

**AFRICAN UNION**

**African Committee of Experts  
on the Rights and Welfare of  
the Child**

**الاتحاد الأفريقي**



**UNION AFRICAINE**

**Comité Africain  
d'Experts sur les Droits et le  
Bien-être de l'Enfant**

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**CONCLUDING OBSERVATIONS AND RECOMMENDATIONS BY THE AFRICAN  
COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD ON THE  
REPUBLIC OF SENEGAL PERIODIC REPORT ON THE STATUS OF IMPLEMENTATION  
OF THE AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD**

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## **I. Introduction**

1. The African Committee of Experts on the Rights and Welfare of the Child (ACERWC/the Committee) extends its compliments to the Government of the Republic of Senegal and wishes to acknowledge with thanks the receipt of its Periodic Report on the status of the implementation of the African Charter on the Rights and Welfare of the Child (the African Children's Charter/the Charter) which was submitted in accordance with the State Party's obligation under article 43 of the Charter. The ACERWC considered the Report of the Republic of Senegal during its 33rd Ordinary Session, which was held on 18-28 March 2019 in Addis Ababa, Ethiopia.
2. The Committee extends its appreciation for the dialogue held with the high level and multi-sectorial delegation led by the Minister of Good Governance and Child Protection, H.E. Ndèye Ramatoulaye Guey with whom the Members of the ACERWC had a productive discussion with. The dialogue indeed helped the Committee to better understand the measures that the State Party has undertaken towards the implementation of the Charter as well as the challenges it is facing. After a careful consideration of the facts in the Report and the information provided during the constructive dialogue, the Committee has developed and adopted the following Concluding Observations and Recommendations which, in the Committee's view, provide guidance for the State Party to better enhance the implementation of the provisions of the African Children's Charter.

## **II. PROGRESS IN THE IMPLEMENTATION OF THE CHARTER**

3. The Committee, despite the lack of a comprehensive Constitutional provision that deals with children's rights, commends the State Party for its all-inclusive Constitution that attempt to covers all 'three generations' of rights and adopt indivisibility and interdependence between categories of rights.
4. The Committee also commends the Government of the Republic of Senegal on a number of developments, which have been recorded subsequent to the review of the initial report in 2011 at the Committee's 18th session, including;
  - a. The adoption of Law No. 2013-05 of 8th July 2013, amending Law No. 61-10 of 07<sup>th</sup> March 1961 determining Senegalese nationality.
  - b. The development of a National Child Protection Strategy (SNPE) in 2013 and its National Action Plans (2013-2015 and 2016-2018); with the grand aim of 'offering to all children in Senegal, to their

families and communities a political, institutional and legal environment protective against all forms of maltreatment, neglect, abuse, exploitation and violence, through an integrated protection system.'

- c. The development of a National Strategy for Economic and Social Development, which Includes goals such as promoting youth employment and entrepreneurship, increasing access to social services such as education and health services, and improving the quality of education.
- d. The development of Programme on *Daara* Reform and Regulation (2013).
- e. The development of the first national action plan for the eradication of gender-based violence and the promotion of human rights (2017-2021).
- f. The development of Multi-Sectorial Strategic Plan for Nutrition estimated at 206 billion FCFA (2018-2022).

## **II. AREAS OF CONCERN AND RECOMMENDATIONS**

### **A. General measures of implementation**

- 5. The Committee commends the Government of the Republic of Senegal for its progress in bringing domestic law into compliance with the African Children's Charter. However, the Committee remains concerned by the delay to officially adopt the draft Children's Code and other relevant bills.
- 6. The Committee, while appreciating the effort that the Government has put in place, recommends that the Government of Senegal should take all the necessary measures to fully implement the 2011 recommendations of the ACERWC.
- 7. While appreciating the translation of certain provisions of the African children's Charter and the Convention on the Rights of the Child into Wolof by the Association of Senegalese Jurists, the Committee recommends the state party to translate all international instruments and all other texts relating to the rights of the child into national languages. The Committee also recommends the State Party to integrate child rights education in the school curriculum and that all the government officials be educated on children's rights.

