



**Convention on the  
Rights of the Child**

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**COMMITTEE ON THE RIGHTS OF THE CHILD**  
**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES**  
**UNDER ARTICLE 44 OF THE CONVENTION**

**Second periodic reports of States parties due in 1999**

**SENEGAL\* \*\***

[10 February 2006]

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\* For the initial report submitted by the Government of Senegal, see document CRC/C/3/Add.31; for its consideration by the Committee, see documents CRC/C/SR.247-249; for the Committee's concluding observations, see document CRC/C/15/Add.44.

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## Introduction

1. The Government of the Republic of Senegal, true to its tradition of promoting human rights, especially those of the most disadvantaged members of society, participated in the drafting of the United Nations Convention on the Rights of the Child from the very outset, and acceded to it without reservations on 20 November 1989 at the session of the General Assembly devoted to its adoption. The Senegalese National Assembly subsequently ratified the Convention eight months later on 31 July 1990. This diligence illustrates Senegal's firm commitment to the protection, well-being and comprehensive development of children irrespective of the child's or the child's parent's or legal guardian's race, ethnic origin, language, colour, religion, birth, social origin, or property, as stipulated in article 2, paragraph 2, of the Convention on the Rights of the Child and the second preambular paragraph of the African Charter on the Rights and Welfare of the Child.
2. Senegal's assiduousness in ratifying the Convention on the Rights of the Child stems from the Government's belief that the moral and economic health of a nation, and especially its level of progress and democratic development, may be measured, without any doubt, by the happiness of its children (girls and boys) in terms of their physical, social, educational, mental, cultural, economic and legal environment.
3. Senegal demonstrated this attitude from the very start of the drafting process. Together with Algeria, Argentina and Venezuela, Senegal was among the initial group of countries that supported the Polish memorandum.
4. Throughout the drafting process, Senegal spoke on behalf of third world countries and demonstrated exemplary zeal and consistency in all the drafting meetings, during which it underscored the sociocultural context in which the Convention ought to be applied. It was as a result of these energetic efforts, and on the basis of a recommendation made by Senegal, that the penultimate preambular paragraph of the Convention was adopted.
5. Recognition of the rights of the child presupposes optimum conditions for the pursuit, extension and sustainability of democracy and justice. The Senegalese Children's Parliament shares this commitment by the Government.
6. Given that the process of ratification of international instruments can easily take between one and three years, the speed of the Senegalese Government's reaction is a telling indicator of its political will to ensure the survival and protection of children and their rights.
7. Following the entry into force of the Convention on the Rights of the Child in Senegal in 1990, the Government, pursuant to article 44 of the Convention, submitted a detailed report to the Committee on the Rights of the Child in 1995, in which it assessed the implementation of the Convention in Senegal, listing strengths, weaknesses and constraints.
8. In 1998 the Strategic Thinking Group launched a wide-ranging national debate and participatory evaluation of future efforts to implement the Convention on the Rights of the Child in Senegal, pursuant to the initial report. This process was scheduled to culminate in the submission of the second periodic report in 1999.

9. Under the auspices of the Ministry of the Family, Social Development and National Solidarity, the work proceeded in a systematic and exhaustive fashion, in a spirit of participation, characterized by the conscientious mobilization of all the stakeholders concerned. In 1999 the draft report was submitted to various stakeholders, with support from the United Nations Children's Fund (UNICEF).

10. For a variety of reasons connected with external events, the agreed document that emerged from the consultation process could not be transmitted to the Committee on the Rights of the Child.

11. In order to comply with national and international commitments, including those made before the Children's Parliament, the Strategic Thinking Group decided to resume, continue and complete the work undertaken previously with the utmost dispatch, incorporating all developments since the drafting of the second periodic report on the implementation of the Convention on the Rights of the Child. This report was to be submitted to the secretariat of the United Nations by September or October 2003 at the latest, as per the wishes of the Senegalese Government and the Ministry of the Family, Social Development and National Solidarity, which is responsible for early childhood programmes.

12. These commitments should be cross-checked against the African Charter on the Rights and Welfare of the Child, the Jomtien, Cairo, Copenhagen, Beijing and Rome recommendations, and the outcomes of the African regional preparatory meeting for "Beijing+5" in Addis Ababa, the "Beijing+5" summit and the Lomé workshop on the situation of women and children in West and Central Africa. They should also be judged from the perspective of the priorities and recommendations of the Copenhagen World Summit for Social Development and the Millennium Summit, reinforced by the United Nations special session on children held in Geneva in 2002, in which the Senegalese Government played an active part.

13. Senegal's second periodic report on the implementation of the Convention on the Rights of the Child also bears the imprint of the radical transformation that has taken place at the highest levels of the Senegalese Government. It reflects the range of possibilities that the changeover actually or potentially heralds and the innumerable expectations that have been raised, notably because the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women are explicitly mentioned in the new Constitution approved by a majority of Senegalese in 2001.

14. In addition, Senegal took part in the World Summit for Children held in New York in September 1990; organized the First Subregional Conference on Assistance to African Children in 1992; played an active role in the World Congress against Commercial Sexual Exploitation of Children, held in Stockholm in 1996, and similar conferences in Pretoria, Amsterdam, Kampala and Oslo; attended the First Seminar on the Protection of the Child and the Elimination and Abolition of Child Labour in Africa, organized in Arusha by the Organization of African Unity (OAU); and has acceded to and ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, both adopted in New York on 25 May 2000.

15. Senegal was also active at the Millennium Summit and at the United Nations special session on children held in Geneva in 2002. All these voluntarily undertaken activities and efforts illustrate Senegal's commitment to focusing special attention on the protection and promotion of children.
16. The constitutional, legislative, legal and regulatory provisions for protecting children of both sexes, coupled with society's awareness of their problems and rights and the sustained commitment on the part of civil society to promote their interests, in a supportive international environment, constitute firm foundations for the development of children and young people in Senegal.
17. The preparation of this periodic report for the Committee on the Rights of the Child flows directly from the Senegalese Government's respect for its commitments under article 44 of the Convention on the Rights of the Child.
18. New perspectives and opportunities to put the Convention into effect have thus opened up in Senegal. Arrangements facilitating cooperation between local civil society stakeholders and the mobilization of decentralized community-based resources are indicative of a desire to take ownership of and implement projects involving the rights of the child.
19. A movement of community leaders for the protection of children in situations of risk, which brings together stakeholders from the public and private sectors, development institutions and organizations, trade unions, employers' organizations and various civil society organizations, has recently been formed with a view to stimulating and coordinating all activities involving the rights of the child. The fact that women's groups and federations of women's groups are involved in this framework for cooperation ensures that ordinary people have a greater say in this initiative.
20. The development of a new national vision, inspired by the "Right Approach" endorsed by the Ministry of the Family, Social Development and National Solidarity, UNICEF, and various national partners and stakeholders, is emerging as the core initiative that will direct all future action to help children and translate their rights into reality.

## **I. GENERAL MEASURES OF IMPLEMENTATION (arts. 4, 42 and 44)**

21. Pursuant to article 44 of the Convention on the Rights of the Child, the purpose of this report is to provide the Committee on the Rights of the Child with information about the legislation and regulations adopted by Senegal to implement and give effect to the rights enshrined in the Convention and the progress made since the submission of the initial report in 1995, and about the social, institutional or constitutional provisions recorded, established or put in place to cement the Convention into Senegal's development plans.

### **1.1 Preparation of the second, third and fourth reports (participative phase)**

22. The combined second, third and fourth report of Senegal was prepared, under exceptional circumstances, in two phases characterized at all times by extensive cooperation between the various ministerial departments that administer policies for children in the social, economic and

legal spheres and thus impact on children's survival, development and protection, and non-governmental organizations (NGOs) and other civil society organizations that have a stake in implementing the Convention. This arrangement conforms to the recommendations made at its twenty-sixth session by the Committee on the Rights of the Child on State parties' obligations as regards submission of reports.

**(a) First phase**

23. The Ministry of the Family, Social Development and National Solidarity initially proceeded to gather relevant information from the reports submitted to it by various ministries (health, education, youth and sports, culture, economics, finance and planning, justice, communications, interior), NGOs and other civil society organizations such as groups for the advancement of women and parents' associations, and certain international cooperation organizations such as UNICEF and the United Nations Population Fund (UNFPA).

24. Using this information, and with contributions and advice from the Strategic Thinking Group, the Ministry prepared a draft report which it circulated for comments, criticism, suggestions and additions among a wide range of stakeholder organizations actively involved in efforts to help children (States, international non-governmental organizations, NGOs, groups for the advancement of women, national associations, including religious groups, and the media). In December 1998 the Ministry of the Family, Social Development and National Solidarity also launched a national consultative process with technical, logistical and financial support from UNICEF.

25. Following this national consultation, stakeholders continued to thrash out the issues in the course of 1999, specifically between January and November of that year.

26. An advisory committee established and selected by the stakeholders distilled the most important points from all the discussions into a draft report submitted to a second national consultative process for endorsement. Following this, in December 1999, a small drafting committee finalized the report which was then ready for submission to the Committee on the Rights of the Child.

**(b) Second phase**

27. For a variety of reasons this report was not submitted to the Committee on the Rights of the Child, whereupon a commission chaired by the Director of Early Childhood Policy and the Rights of the Child was tasked by the Minister for the Family, Social Development and Early Childhood to update the existing information to reflect recent events and developments.

28. UNICEF again provided all the necessary support to finalize and validate this version of the report, which was fleshed out by most of the stakeholders involved in its preparation, through the appropriate channels.

29. The meeting of the principal stakeholders to endorse the report provided another opportunity to gather information that further enriched the document.

30. A major difficulty hampering efforts to monitor trends affecting the rights of the child, and a problem encountered by the commission, is the fact that information must be obtained from a number of disparate sources and that no one source presents an overview of all the elements required for a reliable, up-to-date and authoritative analysis.

31. Accordingly, the first step the Government must take is to ensure that future periodic reports are easier to compile and can be prepared within the time limits stipulated in the Convention. To this end, it should establish a functional body in the Department for Early Childhood responsible for collating, updating and making available appropriate information.

32. This report marks the end of the second phase and the beginning of the procedure for submitting the periodic report of Senegal to the Committee on the Rights of the Child. This procedure will culminate in the transmission of the report to the Committee. The report covers all the important developments regarding the implementation of the guidelines, conclusions, practical measures and recommendations relating to the Convention on the Rights of the Child.

## **1.2 Principal achievements**

### **(a) International**

33. Senegal ratified the International Labour Organization (ILO) Convention (No. 138) concerning Minimum Age for Admission to Employment in 1999. The new Labour Code adopted in December 1997 had previously raised the minimum age for entry into employment from 14 to 15 years.

34. As stated in the introduction, Senegal has also ratified other international instruments that complement and flesh out the Convention on the Rights of the Child. These include:

- The Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction (1998);
- The Rome Statute of the International Criminal Court (1999);
- The Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption (1999);
- ILO Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999);
- The core elements of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict were already part of Senegalese legislation well before the General Assembly adopted the protocols.

35. Senegal has endorsed the recommendations of international meetings devoted to the survival, protection, development and promotion of the child, including:

- The World Conference on Education for All, held in Jomtien;
- The World Congress against Commercial Sexual Exploitation of Children, held in Stockholm in 1996;
- The conferences devoted to protection of children in difficult situations, held in Pretoria, Amsterdam, Kampala and Oslo;
- The International Conference on Population and Development, held in Cairo;
- The World Summit for Social Development, held in Copenhagen;
- The Fourth World Conference on Women, held in Beijing;
- The World Food Summit, held in Rome;
- The “Beijing+5” African preparatory meeting, held in Addis Ababa;
- The “Beijing+5” conference, held in New York;
- The Lomé workshop on the situation of women and children in West and Central Africa;
- The Millennium Summit;
- The United Nations special session on children, held in Geneva;
- The Second World Congress against Commercial Sexual Exploitation of Children, held in Yokohama in December 2001;
- The First OAU Seminar on the Protection of the Child and the Elimination and Abolition of Child Labour in Africa, held in Arusha;
- The Arab-African Forum against Sexual Exploitation of Children, held in Rabat in 2002, at which Senegal championed the need for a peer mechanism, which was duly instituted;
- The West African peer review on the situation of children in the subregion, organized in Dakar in September 2003, and the drafting of new guidelines on implementing the recommendations of the Committee on the Rights of the Child.

