these responsibilities constitute the fundamental rights of children and hence, the duty on the part of parents and members of the family. These rights are enforceable before competent jurisdictions and their non-respect could cause the attorney or judge to commence judicial action to preserve and protect the child.

The child who enjoys all or part of his/her rights, as required by law and more specifically the Family Code, is duty bound to respect his/her parents and members of his/her family. According to the spirit and letter of the law, any ill-treatment against a child from a direct or distant family member constitutes an aggravating circumstance before any jurisdiction.

#### **X.1.2. Responsibilities of a Child towards Supervisors**

The supervisors of a child, just like the child's parents and their responsibilities, are responsible for the day-to-day life of the child under their care for all or part of his/her life. The child owes them respect and attention.

The moral and legal rules applicable to relations between the child, his/her parents and family, with some nuances (successions for example), are equally applicable for the relations between the child and his/her supervisors.

#### **X.1.3 Responsibilities of the Child to the State and the Continent**

The child should participate in the building and consolidation of his/her nation, the State and the Continent by doing his/her utmost to consolidate them and hence facilitate the full development of its members. The child should participate in the safeguarding of tangible and spiritual heritage. The nation, country and Continent should take proper care of the child by providing the conditions conducive to his/her full development which the child is duty bound to make fruitful, preserve and diversify.

#### **X.1.4 Prospects**

A child's responsibility is measured in relation to his/her contribution to the functioning and development of the family, the community, the nation and the Continent and to his/her transmission of positive and constructive values.

### **XI/ Measures taken to follow-up on the Recommendations of the United Nations Committee on the Rights of the Child**

The Senegal's action in this regard has been detailed in its initial report on the African Charter on the Rights and Welfare of the Child. The country is committed to providing the Commission with all available additional information. It undertakes to no longer delay submitting its evaluation reports as well as periodic evaluations to the African Commission on the Rights and Welfare of the Child because the future depends on the youth and children.

It is necessary to take strong measures to ensure that the structures in charge of child protection are given the requisite authority. This authority should be such that all State Directorates and services, NGOs and other CSOs in charge of any activity relating to the rights of the child should forward to it, on regular basis, documented reports with relevant statistics on the totality of their activities.

Similarly, the State undertakes to elaborate, at least once a year, a condensed report on all the documentations accumulated on the rights and welfare of the child. By so doing, Senegal will make up for the delays that have accumulated in respect of most of the reports to be submitted, and hence comply with its international commitments.

## **XII/ Conclusion**

The details contained in this initial report are particularly rich in human contacts and several interactions which, in most cases, were equally enriching. The repetition of the exercise at regular intervals surely deserves to be undertaken to allow for consistently pertinent policies and programmes for the promotion of the rights and welfare of children and their full development.

## **XIII/ Annex**

The texts of laws adopted by Senegal since the adoption of the African Charter on the Rights and Welfare of the Child (ACRWC).