8. With regard to legislative, policy and other related measures, while appreciating the measures that the Government has taken so far, the Committee recommends that the Government of Senegal take all the necessary measures to:
  - (a) Hasten the preparation and adoption process of the draft Children's Code and ensure that it addresses all areas covered by the African Children's Charter;
  - (b) Finalize and adopt bill to revise the penal code and the code of criminal procedure;
  - (c) Pass the draft law establishing legal status and regulations for Daaras or Koranic schools in order to stop the exploitation of children;
  - (d) Finalize and pass a decree establishing the National Children's Parliament;
  - (e) Finalize and adopt the bill of law establishing the Child Ombudsman;
  - (f) Finalize and adopt Bill to reform of civil status in the family code;
  - (g) Finalize and adopt Children's Advocate Bill; and
  - (h) Speed up the adoption of the draft amendments to the Labor Code, which aim to better protect children from work and at work place.
  
9. While commending the establishment of a number of institutions, such as the National Inter-Sectorial Committee for Child Protection in 2014, Ministerial Department of Good Governance and Child Protection and state structures in charge for improving the life of vulnerable children, the Committee remains concerned about the limited financial and human resources allocated for the different institutions to implement the child protection system, the challenge faced in the coordination of shared tasks and the unclear and overlapping mandates of state institutions working on the rights of the child, and the lack of clear procedures of coordination between such institutions.
  
10. The Committee thus recommends the Government of Senegal to ensure that the different institutions on child protection are provided with explicit and defined responsibilities to coordinate all activities in relation to the implementation of the African Children's Charter; stressing that assignment of mandates and responsibilities should be fully informed by research and the best interests of children. The Committee would also like to recommend the Government of Senegal to establish a robust coordination system, which is permanent, integrated, stable, effective, participatory, adequately accountable and guided by the best interests of the child. Moreover, the Committee calls up on the state party to make sure that the different institution on child protection get the necessary human, technical and financial resources for their effective operation.

11. The Committee recommends that the State Party devise a more inclusive and participatory process to involve CSOs in the development and implementation of policies, laws, budgets and programs, that affect the realization of children's rights.

## **B. Definition of the child**

12. The Committee remains concerned that article 111 of the Family Code reduces the minimum age of marriage for female to 16, while retaining 18 for male, and that article 300 of the Penal Code legalizes customary marriage and sexual relations for girls aged 13 or above. These legislations contravene the provision of the African Children's Charter, which considers a "child" as every human being under the age of 18.
13. The Committee recommends the Government of Senegal to review all legislations that are not consistent with Article 2 of the African Children's Charter, including article 111 of the Family Code and article 300 of the Penal Code in order to raise the minimum age for marriage to 18 years of age both for boys and girls, and to take all necessary measures to eliminate child marriages and other cultural practices which are contrary to the provisions of the African Children's Charter.

## **C. General principles**

### **Non-Discrimination**

14. While appreciating the legislative measures taken and being taken by the Government of Senegal to accommodate the principle of non-discrimination in the constitutional, legislative and policy framework of the State party, the Committee notes with concern that discriminatory laws, attitudes and practices against certain groups of children are still persisted in the country, particularly against girls, children in street situations and talibés, children with disabilities, geographically marginalized children, and children infected and/or affected by HIV/AIDS. Thus, the Committee recommends the Government of Senegal to:
  - a) Revise all its national laws and policies, including the Family, and Penal Codes, to bring them into conformity with article 2 of the African Children's Charter, and ensure their effective implementation;

- b) Launch an all-inclusive campaign to ensure that all groups of children in vulnerable and marginalized situations, such as girls, children in street situations and talibés, children with disabilities, and children living in rural areas, are not discriminated against, particularly undertake measures to prevent obstacles in accessing primary education and lower secondary education, health care, child-focused services and mechanisms for children to seek help, support and care and to report violent incidences, and birth registration services.
- c) Carry out comprehensive and sustained awareness-raising campaign, particularly through advocacy and mass media as well as with the help of educational and sports institutions and after-school programmes, to shift attitudes, behaviour and social norms towards discrimination and violence against children and to encourage reporting of child abuse, violence and other meaningful actions.