**(b) National**

36. Senegal has adopted legislation and taken action to give practical effect to its international commitments to ensure the survival, protection, development and advancement of children.



*(b-1) Survival of children*

37. The operating budget of the Ministry of Health, which accounted for 6.5 per cent of the total national budget in 1995, increased to nearly 8.75 per cent in 1999 and 9.5 per cent in 2003, thereby exceeding World Health Organization (WHO) guidelines. The Senegalese health system guarantees comprehensive and free immunization against childhood diseases, protection against mother-to-child transmission of HIV/AIDS, and better treatment of diarrhoeal diseases and malnutrition in under-fives. Thus, the concern expressed by the Committee on the Rights of the Child regarding the low proportion of gross domestic product allocated to the health budget has been addressed (Committee's concluding observations, para. 13).

38. In the wake of the community nutrition project that sought to tackle nutritional deficiencies in children, principally in under-fives, a new programme envisaging greater involvement and empowerment of stakeholders and parents, especially mothers, is currently being developed.

39. Antenatal consultation rates and the numbers of women completing antenatal courses have also increased with better health infrastructure coverage, which, among other things, doubtless explains the decline in the fertility index from 6.7 in 1995 to 4.8 in 2004.

40. Infant and child mortality have declined steadily (notwithstanding a slight increase in peri-urban areas in the period 1996-1998) from, respectively, 156.2 per 1,000 in 1992 to 145.3 per 1,000 in 2000-2001 and 76 per 1,000 in 1992 to 70.1 per 1,000 in 2000-2001 (*source*: Senegalese Health Indicators Survey 1999-2000, Multiple Indicator Cluster Survey 2000 (Strategic Thinking Group/UNICEF), *Normes et Protocoles des Services de Nutrition*, August 2001, Ministry of Health).

41. It is a similar story with regard to the most detrimental aspects of malnutrition, namely low birth weight and widespread stunted growth, which decreased respectively from 20.1 per cent in 1992 to 18.4 per cent in 2000 and from 21.1 per cent in 1992 to 19 per cent in 2000. They increased again dramatically in 1996, reaching 22.3 per cent and 22.9 per cent respectively.

42. Efforts to control malaria moved up a gear when the Ministry of Health organized a telethon in July 2003. This event generated 500 million CFA francs (CFAF), in addition to raising awareness of the ill effects of malaria and showcasing ways to prevent the disease. The telethon has since become a regular event and an invaluable weapon in the fight against infant, child and maternal mortality.

*(b-2) Development of the child*

43. Between 1993 and 1995 the average school enrolment rate was 54 per cent, and 42 per cent for girls compared to the current rate of 69 per cent (2003/04). The gap between boys and girls is narrowing considerably at primary level and enrolment rates are practically identical at preschool level. This is mainly due to sustained efforts to establish infrastructures to encourage girls to enrol in schools, and to make people aware of how important this is. The

Senegalese Government is thus following up the Committee's recommendation, contained in paragraph 28 of its concluding observations dated November 1995, regarding the need for equality of opportunity for girls and boys in the Senegalese education system, and is ensuring that children in rural and urban areas have equal access to education. Senegal hopes to achieve the goal of universal enrolment within the next decade (see data below). Schooling is free but not compulsory.

44. Enrolment rates have progressed steadily for more than 10 years now, notwithstanding a brief decline recorded by teachers' unions in the period 1995-1997. The rate increased from 54 per cent in 1994 to 61.7 per cent in 1997/98, and from 65.5 per cent in 1998/99 to more than 75.8 per cent in 2002/03. The enrolment rate was 76 per cent for boys and 69 per cent for girls; it is forecast to be 79 per cent at the start of the school year 2003/04, coupled with a decline in the repeated year rate and an increase in the length of time that children of both sexes spend in the school system. The following table and remarks clearly illustrate the situation at the preschool level.

#### Number of schools and pupils, 1997/98 to 2001/02

Year	Schools			Number of pupils (State sector)			Number of pupils (private sector)		
	State	Private	Total	Boys	Girls	Total	Boys	Girls	Total
1997/1998	77	193	270	3 162	3 214	6 376	6 654	6 850	13 504
1998/1999	88	225	313	3 633	3 797	7 430	7 962	8 233	16 195
1999/2000	93	263	356	3 827	3 994	7 821	8 631	8 940	17 571
2000/2001	87	307	394	3 915	4 510	8 425	11 136	12 089	23 225
2001/2002	111	256	367	4 075	4 540	8 615	9 492	10 556	20 048
Mean annual rate of growth	9.57%	7.32%	7.98%	6.55%	9.02%	7.81%	9.29%	11.42%	10.38%

*Source:* National Statistical Service Yearbook 2003, Department of Educational Planning and Reform.

45. For schools, the mean annual rate of growth is higher in the State sector than in the private sector. As regards pupil numbers, the mean annual rate of growth is higher for girls than for boys in both State and private schools. Access to preschool education is limited by:

- The fact that preschool education is not a priority for the Government, which in the context of the Ten-year Education and Training Programme is focusing on improving the crude enrolment rate at the primary-school level with a view to meeting its Education for All objectives in 2010;
- The oversophistication and costliness of current arrangements (a preschool facility comprising three classes costs CFAF 15 million), which are ill-equipped to deal with the sociocultural reality of deeply religious families for whom any education aimed at very young children must have a religious component.

46. Thus, in Tamba district, only 4 of the projected 15 kindergartens are up and running because insufficient attention has been paid to this sociocultural factor, according to teaching staff who took part in the Ad Hoc Committee of Agency Chiefs project in July 2003, organized in Tamba and attended by representatives of United Nations agencies, the Regional Council and local civil society under the chairmanship of the Resident Representative of the United Nations Development Programme (UNDP) and the President of the Regional Council.

- The number of girls and boys of preschool age is high in relation to the very limited number of places available. There are 2 million children under 5 years of age in Senegal, or 19 per cent of the population.

47. The inauguration of 28,000 kindergartens will enable Senegal to satisfy all the Ministry of Education's requirements relating to preschool enrolment rates and to expand enrolment while giving due weight to sociocultural factors.

**Access to primary education: Crude admission rates  
(first grade of primary school), 1997/98 to 2002/03**

Sex	1997/98	1998/99	1999/00	2000/01	2001/02	Mean annual rate of growth
Boys and girls	57	66.9	81.7	71	72	4.78%
Boys	62.4	70.3	84.6	74	76	4.02%
Girls	52.1	63.4	78.9	68	69	5.78%
Boys/girls	0.83	0.9	0.93	0.92	0.91	

*Source:* National Statistical Service Yearbook 2003, Department of Educational Planning and Reform.

48. The enrolment rate increased from 59.9 per cent in 1996/97 to 61.7 per cent in 1997/98 and 65.5 per cent in 1998/99. It was 75.8 per cent in 2003. Although it is important to stress the positive, large numbers of children are nevertheless left by the wayside.

49. Statistics indicate that only slightly more than 60 per cent of school-age children actually attend school and that 600,000 children aged between 7 and 12 were not in the school system in 1998/99, in addition to 615,913 who were not admitted to lower secondary education (see 1999 Mid-Term Review of UNICEF Cooperation Programme 1997-2001). Traditional and socio-religious constraints remain a significant obstacle to the adoption of laws and measures to make schooling compulsory.

50. The crude admissions rate declined in 2000/01 in relation to 1999/2000. It rose again in 2001/02, but remained lower than in the 1990s.

51. It is nevertheless gratifying to note that the most salient characteristic of the crude admissions rate at primary-school level is that the respective rates for boys and girls are almost identical.

**Crude enrolment rate, 1997/98 to 2002/03, by region**

Region	1997/98	1998/99	1999/00	2000/01	2001/02	2002/03	Mean annual rate of growth
Dakar	91.5	90.0	86.3	84.7	83.3	85.2	-1.9%
Ziguinchor	90.6	92.9	99.1	109.9	113.7	100.9	4.6%
Diourbel	30.9	36.0	40.4	42.0	44.2	46.8	7.4%
St. Louis	64.5	66.1	75.2	74.9	80.3	85.5	4.5%
Tamba	60.0	71.1	76.3	80.4	82.9	88.3	6.7%
Kaolack	42.1	40.9	44.3	45.1	47.5	51.8	2.4%
Thiès	59.7	68.8	69.6	72.0	75.8	79.3	4.9%
Louga	46.8	51.7	55.9	59.2	59.2	65.5	4.8%
Fatick	48.3	50.1	54.5	57.0	61.1	66.9	4.8%
Kolda	56.3	70.2	76.8	80.9	85.1	96.5	8.6%
Senegal	61.7	65.5	68.3	69.4	71.6	75.8	3.0%

*Source:* National Statistical Service Yearbook 2003, Department of Educational Planning and Reform.

52. The total student population recorded in 2002/03 was 1,287,093, of whom 140,281 were attending private schools. Pupils in rural areas account for 48.8 per cent of the total State school population. Girls account for 49.1 per cent. Private schools are attended by 9.6 per cent of pupils at the primary level.

53. There has been a regular progression. Thus, the crude enrolment rate increased from 61.7 per cent in 1997/98 to 75.8 per cent in 2003. This trend is due, first of all, to the revitalization of the double-shift and multi-grade system of classes, and, second, to the recruitment of volunteer teachers (2,000 a year on average) and the campaign to build more classrooms (2,000 a year on average).

54. Factors such as staff availability and cost-efficiency measures (double-shift and multi-grade systems) can thus have a big impact on school enrolment.

**Quality**

**Completion rates in primary education: access and completion rates**

Year	Crude enrolment rate	Access rate (first grade of primary school)	Completion rate
1993	54.27	52.9	37.8
1994	54.59	55.2	44.4
1995	54.61	57.5	41.7
1996	57.03	72.3	54.6
1997	59.70	74.9	58.3
1998	61.70	70.7	56.1
1999	65.50	69.2	34.0
2000	68.30	84.6	57.4
2001		76.1	45.3

## Performance

### Repeated year rate

55. The repeated year rate was greater than or equal to 10 per cent in all primary-school grades in 2002. It varies from 10.5 per cent in the first year of primary school to 26 per cent in the final year.

56. Compared to 2001, the repeated year rate has improved in the second, fifth and sixth grades, where it has fallen from 12.5 per cent to 10.99 per cent, 16.2 per cent to 15.28 per cent, and 29.53 per cent to 26.08 per cent respectively.

### Repeated year rates, 1997/98 to 2000/01

	First grade			Second grade			Third grade			Fourth grade			Fifth grade			Sixth grade		
	M	F	MF	M	F	MF	M	F	MF	M	F	MF	M	F	MF	M	F	MF
93/94	11.3	10.6	11.4	11.9	12.3	12.1	12.2	12.9	12.5	13.3	13.6	13.4	16.3	17.4	16.7	28.8	31.0	29.7
94/95	10.6	11.1	10.8	11.0	12.1	11.5	12.1	12.7	12.4	12.1	12.9	12.4	15.6	16.7	16.0	28.4	30.3	29.2
95/96	11.0	11.4	11.2	10.9	11.6	11.2	12.3	13.2	12.7	12.2	13.4	12.7	14.9	16.5	15.6	29.5	31.4	30.2
96/97	9.6	9.9	9.7	11.8	9.4	11.9	12.1	12.0	12.3	11.9	13.0	12.8	14.3	16.9	15.9	28.2	29.7	28.8
97/98	10.0	10.2	10.1	10.6	10.8	10.7	12.7	13.3	13.0	12.1	13.0	12.5	15.2	16.7	15.0	28.1	29.5	28.7
98/99	10	10.6	10.3	10.5	10.8	10.6	11.4	12.1	11.7	13.0	13.8	13.4	14.7	16.3	15.4	26.9	28.8	27.7
99/00	10.8	11.3	11	11.4	11.4	11.4	11.6	12.1	11.8	12.1	12.8	12.4	15.9	17.9	16.8	27.5	30.2	28.6
00/01	10.86	10.2	10.56	10.56	10.20	10.39	12.41	12.19	12.31	12.75	12.82	12.78	15.00	15.48	15.21	26.36	27.15	26.68
01/02																		

Source: Department of Educational Planning and Reform, 2004.

### Dropout rate

57. Dropout rates remain high in the first, fifth and sixth grades. In the first grade the rate was 11.5 per cent in 2001 and 12.4 per cent in 2002. In fifth grade it was 11 per cent in 2001 and 10.5 per cent in 2002, and in sixth grade it was 23.72 per cent in 2001 and 23.52 per cent in 2002.

58. The dropout and repeated year rates for girls are often higher than for boys.

### Dropout rates, 1994-2002

	First grade			Second grade			Third grade			Fourth grade			Fifth grade		
	M	F	MF	M	F	MF	M	F	MF	M	F	MF	M	F	MF
93/94	2.2	3.7	2.9	0.7	3.7	2.0	3.4	6.1	4.6	0.9	5.1	2.7	0.7	7.6	3.6
94/95	3.8	4.3	4.0	3.3	4.5	3.8	4.6	7.1	5.6	3.9	5.3	4.5	3.2	10.4	6.2
95/96	6.8	6.1	6.5	3.3	3.7	3.5	4.7	4.6	4.7	2.9	3.6	3.2	3.8	8.4	5.7
96/97	4.7	6.8	5.7	0.7	5.5	1.7	4.3	5.7	4.7	0.9	3.5	1.9	3.3	7.2	4.4
97/98	1.6	6.4	6.1	2.4	4.0	3.1	2.2	2.5	2.3	-0.2	1.2	0.4	1.9	5.0	4.0
98/99	7.6	10.9	9.2	5.6	11.4	8.3	8.1	12.1	9.9	3.3	10.6	6.5	8.7	15.6	11.7
99/00	6.7	8.2	7.6	2.2	6.2	6.1	9.9	13.8	8.7	16.4	21.7	17.5	7.5	13	10.6
00/01															
01/02															

Source: Department of Educational Planning and Reform, 2004.

**Pass rates (primary-school graduation certificate): school results, 1990-2002**

Exam	1990	1992	1993	1994	1995	1997	1998	1999	2000	2001	2002
% pass (boys/girls)	39.33	27.0	30.1	21.9	40.25	41.6	44.02	47.6	47.59	50.4	45.6

*Source:* Department of Educational Planning and Reform, 2004.

**Pass rates (primary-school graduation certificate), by region**

Year	1990/91	1996/97	2000/01	Variation
Region				1996-2001
Dakar	37.9	...	53.2	
Ziguinchor	40.3	46.08	50.4	4.32
Diourbel	27.7	43.29	49.4	6.11
St. Louis	46.6	45.99	56.4	10.41
Tamba	41.2	40.52	39.3	-1.22
Kaolack	39.9	42.34	45.8	3.46
Thiès	40.9	42.71	46.8	4.09
Louga	35.5	52.29	54.6	2.31
Fatick	37.1	43.77	48.2	4.43
Kolda	43.9	44.38	50.2	5.82
Senegal	39.3	41.6	50.4	8.8

*Source:* Department of Educational Planning and Reform, 2004.

**Access to lower secondary education**

**Rate of graduation from primary to lower secondary school**

59. Between 1995/96 and 2000/01 the graduation rate rose from 30.95 per cent to 38.9 per cent, which represents a mean annual increase of 4.7 per cent. During this period the mean annual increase in the girls' graduation rate was 7.68 per cent (from 29.32 per cent to 37 per cent), as compared with 12.87 per cent for boys (from 27.13 per cent to 40.8 per cent).

60. The overall graduation rate for 2001/02 was 39.2 per cent - 40.5 per cent for boys and 37.3 per cent for girls.

**Crude enrolment rate 1997/98 to 2002**

Sex	1997/98	1998/99	1999/2000	2000/01	2001/02
Boys + girls	20.6	22.1	22.9	23.1	24.4
Boys	26.2	27.7	28.6	28.7	29.8
Girls	15.4	16.8	17.6	17.9	19.3
Boys/girls	0.59	0.61	0.62	0.62	0.648

*Source:* National Statistical Service Yearbook 2003, Department of Educational Planning and Reform.

61. The crude enrolment rate rose by 4.2 per cent between 1997/98 and 2001/02, with a steady increase in both the overall level and the levels for boys and girls respectively. The gap between boys and girls did not narrow at all during this period, however.
62. The lower secondary school system comprised 435 schools in 2001/02, 224 of them State schools. There were 2,753 classrooms, 1,551 of them in the State sector.
63. There was a total of 213,309 lower secondary school students in 2002, 156,391 of them in State schools. Girls accounted for 38.3 per cent of State school students and 48 per cent of private school students. There were 455 lower secondary schools in 1999/2000, 220 of them State schools. In the same year, there were 132,575 students in the State sector and 53,563 in the private sector; girls accounted for 36.78 per cent of State school students and 46.96 per cent of private school students.
64. In 2000/01 only 84 out of a total of 463 lower secondary schools were outside municipalities, 12 of them private. There was a total of 7,281 students outside municipalities in the same year, or 10.6 per cent of the students in lower secondary school. Girls accounted for 30.5 per cent of students outside municipalities in 2000/01.
65. Numbers of lower secondary students went up at a mean annual rate of 8.2 per cent in the period under review. The increase was greater for girls than for boys, in both the State and the private sectors. The girl/boy index rose from 0.63 to 0.69, a gain of 0.06 for girls. The private sector has nearly attained parity, but efforts are still required in the State system.
66. Although the balance is in favour of boys in the public sector, the private sector came close to parity in 2001/02, a trend that continued in 2003 (*source*: Department of Educational Planning and Reform).

### Access to general secondary education

#### Rate of graduation from lower secondary to secondary school

67. The graduation rate slipped from 55.37 per cent to 52.23 per cent between 1995/96 and 2000/01, representing a mean annual growth rate of -1 per cent. The graduation rate for girls showed a mean annual growth rate of -0.7 per cent (from 52.03 per cent to 50.16 per cent); for boys the mean annual growth rate was -1.2 per cent (from 57.36 per cent to 54.10 per cent).

#### Crude enrolment rate 1997/98 to 2002

Sex	1997/98	1998/99	1999/00	2000/01	2001/02	Mean annual increase
Boys/girls	8.90%	9.00%	8.60%	8.60%	9.60%	1.91%
Boys	12.40%	12.00%	11.50%	11.50%	13.00%	1.19%
Girls	5.90%	6.00%	6.10%	6.00%	6.60%	2.84%

68. The overall crude enrolment rate saw a mean annual increase of 1.91 per cent; the crude enrolment rate for girls rose faster than the rate for boys (2.84 per cent as compared with 1.19 per cent).

69. In the period under review, the girl/boy index went from 0.5 to 0.6 in the State sector and from 0.9 to 0.7 in the private sector.

### Girl/boy index

Year	Girl/boy index		
	State	Private	Total
1997/98	0.5	0.9	0.6
1998/99	0.5	0.8	0.6
1999/00	0.6	0.9	0.6
2000/01	0.6	0.9	0.6
2001/02	0.6	0.7	0.6

### Financing of education

#### State education: funding by source (in millions of US\$)

Source	1998	2000	2001	2002	2003	Total (2000-2003)
Operating expenditure (millions of US\$)	149.14	173.65	182.77	191.93	200.87	749.22
Operating expenditure as proportion of overall total (%)	90.2%	76.7%	79.5%	83.0%	83.9%	80.9%
State (%)	96.7	95.4	89	89.3	89.9	90.8
Households (%)	3	4	4.6	5.1	5.5	4.8
Local authorities (%)	0.3	0.3	0.3	0.3	0.3	0.3
External partners (%)	0	0.3	6.1	5.2	4.3	4
Investment expenditure (millions of US\$)	16.15	52.8	46.22	39.22	38.58	176.82
Investment as proportion of overall total (%)	9.8%	23.3%	20.1%	17.0%	16.1%	19.1%
State (%)	61.7	26.6	29.6	36.5	38.9	32.3
Local authorities (%)	10.9	4	5	6.4	7.1	5.5
External partners (%)	27.4	69.4	65.5	57.1	54	62.3
Overall total (millions of US\$)	165.3	226.46	229.99	231.15	239.45	926.04
State (%)	93.3	79.4	76.7	80.4	81.7	79.6
Households (%)	2.7	3.1	3.6	4.2	4.6	3.9
Local authorities (%)	1.3	1.2	1.3	1.4	1.4	1.3
External partners (%)	2.7	16.4	18	14	12.3	15.2

Source: World Bank/CREA, 2002.

70. The investment budget as a proportion of total expenditure expanded from 9.8 per cent in 1998 to 16.1 per cent in 2003. Investment expenditures are basically funded from external sources.

71. External partners' share in the investment budget grew from 27.4 per cent in 1998 to 54 per cent in 2003 and accounted for 69.4 per cent in 2000 and 65.5 per cent in 2001.



72. Operating expenses went from 90.3 per cent of the total in 1998 to 83.9 per cent in 2003.
73. Local authorities' contribution to the education budget remains meagre, having moved from 1.3 per cent in 1998 to 1.4 per cent in 2003.
74. The contribution from households nearly doubled from 2.7 per cent in 1998 to 4.6 per cent in 2003.

**Breakdown of State operating expenditures  
(in millions of CFA francs)**

Level of education	Year	2001	2002	2003
Preschool				
Staffing		630	624	751
Purchase of goods and services		106	159	540
Transfers and subsidies			50	
Subtotal		736	833	1 291
Literacy				
Staffing				229
Purchase of goods and services				27
Transfers and subsidies				
Subtotal				256
Primary				
Staffing		41 530	48 509	55 005
Purchase of goods and services		127	149	1 642
Transfers and subsidies				
Subtotal		41 657	48 658	56 647
Lower secondary				
Staffing		12 588	11 770	8 222
Purchase of goods and services		526	492	1 310
Transfers and subsidies		10	9	4
Subtotal		13 124	12 271	9 536
Secondary				
Staffing		10 802	11 406	13 512
Purchase of goods and services		977	1 080	1 353
Transfers and subsidies				7 999
Subtotal		11 779	12 486	22 864
All subsectors				
Staffing		65 550	72 309	77 719
Purchase of goods and services		1 736	1 880	4 872
Transfers and subsidies		10	59	8 003
Total		67 296	74 248	90 594

Source: CREA, 2003; Department of Educational Planning and Reform, 2003.

75. The national education budget in 2003 was CFAF 165 billion, which represented 35 per cent of the general State budget.

76. Despite education's huge share in the general budget (35 per cent), financial constraints are a continuing problem for Senegal's education system, given the high number of children of preschool and school age, more than half of whom do not go to school for lack of infrastructure and other resources, chiefly human and logistical.

77. The table shows that operating expenditure is essentially staffing expenditure, which in 2001 and 2002 accounted for 97.4 per cent of operating expenditures in the preschool, literacy, primary, lower secondary and secondary subsectors. Staffing expenditures in 2003 accounted for 85.8 per cent of operating expenditures.