### **Right to life, survival and development**

15. The Committee commends that the State Party has made tremendous strides in diminishing infant and under five mortality rates. The Committee notes that such progresses are the result of better access to malaria treatment and prevention and enhanced vaccine coverage. However, the Committee is concerned that the state party has one of the lowest stunting rates in Africa. Furthermore, the Committee takes note that the neonatal mortality rate has seen only a small decline, compared to the under-five and infant mortality rates. The Committee further realises that neonatal conditions are the leading cause of death for children under five (45%), followed by pneumonia (12%) and Diarrhea (9%).
16. Thus, the committee recommends the State Party to accelerate reductions in stunting and neonatal mortality. The Committee further recommends the State Party to control preventable diseases, such as pneumonia and diarrhea, to provide children with the appropriate nutrition for better survival, to increase accessibility of health care services to further lower mortality rate and to protect children on the street. The Committee further encourages the State Party to strengthen its effort in providing the necessary care of children living with HIV/AIDS to ensure their right to live the maximum possible. Moreover, the Committee recommends that the State Party increase efforts to ensure that antenatal services are available to all expectant mothers and that birth is assisted by skilled and trained birth attendants.

## Child Participation

17. The Committee recommends the State Party to finalize and pass a decree establishing the National Children's Parliament and formalise and build the capacity of the Children's Parliament with branches all over the country. The children's parliament should also be inclusive of all children without any discrimination of race, religion, sex, social status or disability and a forum for children to have their voices heard, in particular it should be a platform to educate children on their rights; to build their capacities on child rights, life skills, tolerance and diversity; to discuss the issues they face and present their demands to the government, the media and other members of civil society; and to maximise the opportunity to influence policies that affect them.
18. The Committee also recommends the State Party to design an action plan for participation to engage the children's parliaments in decision making. To this effect, the Government of Senegal should facilitate exchanges between the Children's Parliament and Governmental institutions and officials, such as parliamentarians of the National Assembly, the Social, Environmental and Economic Council, the Council of Local Authorities and other Ministers in charge of key departments for the realization of children rights. The Government of Senegal should additionally promote and ensure the right to participation of all children, particularly those who are marginalised, children from poor families, children with disabilities, *Talibe* children and children who are orphaned and vulnerable, through the establishment of appropriate consultative fora including child rights clubs and youth clubs, and associations. The Government should also consult children in the formulation of plans, policies and laws which directly affect their lives to make sure that they are not just on the receiving end of projects, rather they play an active role in changing their livelihood. The Government should also ensure that children's voices are reflected in reporting to treaty bodies, including to this Committee.
19. The Committee also wishes to advise the State Party to amend its legislation to reflect fully article 4 of the African Children's Charter, so that any child who is capable of forming his or her views can express those views freely, including in all administrative and judicial proceedings affecting them

## **The Best Interests of the Child**

20. The Committee commends the inclusion of the principle of the best interests of the child into the National Strategy on Child Protection and other action plans and associated tools, and notes that the Family Code, which guarantees the rights of the child, particularly with regard to filiation, support by his parents, as in the context of divorce, legal separation or succession proceedings, requires magistrates to consider in all these procedures the greatest benefit of the child. Further, the Committee also takes note that the right of the child to have his or her best interests taken as a primary consideration is explicitly set out in the draft Children's Code.

21. However, the Committee recommends that the State Party undertake further appropriate measures to respect and promote the principle of the best interests of the child not only in law, but also in practice, in policies, as well as in all settings including in the family and community settings.

### **D. Civil rights and freedom**

#### **Right to name, nationality and birth registration**

22. The Committee welcomes the measures undertaken by the State Party with regard to birth registration of children, which includes the computerization of civil status centers and the digitization of civil status records, proliferation of civil status centers, and mobile birth registration and awareness-creation campaigns. The Committee also notes with appreciation that, as indicated in the State Party Report, these actions raised the rate of birth registration for children aged 0-5 from 72.7% in 2014 to 80% in 2016. Further, the Committee welcomes the adoption of Law No. 2013-05 of 2013, amending Law No. 61-10 of 1961 determining Senegalese nationality, which, *inter alia*, repeal gender discriminatory provisions on the transfer of nationality from parents to children; providing that mothers and fathers can transfer their nationality to their children on an equal basis.

23. The Committee is, however, concerned about the high cost of birth registration procedures when the child is not registered within the prescribed time frame of 45 days. The Committee is also concerned about the challenges faced by children without birth certificates in accessing social services such as health and education as birth registration is a prerequisite for school enrollment and access to health services in the State Party. Further, the Committee notes with concern that birth registration rate remains considerably low in rural settings (or those that are geographically

inaccessible) and children risk growing up completely undocumented and therefore at risk of statelessness.

24. Thus, the Committee recommends the State Party to speed up the process of modernizing the civil registration system and allocate sufficient funds for strengthening birth registration initiatives, with a particular focus in rural settings. The Committee would also like to note that registration facilities, especially in rural and remote areas, need to have adequate capacity to meet needs. They need to be decentralized and accessible to communities. The State Party should ensure that children without birth certificates have full access to education, health, and other social services. The Committee also recommends the State Party to promote non-punitive mechanisms for late registration, including the possibility of removing fees and penalties attached to birth registration. Moreover, the State Party should ensure that adequate training is provided to staff responsible for various aspects of the civil registration and vital statistics systems.
25. The Committee would also like to recommend the Government of Senegal to produce a situation analysis on mapping which group of children are not registered and why they are not registered, and
26. Further, the Committee recommends the State Party to take into account General Comment No.2 on Article 6 of the Charter for the implementation and full realization of children's right to name, nationality and birth registration.

### **Freedom of expression, access to appropriate information, freedom of thought, conscience and religion**

27. The Committee recommends the State Party to provide the necessary information, including information relating to children's rights under the Charter, to children in all areas in their own language using all feasible mediums of communication.

### **E. Education, leisure and cultural activities**

28. The committee notes that the State Party guarantees access to education for all children and education is compulsory and free up to the age of 16. The Committee welcomes the Government of Senegal's commitment to expand provision of primary and secondary education to more young people, including by allocating over 20 percent of its national budget to education, and encourages the Government to strengthen and continue improving access and quality of education to all children.

29. The committee is, however, concerned about;

- a. The low demand for secular education in areas such as Touba municipality and the region of Diourbel;
- b. The low enrolment rates at secondary and tertiary levels of education — especially for girls, owing to early marriage, teenage pregnancy, child labor and the demand for a workforce on farms;
- c. The high dropout rates at all levels of education;
- d. The long distance between schools and homes in a few localities that undermines children's education in remote communities.

30. The Committee is further concerned by the salient disparities, though declining from time to time, regarding access to education, enrolment at primary and secondary school and dropout rates between boys and girls. The Committee notes with concern that striking disparities also exist between different regions, between rural and urban settings, and between the affluent and the poor and disadvantaged groups.

31. Further, the Committee learns that although Senegalese law provides for free education for children ages 6 to 16, in practice, secondary school students are required to pay close to 40,000 CFA (US\$75) for tuition fees, furniture costs and extra tuition for afternoon classes; forcing many children to drop out. The Committee is also further informed that toilet facilities in schools are often dirty, old and inaccessible to students. Students, especially girls, often go out of schools into surrounding homes. This increases their vulnerability and exposes them to manifold threats such as sexual violence and car accidents.

32. Thus, the Committee recommends the State Party to:

- a. Reinforce its commitments to ensure that all girls and boys, in urban, rural and least developed areas, have equal access to educational opportunities;
- b. Address the causes of low enrolment and high dropout rate at secondary and tertiary levels of education, especially for girls, including child marriage, sexual violence and child labor;
- c. Strengthen its efforts to remove structural constraints in areas such as Touba municipality and the region of Diourbel by establishing political and social dialogue between the State and religious communities;
- d. Provide the necessary educational materials and infrastructure facilities; in particular, take recommended measures for the

construction of separate toilets and the installation of functional water points in all schools in Senegal;

- e. Implement Act No. 2004-37 by ensuring free secondary education is fully free by removing tuition fees and indirect costs in accordance with;
- f. Construct additional schools and basic infrastructure in the rural areas to reduce the impact of long travel hours, to and from schools, on students' health and learning abilities.