**Breakdown of State operating expenditures (as a percentage  
of total expenditure per educational level)**

Year	2001	2002	2003
<b>Level of education</b>			
<b>Preschool</b>			
Staffing	85.6%	74.9%	58.2%
Purchase of goods and services	14.4%	19.1%	41.8%
Transfers and subsidies	0.0%	6.0%	0.0%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
<b>Literacy</b>			
Staffing	-	-	89.3%
Purchase of goods and services	-	-	10.7%
Transfers and subsidies	-	-	0.0%
<b>Total</b>	<b>-</b>	<b>-</b>	<b>100%</b>
<b>Primary</b>			
Staffing	99.7%	99.7%	97.1%
Purchase of goods and services	0.3%	0.3%	2.9%
Transfers and subsidies	0.0%	0.0%	0.0%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
<b>Lower secondary</b>			
Staffing	95.9%	95.9%	86.2%
Purchase of goods and services	4.0%	4.0%	13.7%
Transfers and subsidies	0.1%	0.1%	0.0%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
<b>Secondary</b>			
Staffing	92.0%	91.0%	59.0%
Purchase of goods and services	8.0%	9.0%	6.0%
Transfers and subsidies	0.0%	0.0%	35.0%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

*Source:* CREA, 2003; Department of Educational Planning and Reform, 2003.

78. Staffing expenditures in all subsectors absorb nearly all the funds allocated for operating expenditure.

**State investment expenditure by level  
(in millions of CFA francs)**

	2000	2001	2002	2003
Preschool	35	-	1 000	-
% of total	0.7%		9.7%	0.0%
Literacy and community elementary schools	-	40	25	-
% of total	-	0.4%	0.2%	0.0%
Primary	4 660	5 287	4 351	7 554
% of total	90.4%	56.8%	42.1%	90.4%
Lower secondary	237	450	2 050	400
% of total	4.6%	4.8%	19.8%	4.6%
Secondary	49	945	-	1 200
% of total	1.0%	10.1%	0.0%	9.5%

*Source:* CREA, 2003.

79. The lion's share of the investment budget goes to primary education. This confirms the high priority given to this subsector under the Ten-year Education and Training Programme (1998-2007).

80. The increase in the numbers of primary classrooms in both the State and the private sectors is the result of a commendable effort on the part of the Government to obtain universal enrolment, as is envisaged for the very youngest preschool children in a project to build 28,000 kindergartens. It must be noted, however, that for a population with a majority of young people (57.7 per cent of Senegal's population are in the 0 to 19 age group and 19 per cent of those are under the age of 5), the investment needed is colossal and well beyond the combined means of the State, local authorities and the public at large if the goal of education for all is to be attained by 2015.

81. Without constant and substantial support from the international community and the commitment of families, Senegal's poverty and generally difficult situation will make it impossible to meet these real needs, even though satisfying them is the true indicator of sustainable development and the elimination of poverty.

### Primary classrooms by education authority and sector

Year Authority	1990/91		1991/92		1992/93		1993/94		1994/95		1995/96		1996/97		1997/98		1998/99		1999/00		2000/01		2001/02	
	Pu	Pr	Pu	Pr	Pu	Pr	Pu	Pr	Pu	Pr	Pu	Pr	Pu	Pr	Pu	Pr	Pu	Pr	Pu	Pr	Pu	Pr	Pu	Pr
Dakar	2 636	774	2 686	867	3 382	915					2 974	1 228	3 058	1 415	3 087	1 668			3 408	2 200			3 405	2 264
Zig	292	78	1 159	120	1 106	96					1 202	95	1 330	94	1 469	117			1 601	116			1 640	127
Diourbel	114	48	427	44	452	50					618	69	774	64	921	80			1 053	105			1 195	135
St. Louis	277	32	1 120	32	1 262	24					1 291	18	1 474	34	1 545	41			2 129	55			2 511	65
Tamba	182	20	474	43	546	46					621	72	799	76	924	67			1 259	62			1 466	66
Kaolack	213	73	884	81	994	81					1 116	97	1 313	102	1 526	107			1 911	110			2 148	130
Thiès	287	190	1 415	198	1 700	201					1 744	183	1 869	182	2 063	222			2 446	255			2 875	291
Louga	141	83	466	112	523	124					704	81	859	89	935	103			1 345	125			1 595	104
Fatick	204	83	703	142	764	89					887	105	1 028	102	1 159	112			1 464	117			1 781	114
Kolda	299	30	852	29	935	30					1 162	23	1 358	27	1 491	30			1 938	31			2 164	36
Senegal	4 645	1 411	10 186	1 668	11 664	1 656	0	0	0	0	12 319	1 971	13 862	2 185	15 120	2 547	0	0	18 554	3 176	0	0	20 780	3 332

*Source:* Department of Educational Planning and Reform, 2003.

*(b-3) Protection of children's rights*

82. In its concluding observations on the report of Senegal, issued in November 1995, the Committee on the Rights of the Child recommended (CRC/C/15/Add.44, para. 25) that an equal age for completion of compulsory education and a minimum age for admission to employment should be set. In its new Labour Code, Senegal has set a minimum age of 15 for admission to employment, in both the formal and the informal sectors. The age for completion of compulsory education is being reviewed and the school-leaving age will be covered in the next report; obstacles can already be foreseen, however. The following list represents the outcome of efforts made in the period under review:

- Raising of the minimum age for admission to employment from 14 to 15 under the new Labour Code adopted in December 1997;
- Enactment by Parliament of Act No. 99-05 of 31 January 1999, which incorporates articles 319, 319 bis, 320 and 321 of the Criminal Code and penalizes excision, paedophilia, rape, domestic violence and sexual harassment;
- Enactment by Parliament of the Act of 4 July 2002, authorizing the State to ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, adopted in New York on 25 May 2000;
- Ratification in progress of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, adopted in New York on 25 May 2000;
- Preparation and implementation of a national plan to eradicate female genital mutilation;
- Preparation of the Children's Code (draft submitted to partners for amendment prior to adoption); the Code is intended as a legal instrument and a set of guidelines for all work on behalf of children, girls as well as boys;
- Preparation and implementation of local action plans against child exploitation and begging;
- Preparation of a national programme to care for children at risk (ongoing, on the basis of a document completed in early 2000);
- Adoption by the Government of guidelines and recommendations on transparency in the management and operation of programmes and projects for children, particularly children who have dropped out, with a view to reuniting them with their families;
- Preparation of strategic guidelines for early child development (2002);

- National workshop on integrating the rights of the child into projects and programmes and promoting the coordination of the initiatives and work of the various partners on behalf of children, both boys and girls (2002, organized with the support of Save the Children Sweden and Defence for Children International);
- Adoption of recommendations and suggestions for integrating children's rights into projects and programmes that are under way or in preparation;
- Evaluation and restructuring of the Children's Parliament with a view to including representatives of children of all social levels and categories, in particular the most disadvantaged and those who have been and remain the least involved in this regard, so as to promote and facilitate their participation in the preparation and implementation of all policies and programmes for children;
- Imminent establishment of a Youth Parliament involving young people of all social levels and categories, which will bring the concerns of young people - girls and boys, and from their own perspective - to the authorities' attention;
- Explicit reference to the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women in the new Constitution, adopted in 2001 by a majority of Senegalese, the preamble to which establishes the concept of children's rights in Senegal and the requirement to mainstream children's issues in all national policies and strategies;
- Ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (May 2001);
- Ratification by the Head of State of the United Nations Convention against Transnational Organized Crime and its two protocols;
- Preparation and submission for adoption of a bill criminalizing paedophilia;
- Establishment of a network of journalists for the promotion and protection of children's rights and training in the Convention on the Rights of the Child;
- Establishment of a network of parliamentarians for population and development.

*(b-4) Promotion of children's rights*

83. In its concluding observations on the report of Senegal, the Committee on the Rights of the Child recommended (CRC/C/15/Add.44, paras. 20-21) that a permanent and multidisciplinary coordinating mechanism should be developed for monitoring and evaluating the progress achieved in the implementation of the Convention and that measures should be taken to improve the system of collecting statistical and other data in all areas covered by the Convention on the basis of appropriate indicators at the national, regional and local levels. The creation of the Department for the Protection and Promotion of Children's Rights and the

installation, at the Zakat House centre for children at risk, of a computerized data collection and analysis system, under the supervision of a statistical demographer, is one way in which the Senegalese Government has shown its willingness to implement this highly relevant recommendation.

84. The Committee also recommended (CRC/C/15/Add.44, paras. 18 and 22) the establishment of an effective system of birth registration and the promotion of awareness of the Convention among the general public.

85. The opportunity was taken on 16 June 2003, when the Day of the African Child was celebrated throughout the country, to launch the Birth Registration Promotion Campaign. As a result of decentralization, urban areas now have, as well as their main birth registration centres, subsidiary offices in all municipalities and arrondissements, in addition to those opened in some hospitals.

86. In rural areas, sub-prefectures, multidisciplinary centres for rural expansion and village chiefs are officially authorized to register births, and registration drives are organized from time to time.

87. Senegal is currently working on a computerized central birth register which will be connected to regional centres as part of the new information and communications technologies access project recently launched by the minister responsible for new information and communications technologies.

88. It remains for the Ministry of the Family, Social Development and National Solidarity to find ways, within that project, of addressing its own concerns regarding birth registration as a means of realizing every child's right to a civil status.

89. The following initiatives testify to the Senegalese Government's commitment to children's rights:

- Preliminary drafting of a decree establishing a national monitoring body on the rights of the family;
- Creation of a National Committee for Children with a mandate to draw up the broad outlines of a policy on children and to coordinate, at regular meetings, all matters relating to the promotion and protection of children's rights, in accordance with the provisions of the Convention and the recommendations of the Committee on the Rights of the Child;
- Evaluation of the Children's Parliament: draft now available, including plans for a meeting of partners to discuss recommendations in advance of the reconstitution of bodies and preparation of national and regional plans of action; representatives of children at risk or in difficult situations will be full members;

- Birth Registration Promotion Campaign: communication strategies were established at a workshop for journalists, and the messages and media to be employed were worked out at another workshop for partners. The opportunity was taken on 16 June 2003, when the Day of the African Child was celebrated throughout the country, to launch the Birth Registration Promotion Campaign. Awareness-raising drives have been carried out in the 11 regions and regional plans of action are currently being prepared;
- Advocacy for the continuation of the work of the girls' school enrolment programme;
- Preparation of a handbook for journalists on the protection of children and raising general awareness of the Convention;
- Development of media for awareness-raising and information to combat sex tourism; stricter enforcement of the laws protecting children from sexual abuse has been the norm since the AB case, with zero tolerance;
- Drafting of a law imposing harsher penalties for sexual abuse of children and sex tourism;
- Establishment of a special programme to support children in Casamance (Kolda and Ziguinchor regions);
- As part of the National AIDS Programme, creation of a programme of comprehensive care for children affected or infected by AIDS;
- Preparation, with the junior minister for preschool education, of a draft national policy on early childhood development;
- Launch of a national movement for the promotion of children's rights;
- Development of a social movement (coalition of NGOs) or a strong civil society movement to promote children's rights (NGOs, associations, federations, etc.).

### 1.3 Adapting domestic law to the Convention

90. In its concluding observations of November 1995 on the report of Senegal (CRC/C/15/Add.44, paras. 24-27 and 29), the Committee on the Rights of the Child recommended that legislation should be enacted specifically prohibiting female genital mutilation and any form of torture or cruel, inhuman or degrading treatment or punishment, as well as any form of corporal punishment within the family (para. 24), ensuring an equal age for marriage for girls and boys, a minimum age of criminal responsibility and non-discrimination in relation to children born out of wedlock (para. 25), and providing for comprehensive law reform in the area of juvenile justice in the light of the best interests of the child (para. 26).

91. The Committee also recommended reform of child labour legislation in respect of children working in the informal sector, paying due attention to domestic service (para. 27), and suggested that special attention should be paid to the situation of *talibés* (para. 29).



92. With regard to genital mutilation and other forms of inhuman or degrading treatment, the Act of January 1999 prohibits and punishes genital mutilation, and the courts have handed down unconditional sentences; the courts have also meted out harsh penalties to those found guilty of corporal punishment (marabouts), paedophilia and rape (prison sentences of between 4 and 10 years).

93. A median minimum age of marriage of 16.6 years has been set, but under article 111 of the Family Code, the age of consent to marriage is 16 for a girl and 20 for a boy and any infractions brought to the courts' notice are severely punished, including in cases of forced marriage. However, courts rarely take action proprio motu and it is difficult for civil society organizations to bring criminal indemnification proceedings. Further harmonization in this area is still required.

94. The minimum age of criminal responsibility has been set at 13. Up to the age of 13 no child can be convicted, regardless of the offence.

95. Children born outside marriage enjoy all the rights recognized to children born within marriages performed and registered by a civil registrar, if courts are apprised of infringements to their rights.

96. As to judicial reform, juvenile courts, with a deputy prosecutor, have been established in every region, and a special juveniles brigade was established within the police force nearly 10 years ago pursuant to a Ministry of the Interior circular. However, if it is to be more effective, the brigade needs to be regulated by decree and headed by a commissioner.

97. The new Labour Code includes provisions on child labour and children in domestic service in particular, and the unions (notably the National Federation of Senegalese Workers (CNTS)) and one NGO, ENDA Tiers Monde, are monitoring the exercise of these rights.

98. Following Senegal's ratification of the Convention, a working group was formed in 1991 to look into the adaptation of domestic law to the Convention. The group was set up by the Ministry of the Family, Social Development and National Solidarity and comprised experts from the various ministerial departments involved in policies on children, as well as members of the Association of Women Jurists, legal experts and representatives of NGOs (Defence for Children International, Avenir de l'enfant, BALLAL, ICJ/RADI Juridiques, Congad and Rencontre africaine pour la défense des droits de l'homme (RADDHO), etc.).

99. A coalition of children's rights NGOs has also been involved, along with social workers.

100. The results of this work and of the study as a whole were submitted to the Inter-Ministerial Committee on Human Rights.

101. Both the regional and the national offices of Aide Action and Plan International have actively helped to promote the Convention, particularly in the area of school enrolment.

102. In 1994, as part of the campaign against child abuse, the Ministry of the Family, Social Development and National Solidarity, supported by UNICEF, asked four legal experts (judges) in the area of positive law to make a comparative study of Senegalese law and the Convention on the Rights of the Child.

103. In the course of that study they thoroughly researched Senegal's main laws and regulations: the Constitution, the Family Code, the Criminal Code, the Code of Civil and Commercial Obligations and the Labour Code. A similar, complementary study was carried out by way of an update in 2003.

104. While the comparative study found that Senegalese law was generally in line with the Convention and that a high priority was given to children, deficiencies were nevertheless brought to light and recommendations made in the areas of non-discrimination, protection and promotion. The recommendations included:

- Repeal of article 196 of the Family Code, preventing children from establishing paternal or maternal affiliation through the courts, which is contrary to articles 7 and 8 of the Convention, on children's right to know their parents and live with them;
- Repeal of articles 534 and 637 of the Family Code, which are contrary to article 2 of the Convention in respect of rights of succession (however, this issue raises the matter of the choice between civil law and Islamic law);
- Provision to be made in Senegalese criminal law for the offence of sale and trafficking of children, in accordance with article 35 of the Convention;
- Explicit provision to be made as a matter of urgency for minors aged 13 not to be charged with an offence regardless of the gravity of the act, in accordance with article 40, paragraph 3, of the Convention.

105. In addition, the term "parental authority" should replace "paternal control" in the Family Code.

106. The study also made various recommendations aimed at improving legislation regarding, among other things, Senegal's ratification of the 29 May 1993 Convention on Protection of Children and Cooperation in respect of Intercountry Adoption; increased resources for the health, education and recreation sectors; and improvement of the situation of persons with disabilities through increased resources for care facilities.

107. In order to expedite implementation of these recommendations, a briefing was arranged for members of parliament in 1997 with a view to obtaining their support for a Children's Code, to be drafted following an in-depth investigation into child exploitation. In addition, an extensive advocacy and lobbying campaign was launched, with the aim of achieving full and effective implementation of the Convention on the Rights of the Child and the acceptance of the concept of children's rights by all State departments and municipalities, as well as by all sectors of the population.

- Under article L141 of the Labour Code, child workers should have a minimum rest period of 11 consecutive hours between any two working days as well as 24 consecutive hours off once a week. This article determines the conditions and manner in which the labour inspector may intervene with regard to apprenticeships and child labour;

- Ministerial Decree No. 974 of 23 January 1968, as amended and enhanced by Ministerial Decree No. 3006 of 20 March 1972, sets forth the conditions and modalities for the employment of domestic servants and staff;
- Article L145 of the Labour Code prohibits child labour and apprenticeship before the age of 15, save in exceptional cases by order of the Minister;
- Article L146 allows the labour inspector to order children to be examined by an accredited physician with a view to establishing whether the work done by young boys or girls is beyond their physical capabilities;
- Articles L73 and L74 of the Labour Code establish the conditions and modalities for apprenticeship, including a binding contract and the payment of a compulsory apprenticeship allowance and award of a certificate by the employer for apprentices to use as they wish. These provisions are duly incorporated in the new Labour Code;
- Under article L167 of the Labour Code, the provisions of title 11 of the Labour Code are also applicable to training establishments;
- Under article 21 of the Social Security Code, apprentices are eligible for family allowances up to the age of 18, subject to the certified signature of an apprenticeship contract under article 22 of the Code;
- Article 36 supplements these provisions by protecting apprentices against work-related accidents and illness;
- Under article 3 of Decree No. 67-1360 of 9 December 1967, the number of apprentices is taken into account in determining the number of representatives. However, it should be noted that, in setting 18 as the age of voting and eligibility, articles 6 and 7 of the decree call into question the exercise of the rights apparently granted under article 3;
- Decree No. 61-347 establishes working conditions for children in agricultural occupations and decriminalizes such work on family-run farms, with the exception of overtime, which may be worked only by adults;
- Violations of this provision are penalized by various articles (L279), decrees and regulations;
- Act No. 73-37 of 31 July 1973, on the Social Security Code, refers explicitly to specific apprenticeship-related illnesses, and article 3, on the statute of the Senegalese Insurance and Pensions Institute (IPRES), provides for the regulation and operation of a single pension scheme for all workers covered by the Labour Code, taking children into account also;
- Article 245 of the Criminal Code penalizes begging by punishing “anyone allowing minors under the age of 18 in their charge to engage in begging”;

- The State established juvenile courts in 1965 and since 1994 their work has been reinforced by youth workers who participate in the proceedings;
- ILO regulations prohibiting children aged under 15 from working have been incorporated into Senegal's domestic legislation (social law);
- The Act of 12 June 1972 (Family Code) provides that consent must be given for marriage and penalizes forced marriage;
- The Family Code refers explicitly to children's rights;
- Article 320 of the Criminal Code penalizes rape and procuring;
- The protection of children has been enhanced and reinforced by Act No. 99-05 of 13 January 1999, which prohibits excision, sexual harassment, paedophilia and sexual assault and all forms of sexual mutilation, sexual violence and corruption of minors;
- Legislation against the practice of excision was adopted in 1998;
- National community service has been reintroduced.

108. Other provisions introduced to reinforce the rights and protection of children include harsher penalties for the rape of minors aged under 13 and a bar on presidential pardons for those found guilty of such rapes.

109. This battery of domestic legislation is supplemented by Senegal's accession to and ratification of a range of conventions and treaties drafted and adopted by the International Labour Conference, including:

- The ILO Convention concerning Minimum Age for Admission to Employment (No. 138), ratified in January 1999;
- ILO Recommendation No. 146, ratified by Senegal in January 2002, which supplements Convention No. 138, establishing the conditions for recruiting children and the types of work they may be given as employees;
- The Convention on the Elimination of All Forms of Discrimination against Women, ratified in 1994;
- The ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182), adopted by the International Labour Conference on 17 June 1999 and ratified by Senegal. Senegal's specialist State bodies cooperate with the ILO International Programme on the Elimination of Child Labour (IPEC) and support projects run by most of the NGOs (Association sénégalaise pour la recherche, le développement, l'information et la formation (ASREDIF), ENDA Jeunesse Action, Defence for Children International,

Avenir de l'Enfant, Espoir Sans Frontières, Fondation Ebert, Centre Emmanuel, etc.) dealing specifically with child labour issues (apprenticeships, hiring, in-house training, domestic work and service);

- A draft optional protocol to the Convention on the Rights of the Child, transmitted to Senegal on 21 January 2000, requires States parties to take all necessary measures to ensure that children are not actively involved in combat.

110. The draft protocol also stipulates that the minimum age for voluntary recruitment into the armed forces, set at 15 in article 38, paragraph 3, of the Convention, should be raised to 16 at least. It also requires each State party, upon ratification, to deposit a declaration setting forth the minimum age for voluntary recruitment and a description of the safeguards adopted to ensure special protection for those aged under 18. Lastly, it prohibits the recruitment of any person aged under 18 into armed groups, rebel movements and other organizations distinct from States.

111. The commitment of the Government is a major factor in the creation of an environment that facilitates efforts to protect children at risk, and Senegal accordingly takes an active part in all meetings and summits on children's needs and rights.

112. The 1998 *rentrée* - the ceremony marking the return of the courts from their summer recess - at which the then President of the Republic officiated, aside from its symbolic value and in addition to the legal and social issues raised, also provided an opportunity to resituate and re-examine national legislation vis-à-vis children.

113. The ceremony allowed various speakers, including the President, to:

- Take the first steps on the path which led to the acceptance in October 1999 of children's needs as rights to be incorporated into domestic law as inalienable rights engaging the entire political, economic, social and cultural establishment;
- Reaffirm that the law on children is in fact a law of social mediation and that children's place is not in prison but in their family environment;
- Assert the need to refine the distinction between the concepts of the child offender and the child at risk;
- Explain that children at risk who do not receive social protection from the legislature, the judiciary or the executive will be led to commit crimes, and that children who are exploited sexually or materially, are ill-treated or find it difficult to survive, are highly likely to drop out and turn to crime (address by the then President of the Republic, at the 1998 *rentrée*).

114. The legal concept of *res judicata* is not applicable in Senegal in respect of children. A review of a court decision may be undertaken at any time if it is in the child's interests.

115. Juvenile courts have a free hand in dealing with cases involving children and may call upon social workers, youth workers, the vice squad and the Ministry of the Family, Social Development and National Solidarity to provide assistance; they may also refer to all international legislation produced or supplemented by the International Labour Organization.

#### **1.4 Institutions working for children**

116. In its concluding observations on the report of Senegal, issued in November 1995 (CRC/C/15/Add.44), the Committee on the Rights of the Child recommended that a permanent and multidisciplinary coordinating mechanism should be developed for monitoring the progress achieved in the implementation of the Convention, within a framework of institutions working for children's rights.

117. A range of institutions working for children is represented in this multidisciplinary mechanism. The Department for the Protection of Children's Rights established by the Ministry of the Family, Social Development and National Solidarity coordinates the work of all the mechanisms that have been put in place (see below). Representatives of the Ministry of Justice (courts, Department of Correctional Education), trade union federations, NGOs and other stakeholders are also involved.

- The Ministry of the Family, Social Work and Social Development has a special responsibility for the advancement of women, children and the family. It coordinates action and measures taken on behalf of children to promote their rights and their survival;
- The Ministry for Early Learning and Kindergartens is responsible for the provision and monitoring of children's education and development and for their acquisition of preconceptions and concepts that will facilitate their social integration as adults;
- The National Action Plan for Children, which was finalized in July 1991, was prepared following the World Summit for Children by national consensus coordinated by the Ministry of the Family, Social Development and National Solidarity. Progress under the plan has now been evaluated and a new plan of action is envisaged;
- The Day of the African Child is regularly celebrated on 16 June every year;
- Children's Week is a national institution, celebrated annually under the auspices of the Ministry of the Family, Social Development and National Solidarity, on a theme that brings together all State services, associations, women's groups, NGOs and other civil society groups working for the protection and promotion of children;
- A Children's Gala is held every year, with the Head of State officiating, on a theme relating to needs formulated by children. These events provide an important opportunity to raise funds for work in support of disadvantaged children;

- The Verbo-tonal Centre targets specific groups of children with disabilities, providing appropriate care and services as well as support with school enrolment and education;
- The Children's Parliament, established in 1994 and recognized in 1997, has sections down to the local level. It has launched a number of initiatives which have proved excellent opportunities for mobilization and enabled children to express their own concerns.