33. Further, the Committee recommends the State Party to adopt laws and policies to ensure the inclusion of children's recreational areas in all development plans and real estate projects, authorized by the States technical services. In addition, the Committee recommends that the State Party undertakes measures to increase the resources available to CDEPS and cultural centers to make them attractive platforms for children and youths, and to develop healthy leisure and cultural activities, especially in areas where there are no infrastructure and appropriate facilities.

#### **F. Children with disabilities**

34. The Committee notes with appreciation that, in 2010, Senegal ratified the International Convention on the Rights of Persons with Disabilities, but despite a number of initiatives by the Government, the following challenges persist; stigmatization, preventing children with disabilities from accessing social protection, health-care services and an inclusive quality education system on an equal basis with other children, lack of reliable disaggregated data by age and sex on the situation of children with disabilities, including the percentage of children attending mainstream schools with adequate support measures and lack of effective representation of children with disabilities in the national discourse, particularly in the Children's Parliament

35. The Committee is further concerned at the insufficient number of trained teachers, schools and classrooms, and the lack of relevant learning material in the state party, which affect the quality of education. The Committee also notes with concern that almost all special schools remain concentrated between Dakar and Thiès, leaving thousands of children out in the other regions of the country. Moreover, a significant number of children receiving education attend Koranic schools that are not aligned with the public school curriculum, and have little or no provision for students with disability.

36. The Committee thus recommends the government of Senegal to design and adopt all the necessary measures to combat the stigmatization of children with disabilities and to ensure they have access to social and health-care

services and an inclusive quality education system, on an equal basis with other children. In addition, the committee recommends the state party to collect disaggregated data by age and sex on the situation of children with disabilities, including the number and proportion of children with disabilities attending mainstream schools with support measures, with a view to better informing public policies on children.

37. The Committee further recommends that the state party to:

- a. Reduce attitudinal barriers of parents, community and schools towards children with disabilities;
- b. Organise and run training sessions to raise the awareness of educators and train them in case-managing disability, inclusive education, and data collection;
- c. Build preparatory classes in traditional schools for children with disability before their admission into mainstream classes;
- d. Make existing and newly established school facilities in all regions of the country, educational materials, curriculum, teaching approaches, school organization and management, and other support systems adaptable and suitable to the needs of inclusive education;
- e. Design and adopt mechanisms, which facilitate meaningful consultations with children with disabilities through their representative organizations on issues that affect them, and ensure that they are included in the Children ' s Parliament and that due weight is given to their views.

## **G. Health and health services**

38. The Committee recommends the government to ensure that all children have access to health care, giving particular attention to access to health services for girls, children in street situations and talibés, unaccompanied children, children with disabilities, geographically marginalized children, and children infected and/or affected by HIV/AIDS. The Committee also recommends the government to collect data on its basic national health indicators, and strengthen its health infrastructure, including by recruiting additional nurses and social workers.

39. The Committee expresses its concern that teenage pregnancy rates remain very high in the state party. Girls have limited access to sexual and reproductive health services, including contraceptives. Thus, the Committee

recommends the government of Senegal to increase the accessibility of confidential and youth friendly health services, improve the accessibility of contraceptive services and promote sexual and reproductive health education targeted at adolescents, with a view to prevent early pregnancies and sexually transmitted diseases.

40. Further, the Committee is alarmed by the low rate of exclusive breastfeeding for the first six months and recommends that the state party strengthen its awareness-raising efforts on the importance of exclusive breastfeeding of children up to the age of 6 months to ensure a child's survival, healthy growth and development.