118. In its concluding observations of November 1995 on the report of Senegal, the Committee on the Rights of the Child recommended the participation of children in matters affecting them, and its reflection in domestic law (CRC/C/15/Add.44, para. 24).

119. Implementation of this recommendation has been facilitated by the incorporation of the Convention on the Rights of the Child into the new Constitution, efforts to align the work of the Children's Parliament more closely with the provisions of the Convention, and the work already done by the Children's Parliament, examples of which are given below:

- The Children's Parliament takes part in the annual sessions of the National Assembly;
- As with the annual sessions of the Economic and Social Council, at which ministers are questioned before parliamentarians and guests from civil society on their undertakings with respect to children and the duty to observe the Convention, the Children's Parliament is able to put questions and make statements at sessions of the High Council;
- As a member of the National Youth Council, it is involved in organizing the National Youth and Culture Week and in all activities of national interest, such as reforestation, investing in people, the fight against disease, vaccination drives, and publicity and awareness-raising campaigns on children's rights (broadcasts, discussions, support for children at risk, sponsorship, etc.).

120. The Children's Parliament also envisages the preparation of a plan of action which will include the following:

- Continuation of the campaign to implement children's rights, ensuring provision for female street children, whose numbers are noticeably increasing for reasons which deserve to be properly identified and elucidated so that solutions may be rapidly found;
- Projects to support children at risk by providing facilities for apprenticeships in regions with very high levels of child unemployment. There would be projects in the regions of Tambacounda (Bakel), Thiès, Saint Louis and Matam, and there should also be projects in regions like Kolda;
- Strategies to reduce wastage in the education system, a recent (2003) Ministry of Education decision to cut the primary-school repetition rate from around 17 per cent to 10 per cent being a step in the right direction, pending the abolition of repetition at this level, along the lines of the approach adopted in the United Kingdom;

- Proposals on what national community service should offer and on its implementation;
- Development of a network of partners involving State institutions, NGOs, associations, women's groups, municipalities, etc.;
- Exchanges with other children's parliaments in the subregion, Africa and the rest of the world to promote integration and reconciliation among peoples on the basis of the ideas of peace, understanding, tolerance and sustainable development. A meeting on that subject was held in December 1999 during National Children's Week, under the auspices of the Ministry of the Family, Social Development and National Solidarity;
- The Office of the Human Rights Commissioner, which is headed by a presidential minister-counsellor, was established after the last elections. The newest of these institutions, it represents the highest moral authority in the human rights promotion and protection structure. Its mission includes specific tasks relating to children's rights;
- The Interministerial Human Rights Commission, established by Decree No. 2001-275 of 10 April 2001, is made up of representatives of all the ministries concerned with human rights issues;
- The Human Rights Office, established by decree in April 2001 and attached to the Office of the President, receives, processes and submits to the President all complaints relating to human rights or international humanitarian law from any person or body. The Human Rights Office also acts as permanent secretariat to the Interministerial Human Rights Commission;
- Local communities - rural, municipal and regional councils - play a part in the work to be done for children in the areas of health and nutrition, education, recreation and culture. Their budgets include, or should include, specific allocations for children;
- NGOs working with children - ASREDIF, ENDA Jeunesse Action, Defence for Children International, Avenir de l'Enfant, Espoir Sans Frontières, Fondation Ebert, Centre Emmanuel, Plan International and Save the Children Sweden, to name but a few - also play a part and organize projects that are vital to children's survival, development, protection and advancement.

121. Mention should also be made of the many support initiatives and projects run by the Ministry of the Family, Social Development and National Solidarity and UNICEF in order to move children out of difficult situations and into decent conditions. UNICEF has for several years regularly received letters from children in difficult situations requesting or acknowledging support (may be consulted at the UNICEF office in Dakar).

122. The combination of all these activities, programmes and actions has without doubt been a factor in the following outcomes.



123. School enrolment rates for girls have improved, rising from 45 per cent in 1994 to 55 per cent in 1995. The school enrolment rate went up from 59.9 per cent in 1996/97 to 61.7 per cent in 1997/98 and 65.5 per cent in 1998/99. Aside from a noticeable drop in 1999/2000 (to 58.1 per cent), steady progress has been made thanks to the combined efforts of all concerned (State, local communities, parents, associations, women's groups and NGOs). The rate now stands at 75.8 per cent (2003/04).

124. On a warning note, it must be said that, while due weight must be given to the steady and continuing increase in enrolment rates, the fact nevertheless remains that there are still very large numbers of children who remain outside the official education system.

125. The Fondation Paul Gérin-Lajoie, which is aware of this and wishes to help in a significant way, has developed and set in motion, with the support of the Canadian International Development Agency (CADI), a programme to support *talibé* beggars, under which 1 million Canadian dollars will be invested every year for five years. The programme includes a major vocational training and employment component.

126. UNESCO plans to support, for the next three years, the Guéoul Ceramic school programme to incorporate vocational training into the *talibés*' curriculum and, following training, their entry via collectives into the mainstream economy.

- Juvenile courts: each of the 11 regions has a juvenile court within the regional court, with an investigating judge responsible for juvenile cases and a deputy prosecutor specially assigned to it. The court is competent to try offences committed by minors and to call for assistance from youth workers;
- A special division of the Court of Appeal is responsible for hearing and dealing with appeal cases involving minors. The police also have a special juveniles brigade, whose chief is appointed by ministerial circular.

127. These courts and police units prioritize educational measures (placement in families, schools or employment) for children in difficult situations.

128. In extreme cases which result in deprivation of liberty, minors are always kept separate from adult prisoners.

129. It would, however, be advisable to revive the dormant corps of social workers, who could play a major role in the new occupations that will contribute to improved care for both boys and girls.

130. The practical measures were implemented with the support of the International Catholic Child Bureau (ICCB), Defence for Children International, ENDA Tiers Monde, Observatoire des Prisons, RADDHO, Ecoliers du Monde and Plan International.

131. These advances were made possible by a favourable environment marked by a political will to enhance child protection (the theme of the courts' 1998/99 *rentrée*), the organization of a number of meetings (Defence for Children International African seminar, on children in

conflict with the law (January 1997); seminar by the Judicial Training Centre, on juvenile justice (April 1999) and the references in the new Constitution to the Convention on the Rights of the Child and to the Convention on the Elimination of All Forms of Discrimination against Women.

132. In its concluding observations on the report of Senegal, issued in November 1995, the Committee on the Rights of the Child recommended (CRC/C/15/Add.44, para. 19) that the State party should ensure on a systematic basis training activities on the Convention for professional groups working with and for children, and (para. 18) encouraged the Government to raise awareness among community and religious leaders in order to promote acceptance of the notion of children's rights.

133. In addition to the training and awareness-raising sessions organized for members of parliament (cf. para. 107 above) with a view to obtaining their support for the Children's Code, and the launch of an extensive advocacy and lobbying campaign aiming at full and effective implementation of the Convention on the Rights of the Child and the acceptance of the concept of children's rights by all State departments and municipalities, as well as by all sectors of the population, the initiatives described below testify to the State's commitment to the implementation of these two recommendations.

134. Professional groups dealing with children in this category received a certain amount of training (Defence for Children International training workshops for social workers, security and prison administration staff, and judges).

135. The Legal Training Centre at the National Civil Service and Judiciary College organizes sessions on children's rights for future judges and others working in the sector.

136. The Department of Correctional Education has drawn up a plan of action for the education of infants.

137. It is recognized in theory and in practice at the State level and by all specialist bodies, both public and private, that the response to abuse and violence, and also to deviancy, must be of the psychosocial type.

138. A number of Senegalese judges have received scholarships from international cooperation agencies to follow specialized courses in children's rights at European (French) universities.

139. As a result of research into this category of children carried out by Defence for Children International, World Education, Congad, Plan International, the Fondation Paul Gérin-Lajoie, Save the Children Sweden and the Ministry of the Family, Social Development and National Solidarity, in the regions of Dakar, Saint Louis, Matam, Thiès, Diourbel, Kaolack, Kolda, Ziguinchor and Tamba, considerable headway has been made with the analysis of the characteristics and needs of children in conflict with the law or at risk.

### 1.5 The role of international cooperation

140. Senegal does not yet have disaggregated data on international aid to children; however, UNDP publishes data on international development aid on an annual basis. These figures are published in the UNDP statistical yearbook on development assistance.

141. In the social sector, it is clear that significant amounts are injected into the economy by international cooperation agencies and go some way towards alleviating the rigours of the structural adjustment programmes, which in turn makes for more effective implementation of the Convention on the Rights of the Child.

142. Senegal's cooperation with UNICEF may be cited by way of illustration, its aim being principally to ensure children's well-being, particularly in respect of survival, protection and development. It takes the form of programmes based on objectives and strategies which all contribute to implementation of the Convention in various sectors - health, water, hygiene, sanitation, education, children in particularly difficult situations, planning, monitoring and evaluation - and in the areas covered by the children's and women's advocacy programme set up to promote the Convention.

143. Financial aid from UNICEF amounted to nearly US\$ 45 million in the period from 1996 to 2003.

144. The following should also be acknowledged in the context of international cooperation:

- Assistance with social programmes (health, education, hydraulic power, etc.) from France, Italy, Japan, Kuwait, Saudi Arabia, the Netherlands, Germany's Agency for Technical Cooperation (GTZ), the World Bank and Taiwan; as well as NGOs, including Plan International, which has a budget of some CFAF 2.5 billion, Aide et Action, WE, the Fondation Paul Gérin-Lajoie, which plans to invest more than 1 million Canadian dollars a year over the next five years in the region of Saint Louis, ENDA Tiers Monde, Vision Mondiale and Caritas Senegal. This aid makes it possible to increase schools' capacity and access to education for all;
- Joint assistance from the African Development Bank and the Nordic Development Fund in financing and setting up crèches in rural and urban areas, through a project to support women's groups (Ministry of the Family, Social Development and National Solidarity), which is part of the anti-poverty programme;
- UNFPA and the World Bank are also major financial backers of projects relating to the implementation of a population policy intended to enhance the standard of living of women, households and, in particular, children. The main components of this policy are reproductive health, family planning and sexual health;
- UNESCO, ILO, the World Food Programmes (WFP), Norway and Luxembourg are to contribute to the implementation of socio-educational programmes as part of the anti-poverty programme;
- Japan and India also provide cooperation through vocational training colleges.

## 1.6 Dissemination of the Convention

145. In its concluding observations on the report of Senegal, issued in November 1995, the Committee on the Rights of the Child recommended (CRC/C/15/Add.44, para. 18) that the Government should pursue its efforts to promote advocacy and awareness and understanding of the Convention and to ensure that its basic principles are grasped by the general public, in particular by ensuring the translation of the Convention into all national languages and paying particular attention to people living in rural areas.

146. Senegal has taken steps to implement this recommendation to the full. However, there are real difficulties preventing translation of the Convention into the national languages, a measure which would have had a genuine impact given the number of newly literate people emerging from the literacy programmes in rural, urban and peri-urban areas. The problem is that the majority of legal experts specializing in the Convention are unfamiliar with the national languages, there is a dearth of resources to commission professional translations, and the value of the exercise is not yet well appreciated or accepted either by the State, by NGOs or by bilateral and multilateral international cooperation agencies.