## **H. Protection of the Child against child labor**

### **Child labor and exploitation**

41. The committee notes with appreciation that the state party has laws and policies against child labor and exploitation. However, the committee remained concerned that children in Senegal continue to engage in child labor in agriculture and in the worst forms of child labor in forced begging.
42. While arrests and prosecutions of Quranic teachers for child abuse, exploitation, and forced child begging have increased slightly in recent years, the committee notes with concern that the justice institutions, such as the police, and prosecutorial offices, often still fail to investigate and prosecute allegations of such abuses, and charges and prosecutions against marabouts continued to be dropped or sentences mitigated by the judiciary. Further, while welcoming the state party's several projects to improve the lives of children attending the Koranic schools, the Committee is concerned about the slow progress in finalising and adopting the law establishing legal status and regulations for daaras or Koranic schools.
43. The committee, while appreciating the state party program to remove children from the streets, remains concerned that many of these children were later returned to the same Quranic teachers who had forced them to beg.
44. The committee thus recommends the state party to:
- a. Increase enforcement of existing legislations that criminalize child trafficking, forced begging and abuse, and investigate and hold accountable marabouts who transgress these laws;
  - b. Formally engage relevant sectors of the Ministry of Justice in the government program to remove children from the street aimed at

ensuring investigations and prosecutions of adults, including Quranic teachers, forcing children to beg for profit or committing other abuses.

- c. Finalise and pass the draft law establishing legal status and regulations for Daaras or Koranic schools in order to prohibit and punish the participation of marabouts in child abuse and exploitation such as child begging;
- d. Mandate local inspections of existing Daaras, with a view to ensuring that any failing to meet appropriate health and safety standards or exploiting children through forced begging are shut down;
- e. Increase funding and support to structures that can provide legal assistance to separated children such as talibés who are victims of abuse or exploitation;
- f. Dedicate funding to building the capacity of existing children's shelters and care centers, as well as to installing new shelters or care systems in regions that lack facilities to care for abused or separated children.
- g. Establish more extensive programming to address the most pressing forms of child labor, including forced begging, commercial sexual exploitation, agriculture, and mining.

### **Abuse and Torture**

45. While commending the different measures taken by the government of Senegal to address and eliminate corporal punishment against children, the committee regrets that prohibition of corporeal punishment is still to be achieved in the home, alternative care settings, day care, schools and possibly penal institutions.

46. The Committee specifically concerned that;

- a. Article 285 of the Family Code provides the right of a person with parental authority to correct a child. While takes note of the fact that Articles 298 and 299 of the Criminal Code 1977 (amended 2016) prohibit and punish the inflicting of injury to a child under 15, the Committee regrets that such provisions of the Criminal Code protect children only from punishment of some severity, which is perceived to cause physical injury; justifying corporal punishment that does not inflict physical injury.

- b. There is no explicit prohibition of corporal punishment in alternative care settings and day care.
- c. Even though Corporal punishment is prohibited in schools for children aged 6-14 in Decree No. 79-11.65 1979, there is no explicit prohibition in other schools and the authority to “correct” a child under article 285 of the Family Code 1989 potentially applies. The Committee also notes that corporal punishment is used in schools, even in schools for children aged 6-14, and other institutional settings, particularly the practice is common in Koranic schools, and is regarded by the marabouts as having an important religious dimension.
- d. Though corporal punishment is regarded unlawful as a corrective measure in justice institutions, but there is no explicit prohibition to that effect.
- e. There is a lack of adequate protection and assistance mechanisms that benefit child victims of corporal punishment and violence.
- f. There is a lack of effective and sustained awareness-raising programmes that aims to combat corporal punishment and other forms of violence against children.

47. The Committee recommends that the Government of Senegal expedite the process of adopting the Children’s Act and to ensure that it explicitly bans corporal punishment in all setting including in the home, schools, including daaras, alternative care settings and penal institutions and punish perpetrators, while providing legal protection and psychological help to child victims.

48. The Committee also recommends s the Government of Senegal to promote positive disciplining, as an alternative to corporal punishment, to sensitize and educate parents and guardians, and to train and educate relevant stakeholders who are working for and with children such as teachers, including the marabouts, care givers, personnel of justice institutions and social workers. Further, the Committee calls up on the state party to repeal all domestic laws that authorize corporal punishment, including article 285 of the Family Code which entitle parents to use physical violence against children to ‘a degree compatible with the child’s age and the correction of his/her behavior’ and to harmonise them with Article 2 of the African Children’s Charter.

49. Moreover, the Committee advises the government to ensure that the design and implementation of policies and strategies against corporal punishment of children are inclusive and participatory; involving and participating all stakeholders, including children.

#### **I. Protection against Harmful Social and Cultural Practices**

50. The committee notes with appreciation that the state party has laws and policies against Female Genital Mutilation (FGM), including Article 299 of the 1965 Penal Code, as amended in January 1999. The Committee also welcomes the State Party as it has developed training tools for the medical management of FGM, particularly training modules for the Management of Victims of Trauma from Gender Based Violence, including FGM, and an FGM Image Box.

51. The Committee, however remains concerned that there appears to be weak law enforcement and few cases have been brought to court. The Committee also informed that changes to FGM practices have taken place to avoid prosecution, including crossing borders. Further, the Committee learns that FGM is highly prevalent in some regions of the Country, mostly in the south-eastern region of Tambacounda, Kolda and Matam, the eastern region of Kédougou and the southern region of Sédhiou.

52. Thus, the Committee recommends the Government to adopt and advance practical strategies towards the reduction and elimination of all forms of FGM, such as prosecution of perpetrators, and social education program to ensure a societal change and shift in values, with a particular focus in the high prevalence regions. The Committee also calls up on the government to ensure that all victims of FGM have access to social, medical, psychological and rehabilitative services and legal redress. Further, the Committee would like to request the Government to make sure that the law against FGM address movement across national borders and criminalise and punish the performance and procurement of all cross-border FGM. The Committee also wishes to advise the Government to revise and further strengthened Article 299 of the 1965 Penal Code, as amended in January 1999, to addresses the failure to specifically report knowledge of FGM, whether planned or already taken place.

53. The Committee encourages the State Party to develop an Action Plan for implementing the African Union Campaign to End Child Marriage in Africa as mentioned in the report. The Committee would also like to requests the State Party to amend article 111 of the Family Code and to hasten the adoption of the draft Children's Code to raise the minimum age for marriage to 18 for both boys and girls, and to take intensive measures to sensitize

communities on the adverse effects of child marriage so as to bring a societal change and shift in values.

## **H. Protection of the family**

54. The Committee notes with appreciation that the Constitution of Senegal under Article 17 provides for family rights and family protection and therefore, insists the Government to take further steps to practically and effectively protect the family, including by reducing family poverty, extending the reach of cash transfer schemes, and prevent separation of children from their families.

### **I. Special Protection Measures**

#### **Children in armed conflicts**

55. The Committee commends the State Party for the measures being taken to protect children affected by the Casamance armed conflict, including by improving the prevention of accidents caused by landmines and by providing child landmine victims with psychosocial and material assistance. However, the Committee remains concerned that landmines and explosive remnants of war still continue to pose a threat to countless children across the country. Thus, the Committee recommends that the State Party reinforce its efforts to demine former conflict areas, including by ensuring effective implementation of the humanitarian demining programme and providing adequate human, technical, and financial resources to the National Anti-Mine Centre of Senegal. Further, the Committee recommends the state party to address the physical, psychological and social reintegration needs of children affected by the conflict and to mobilise child-focused recovery funding as a core element of post-conflict reconstruction, building human capital by investing in children's education, healthcare, protection, mental health and psychosocial support

#### **Children in conflict with the law**

56. While commending the significant efforts made by the Government of Senegal for juvenile justice, including by establishing juvenile courts throughout the country, the Committee recommends that the state party hastens the revision of the Penal Code and the Penal Procedure Code and ensure that they provide for the opportunity to combine juvenile justice with child protection, so that children aged 13-18 who are in conflict with the law get assistance and protection, as well as benefit from a broad range of alternative and educative measures, including defined alternative measures to detention, at the pre-arrest, pre-trial, trial and post-trial stages.

57. The Committee also requests the state party to establish additional specialized juvenile court facilities throughout the country with adequate human, technical and financial resources, and continue to provide training on relevant international standards to those responsible for administering the juvenile justice system. Further, the state party is recommended to foster close cooperation between the child justice sectors, different services in charge of law enforcement, social welfare and education sectors with the aim of providing children in conflict with the law, at all stages of the proceedings, with necessary assistance such as education or vocational training, employment or any other assistance, helpful and practical, in order to facilitate the rehabilitative and social integration process. Moreover, the Committee encourages the state party to make sure that all forms of detention of children shall always be a disposition of last resort and for the minimum necessary period.
58. The Committee also notes with concern that children are imprisoned with adults in the region of Diourbel and therefore recommends that the state party establish a separate detention centre for children in order to prevent recidivism and promote the social rehabilitation of child offenders.