147. Following the World Summit for Children, Senegal launched a major information campaign on the Convention. A document was drafted entitled "A sociocultural approach to the Convention on the Rights of the Child", which was widely distributed around the country. From 1990 onwards, meetings, lectures and study days have been organized to publicize the Convention as widely as possible. These efforts have been made possible by support of many kinds and by a sustained commitment at the community level.

148. It will be recalled that in 1992 the Ministry of the Family, Social Development and National Solidarity and the Ministry of Communications, with the support of UNICEF, set up the children's and women's advocacy programme to promote the Convention. Promotion takes the form of training and awareness-raising activities, media productions in French and the national languages, and activities involving artists and intellectuals, the youth and women's movements, religious leaders, parliamentarians and children themselves. Substantial amounts of promotional material have been produced, including posters, leaflets, *pagnes* (long skirts), banners, caps, T-shirts and brochures.

149. Training in the provisions of the Convention was organized in 1997 and 1998 for traditional storytellers (the repositories of Senegalese oral history), leaders of civil society movements, local community leaders, heads of educational establishments and representatives of various ministries.

150. In schools, regional cultural centres and departmental adult and sports education centres, awareness of the Convention is encouraged through artistic expression (art, poetry and drama competitions) and through the distribution of brochures on the Convention.

151. For training and information aimed at children, the human rights education commission of the Senegalese section of Amnesty International has produced an educational game called "La ronde des enfants", which is based on the Convention.

152. The NGO BALLAL has been something of an innovator in the area of dissemination of the Convention, getting children themselves to act as mentors for their peers, sharing information about the Convention and its principles with them.

153. The Senegalese Human Rights Committee has launched a series of initiatives, notably in the summer of 1998. Other NGOs such as Tostan and the Organisation Nationale des Droits de L'Homme, with their "Villages defending human rights" project, a joint effort with the Ministry of the Family, Social Development and National Solidarity and UNICEF, are developing teaching materials (picture packs) on children's rights, which are disseminated in villages and neighbourhoods using a community-based approach to education.

154. Radio Guney Yi (Children's Radio) and other State and private stations broadcast information and awareness-raising programmes on the Convention and on children's problems. The print media also produce several specialist publications on children. *Guney Yi* ("Children"), which is published by the Enfances Africaines association, devotes an entire page to the Convention every month.

155. With the support of ENDA Tiers Monde and neighbourhood groups, children aged 9 to 14 in working-class areas were able, for four years, to attend civic education sessions and introductory classes in children's rights and obligations.

156. As a result of a joint effort between the NGO Plan International and UNICEF, three "cine-buses" were brought into service to tour the country, especially areas with no other access to information, providing information and raising awareness about all issues relating to children's survival and development. Film screenings are followed by discussions in the national languages, led by local representatives of the various ministries involved and other partners.

157. Congad organized a holiday camp for 4 to 14-year-olds for the first time in August 2003, helping in no small way to raise awareness among children themselves and among parents and supervisors about the Convention and children's right to a civil status, regardless of their background, their parents' means or the general level of poverty; UNICEF provided support and encouragement, and indeed was the only United Nations agency to respond promptly and positively to the request for assistance.

### **Incorporation of Convention-related issues into school curricula**

158. The Ministry of the Family, Social Development and National Solidarity has taken steps to encourage the Ministry of Education to include issues relating to the Convention in school textbooks in the course of its revision of school curricula. The changes were to have taken effect during the 1999/2000 school year. In the primary sector, ORGENS, an NGO which monitors gender issues in education, has made a gender critique of school textbooks, analysing the positions and roles ascribed to girls and boys and putting forward alternative proposals, including for the modification of behaviours within the education system.

### **Children's rights training for specialist workers**

159. As part of the cooperation programme between the Government of Senegal and UNICEF, (children's and women's advocacy programme), training courses have been organized for communicators, representatives of educational institutions, primary-school teachers and imams. Judges and social workers have also received training in the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the Declaration on the Elimination of Violence against Women.

160. As regards training in the Convention on the Rights of the Child, mention should be made of the programme set up by the Senegalese coalition of NGOs for children's rights, comprising some 20 NGOs, which has benefited more than a hundred social workers.

### **Training in juvenile justice**

161. Senegal has put legislation in place to ensure that children in conflict with the law are dealt with fairly promptly by specialized institutions (juvenile courts in each regional capital, regional socio-legal aid services, and centres for social advancement and reintegration) with trained staff (childcare specialists and social workers), and by the juveniles brigade, whose powers and status need to be enhanced by the appointment, by decree, of a chief.

#### **1.7 Difficulties encountered in implementing current legislation in order to ensure full respect for children's rights**

162. With regard to economic and social rights, it can be seen that, in principle, the Government and local communities share a desire to implement and respect them. However, the implementation of current legislation in order to ensure full respect for children's rights runs up against a certain number of difficulties:

(a) The main problems are social ones, in particular the lack of resources available for children, and their allocation. The principle of the best interests of the child is still not consistently taken into account in preparing budgets, either at the national level or at the family level;

(b) It must be said that, anti-poverty policies and programmes notwithstanding, the structural adjustment programmes and the devaluation of the CFA franc continue to restrict families' ability to meet children's needs adequately;

(c) Similarly, national institutions lack the budgetary and specialist human resources to meet the country's needs. It is for that reason that the Convention has yet to be properly explained to those directly responsible for its implementation;

(d) As to rights relating to protection, problems arise from the ambiguity of some of the legislative and regulatory provisions, in particular in the areas of child begging, inheritance rights and child labour. One example is article 245 of the Code of Criminal Procedure, which prohibits child begging and yet contains provisions regulating begging by establishing set places and times. In reality this article has simply not been adequately enforced in Senegal. The same

applies to the ill-treatment of children by the marabouts who organize and profit from begging, and by the men and women who run workshops, who are prosecuted only when their behaviour exceeds the bounds of anything imaginable;

(e) Criminal activities carried out by girls and the exploitation of girls, whether sexually or in connection with other activities or employment, are not adequately addressed by Senegalese law and there are few studies on the subject. This area remains the poor relation in terms of measures by the State, NGOs and development partners. Nevertheless, organizations such as the African Women's Association, the Association pour la Promotion de la Femme Sénégalaise, ACI and the Fondation Paul Gérin-Lajoie, as well as the United Nations Development Fund for Women (UNIFEM), UNFPA and UNICEF, are now beginning to take a certain interest, alongside the work of the Ministry of the Family, Social Development and National Solidarity and the Ministry of Education;

(f) In addition, in certain situations (early marriage, sexual abuse, child prostitution, child labour and begging, etc.), children are made even more vulnerable by the inadequacy of judicial procedures and by strong resistance from some segments of society;

(g) The problem of *talibé* beggars and very young girls begging for coins late at night on the main streets of large towns (Ponty, Avenue Faidherbe, Lamine Guèye, Allées du Centenaire, Avenue Diogaye Basile Senghor, Place Faidherbe, etc.), on the orders of shady characters hiding nearby, is more than a little disturbing and deserves to be investigated with a view to firm action;

(h) However, pressure groups lobbying for children's protection, advancement and cultural development are few in number and far from powerful, and this has hitherto made it difficult to implement children's rights to information, participation and recreation;

(i) The fact that certain traditional mechanisms of socialization (age groups, initiation groups, etc.) have fallen into disuse leaves these programmes without any social leverage of a kind that is widely accepted and shared by all communities.

163. The Senegalese authorities are fully committed to firm and determined action to prosecute and root out begging, and to improving the Ministry of Education's coordination with the various facilities catering for children of school age, with the aim of creating an integrated national education system which embraces the Koranic schools or *daara* (including in the area of vocational training) in the very near future. This will make it possible to raise the school enrolment rate and better prepare children to enter the labour market and obtain decent jobs and pay, thereby meeting the need for social advancement and the eradication of poverty. The reintroduction of the girls' school enrolment programme into the Ten-year Education and Training Programme will be a key indicator in this regard.

## II. DEFINITION OF THE CHILD

164. In paragraph 25 of its concluding observations of November 1995 on Senegal's initial report, the Committee on the Rights of the Child recommended that the Government of Senegal should take legislative measures to establish a definition of the child.

165. This has been done. Article 276 of the Family Code defines the child thus: “A minor is a person of either sex who has not reached the age of 21.” However, article 556 of the Code of Criminal Procedure sets the age of majority at 18, as does article 21 of the Electoral Code. The various codes therefore need some tidying up in order to harmonize national legislation on the definition of the minor. The definition given in the Electoral Code is likely to prevail over the others.

### **Minimum legal age**

166. In Senegalese positive law, a child is any person under the age of 18.

167. Within this definition, the age of majority varies depending on the subject matter. For example:

- The minimum age for criminal responsibility is 18 (article 556 of the Code of Criminal Procedure);
- The age of civil majority (capacity to bring proceedings, to conclude a contract, to marry without the consent of one’s parents, etc.) has been reduced from 21 to 18;
- The minimum age for marriage is 16 for girls and 18 for boys;
- The minimum age for admission to employment was raised from 14 to 15 in May 1997;
- The minimum voting age is 18.

## **III. GENERAL PRINCIPLES**

### **3.1 Efforts made to compile data disaggregated by sex**

168. Article 4 of the Constitution establishes the principle that there must be no discrimination of any kind whatsoever.

169. This general protection therefore covers children (girls and boys) in exactly the same way as it covers all other members of Senegalese society.

170. The general provisions have been buttressed in the new Constitution of 2001, which explicitly mentions the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, and gender equality and equity.

171. The Department of Forecasting and Statistics and the various ministries concerned are endeavouring to compile information on mortality, malnutrition and education, which has been disaggregated according to age and sex, but these efforts need to be pursued and widened to take in all areas and sectors of civilian and military life.



172. This information is also broken down according to whether it relates to urban or rural areas, in order to highlight the huge differences between life in those two settings. In some cases, data on city-dwellers are disaggregated in order to bring out disparities between different areas in a city (poverty and living conditions).

173. Data are not always disaggregated according to social origin, but this can be done in the case of demographic statistics for certain economic activities and certain harmful practices (excision, early marriage, etc.). The Ministry of the Family, Social Development and National Solidarity is due to equip the Department for the Protection and Promotion of Children's Rights with a computerized system for collecting and breaking down data according to sex and social origin.

### **3.2 Measures to combat discriminatory attitudes**

174. Awareness-raising and advocacy campaigns are being jointly mounted with UNICEF, NGOs and opinion leaders with a view to eliminating all forms of discrimination and prejudice against girls. In the educational field, for example appropriate measures have been taken and large-scale projects launched to reduce the gap in the school enrolment rate for girls and boys. This gap has been reduced substantially over the last 10 years, and has been closing particularly rapidly in the last 3. The purpose of the project to revise school textbooks, which is now in the operative phase, is to root out discriminatory texts and sexual stereotyping so as to give a positive image of women and girls, thereby helping to turn them into enterprising citizens who have been economically, socially, politically and culturally empowered.

175. Senegal has specialized institutions for disabled children (a verbo-tonal centre, orthopaedic centres and a blind children's school at Thiès); priority is, however, given to community-based rehabilitation and integration in normal schools.

176. Provision has been made in the Family Code for children born out of wedlock who have been recognized by both parents to enjoy the same rights as those granted to legitimate children (right to maintenance, right to protection, right to education, right to inheritance, etc.) under the rules of ordinary law.

177. Poor children from rural areas or marginal neighbourhoods need to benefit from legally-enshrined positive discrimination measures if they are to have the same basic opportunities as other youngsters.

178. Since the Government is conscious of disparities in the situation of children from urban areas and that of youngsters from the countryside, as well as of the multifarious aspects of poverty, it has introduced schemes addressing those issues.

179. For example, the Senegalese Government has drawn up a poverty-reduction programme which includes two projects financed by UNDP (the expanded programme to combat poverty), the African Development Bank/Nordic Development Fund (a project to support women and young people) and the World Bank (Social Development Fund) that focus on specific needs and are particularly concerned with the availability of infrastructure for the survival, development, protection and advancement of children.