### **Children of imprisoned mothers**

59. The Committee notes with concern that children are incarcerated with their mothers and the latter do not have dedicated room in the prison, and do not get an adapted diet to their condition and to the age of the children. The Committee is also extremely concerned that children of imprisoned mothers do not have suitable play and bodybuilding facilities within the prison nor the opportunity to leave the establishment and experience ordinary life outside its walls.
60. Thus, the Committee recommends the state party to make the necessary arrangements for a mother not to be imprisoned with her child. The Committee would also like to encourage the state party to construct a special building equipped with all amenities in accordance with international norms and standards as stated in the report. Pending the establishment of a special facilities external to the prison environment, the Committee recommends that children should have specific premise within the prison that is especially designed for recreational, educational and socio-professional activities, and wherever possible, the opportunity to leave the establishment and experience ordinary life. Further, any ante- and post-natal care provided in custody should be equivalent to that available in the outside community and the treatment of children should be supervised by specialists in social work and child development.

61. In the light of its General Comment No.1 on article 30 of the African Children's Charter, the Committee also recommends the State party to bring its justice system fully in line with the African Children's Charter and other relevant standards. In particular, the Committee calls up on the state party to extend special treatment for mothers taking into account the best interest of the child beginning from arrest, up to the ultimate conviction, sentencing, imprisonment and reintegration phase of the criminal justice system.

### **Sexual exploitation and sexual abuse**

62. The committee notes with concern that despite the government's efforts to protect girls, sexual and gender-based violence, including sexual exploitation, harassment and abuse, by teachers and other officials remains a major problem in Senegal's secondary schools. The Committee is further concerned that girls affected by sexual exploitation, harassment, or other forms of abuse, rarely see their cases investigated, or see their perpetrators brought to justice. According to various reports, the problem is exacerbated by the following challenges: lack of a binding national code of conduct that outlines the obligations of teachers, school officials and education actors vis-à-vis students; lack of confidential mechanisms within school to ensure students can report school-related sexual abuses; lack of accountability and prosecutions for sexual exploitation and harassment; lack of comprehensive sexuality and reproductive health education in schools; and stigma associated with reporting sexual abuses

63. The committee recommends that the State Party end the culture of silence around abuse by teachers, encourage girls to speak out, and send an unequivocal message to all education staff that it will not tolerate sexual violence against students. The State Party is also required to adequately respond to cases of sexual and gender based violence by ensuring that: all schools have functioning confidential and independent reporting mechanisms appropriate to the local school context; students affected are promptly referred to external services for health, psychological support and contraceptive needs; and perpetrators of sexual exploitation, harassment and abuse are suspended from any position of authority affecting the complainant or the investigation during investigations, and if there is sufficient evidence, prosecuted, with zero tolerance towards perpetrators, in line with international fair trial standards.

64. The committee further recommends that the State Party

- a. Adopt a national policy that specifically prohibits all forms of school-related sexual abuse, as well as a national code of conduct

for teachers and other education officials, who should also receive mandatory child protection training.

- b. Expedite the adoption of a comprehensive sexual and reproductive health curriculum.

65. The committee commends that the state party has developed a National Strategy for Child Protection online, as well as a program for the protection of children on the Internet backed by a child protection action plan online.

## **J. Conclusion**

66. The Committee appreciates with satisfaction the efforts invested by the Government Senegal and aspires for the implementation of these recommendations. The Committee would like to indicate that it will undertake a follow up mission to ascertain the implementation of the recommendation in the foreseeable future. The Committee would also like to invite the State Party to submit its next Periodic Reports by August 2022. The Committee invites the State party to include in the next periodic reports information about the implementation of the present concluding recommendations.

67. The Committee takes this opportunity to renew to the Government of Senegal the assurances of its highest consideration.