180. The Government, with the assistance of NGOs such as the Senegalese Committee on Traditional Practices (COSEPRAT), TOSTAN, ENDA Tiers Monde and Save the Children Sweden, is conducting awareness-raising campaigns with a view to stamping out traditional practices and customs which are detrimental to girls' health; one of these campaigns is the Social Advocacy Programme against Excision.

181. As for girls' access to schooling, lengthening the period they spend in school and their access to scientific and technical subjects, the girls' school enrolment programme which really must be renewed and which has received strong support from UNICEF and ILO/IPEC, together with the activities of associations such as Female Education in Mathematics and Science in Africa (FEMSA), Ecoliers du Monde, BALLAL and Plan International, to mention but a few, have exerted leverage and set examples which have prompted a greater awareness of the wider implications. The Government and NGOs devote special attention to children living with HIV/AIDS and young victims of war.

### **3.3 Best interests of the child**

182. Legal provisions have been adopted to protect the civil rights of the child by making it incumbent upon parents to take care of children as long as they are minors.

183. In addition, in the absence of parental authority, or when it is not properly exercised, the law provides for alternative child custody mechanisms:

- Adoption (if there is no one exercising parental authority);
- Statutory representation (inadequate parental authority);
- Guardianship (inadequate parental authority).

184. In divorce cases, custody of the child is awarded to the parent offering the strongest guarantee that the best interests of the child will be looked after. Moreover, Senegalese positive law does not recognize and does not apply the principle of *res judicata* in matters concerning children.

### **3.4 Respect for the views of the child**

185. The law makes provision for the child's views to be taken into account in proceedings concerning him or her. The children's and youth parliaments participate in these arrangements. Senegalese society is essentially a caring society and it generally develops strategies for safeguarding children's interests within a family environment.

## **IV. CIVIL RIGHTS AND FREEDOMS (arts. 7, 8, 13-17 and 37 (a))**

### **4.1 Registration of births**

186. The Family Code makes the registration of births compulsory in Senegal. A parent, close relative, a member of the medical staff or any other person present at the birth of the child must notify the Civil Registry of the birth. If none of these people are able to make this declaration,

the head of the village or the neighbourhood representative must keep a record of declarations of birth in accordance with the statutory requirements, subject to the sanctions laid down by the law.

187. At regular intervals, this person must take this record of births to the Civil Registry officer, who enters the births on the relevant registers and issues the birth certificates. The Government's efforts in this area fall into three categories.

188. First, the registers and documents used in rural civil registries are supplied by the Government completely free of charge, whereas in towns the local authorities pay for them.

189. Constant awareness-raising campaigns are run on radio and television and in the press.

190. Posters and personal contacts are also used in these campaigns with good results, as well as at *audiences foraines* (registration drives conducted by court officials).

191. Ongoing training is provided for all staff of the civil registries, but especially for officials and clerical staff. Persons who assist the registrar (midwives, nurses, heads of village, etc.) and judges also participate in the training courses.

192. The Civil Registry in Senegal is funded from the national budget. Considerable donor support has also been received for the reorganization of the system, staff training and the provision of equipment for civil registry offices. Numerous branch offices have been set up throughout the country.

193. It should be explained that the law makes it possible for local authorities to open other branches of the Civil Registry outside the principal town of a rural community. In this case, the decision to set up the branch is taken by the governor of the region, on the advice of the sub-prefect concerned.

194. In 2003, the Government made the issue of children's right to civil status a top priority and launched an ambitious set of measures mobilizing all State and traditional authorities under the leadership of the Ministry of the Family, Social Development and National Solidarity. As a result, thousands of children living in rural, peri-urban and urban areas had their situation regularized and their rights restored.

#### **4.2 Efforts to protect child victims of violence**

195. Under Senegalese law, a minor cannot file a complaint. Nevertheless, it is the obligation of any person who knows of instances of violence against children to bring them to the attention of the competent authority. NGOs and civil society bodies can alert the general public to the need to combat all forms of violence against children. This has created an enabling environment for a campaign against excision led by women members of parliament.

196. Some children are coming to realize that Senegalese society offers them protection. For example, some *talibés* have requested the assistance of staff at the shelter in Pikine and UNICEF has received a number of letters from children who have been the victims of violence, or who are in difficult situations.

### **Corporal punishment**

197. People who have the custody of, or responsibility for, a child are legally entitled to smack the child, provided that they do not inflict physical or mental harm on the child.

198. However, Decree No. 72.11.65 of 20 December 1972, on the organization of primary education, bans corporal punishment and cruelty both in schools and in educational centres which are not regulated by the Government. Physical violence against children can lead to complaints and penalties.

199. Be that as it may, awareness-raising campaigns are still needed to curb violence that could cause mental and physical harm to children within the family, in other educational settings and in the workplace.

200. The lax application of the law has in recent years paved the way for numerous lapses which have resulted in the severe ill-treatment of, in particular, young *talibés* and apprentices by marabouts, foremen and journeymen.

201. This abuse has become so widespread that the Government needs to take vigorous action against it and the law must be strengthened.

## **V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE (arts. 5; 18, paras. 1-2; 9-11; 19-21; 25; 27, para. 4; and 39)**

### **5.1 Separation from parents**

202. A child cannot be separated from his or her parents, except by a decision of the courts. The best interests of the child are taken into due account in this respect.

203. The court's decision must always refer unambiguously to the parents' right and duty to remain in regular contact with the child.

204. It is an offence punishable by law for the parent to whom custody has been awarded after the break-up of a marriage to deny the other parent contact with the child.

### **5.2 Illicit transfer and non-return of a child**

205. Any transfer of a child from Senegal to a foreign country requires the prior written authorization of the person exercising parental authority and, in practice, of both parents, even if the person transferring the child is the father or mother.

206. The judicial authorities may demand the return of any child unlawfully retained abroad and may take steps to secure his or her return.

### **5.3 Parental responsibility for the child's maintenance**

207. Both parents are responsible for the child's maintenance. This responsibility falls primarily to the father, who may be forced to pay by means of an attachment order on his income. The mother's income may also be attached, subject to a means test.

208. Refusal to pay for a child's maintenance is an offence in Senegal, but persistent poverty is an obstacle to the realization of this right of the child. Want forces some parents to entrust their children to families or marabouts who are known to treat them cruelly (*talibé* beggars, young girls working as domestic servants, children who scavenge on rubbish dumps, etc.).

#### **5.4 Abandonment of children**

209. Parents who abandon their child, or leave the child in a deserted place, are guilty of a criminal offence.

#### **5.5 International adoption**

210. Senegalese children who are involved in intercountry adoption are placed under the supervision of the Senegalese consular authorities, which may at any time supply the competent public prosecutor's office with information with a view to having the court review or annul the adoption.

211. The measures governing intercountry adoption are stringent enough to ensure the monitoring and protection of the child (procedures, enquiries and guarantees).

### **VI. BASIC HEALTH AND WELFARE (arts. 6, para. 2; 18, para. 3; 23; 24; and 26)**

#### **6.1 Indicators of the situation of children**

212. The introduction of mechanisms for working out the pertinent indicators and for collecting statistics and other information on the situation of children with a view to devising appropriate programmes is a government priority.

213. Most national surveys offer opportunities for gathering information and indicators. Substantial efforts have been made to improve on the 1988 National Population and Housing Census, given the need for more disaggregated data. The new 1999 census which has just been launched takes account of all the elements required in order to gain a clearer picture of the situation of children.

214. We therefore note that:

- The under-18 age group was estimated at 5,040,000 persons, or 54 per cent of the total population, in 2000;
- The under-5 age group consisted of 1,900,000 children, or 19 per cent of the population in 2000;
- Life expectancy at birth was 54;
- The mortality rate in the under-5 age group fell from 300 per 1,000 in 1960 to 156.6 per 1,000 in 1992 and to 124 per 1,000 in 1997, though it rose to 145.3 per 1,000 in 2000/01;

- The mortality rate for babies in their first year of life fell from 173 per 1,000 in 1960 to 69.4 per 1,000 in 1997, and stood at 70 per 1,000 in 2000/01;
- The overall fertility rate fell from 6.3 children per woman in 1991 to 5.6 in 1996 and to 4.8 in 2000/03.

215. As for overall indicators of the observance of the rights of the child in Senegal, a system for monitoring these indicators has been proposed as a result of cooperation with the NGO Childwatch, acting on behalf of Plan International - Senegal.

216. The Department of Forecasting and Statistics provides indicators on the situation of children in Senegal. It gathers these indicators from a variety of surveys (on priorities, households, demography and health).

217. The 1994-1995 household survey provided information on access to basic services and children's consumption patterns, as well as data on spending on health and education.

218. Some basic figures from the survey on medium-term objectives supplied indicators concerning child beggars, pupils from Koranic schools (*talibés*), child workers and street children. The findings served as a basis for designing programmes to assist them.

219. Other surveys of attitudes, practices and knowledge in the areas covered by the Convention on the Rights of the Child have been conducted. These include an analysis of the situation of women and children in Senegal which is published annually by the Government of Senegal and UNICEF. The analysis constitutes a significant source of statistical data and information about the situation of children (especially that of boys) and underpins various programmes that target children at risk.

220. Nevertheless, the education sector - especially at the preschool and primary-school levels - is the only sector for which the data are completely disaggregated by sex, grade and age.

221. There are, however, plans to ensure that all demographic, health, poverty or quality-of-life surveys include precise instructions on the collection of pertinent, disaggregated data on children.

#### **Trends in budgetary appropriations for social sectors**

	1995/96	1996/97	1997/98	1999/2001/02/03
Budget (in millions)	88 145 593 000	84 436 671 000	87 101 372 000	Not available
Share of the national budget	33%	34%	34.16%	-

*Source:* Ministry of the Economy, Finance and Planning, 1999.

## 6.2 Children's health

222. There is a system for collecting and compiling health statistics that extends to the outermost reaches of the health network (rural clinics). The figures are drawn, for example, from the information management system, monitoring facilities, and health and demographic surveys, and make it possible to determine, among other things, immunization coverage by antigen and region, infant and child mortality rates, morbidity and mortality rates for the 10 most common children's illnesses, child malnutrition and the average period of breastfeeding.

223. The following indicators are available for breastfed children over the period 1990-1998:

- Breastfed exclusively (0-3 months), 16 per cent;
- Plus weaning foods (6-9 months), 69 per cent;
- Still breastfed at the age of 20-23 months, 50 per cent.

As far as nutrition is concerned, 4 per cent of babies were regarded as underweight at birth in the period 1990-1997:

- 25 per cent of children under the age of 5 were moderately or severely underweight;
- 7 per cent were moderately or seriously emaciated;
- 23 per cent suffered from moderately or seriously stunted growth.

### Some health indicators in 2000/2001

#### Child mortality rates, 2000

Age group	Mortality rates (per 1 000 live births)
Infants and young children (under 5 years of age)	70
Infants (under 1 year of age)	145.3

*Source:* Senegalese Health Indicators Survey, 1999/2000.

#### Average calorie requirements met

Group	Coverage of needs
Adults	96%
Children aged between 0 and 5	70%
Pregnant women	80%

*Source:* Normes et Protocoles des Services de Nutrition, August 2001.

### Protein-energy malnutrition

Type of deficiency	Prevalence
Underweight	18.4%
Stunted growth	19%
Emaciation	8.3%

*Source: Normes et Protocoles des Services de Nutrition, August 2001.*

- Protein-energy malnutrition is prevalent throughout the country, the rate being higher in urban than in rural areas, according to figures produced by the Nutrition Services (August 2001);
- The regions of Tambacounda, Kolda and Fatick are worst affected, with 23 to 24 per cent of children exhibiting stunted growth;
- The highest rates of emaciation are encountered in the Saint Louis and Kaolack regions, where the rates are 14 and 12 per cent respectively, as compared with 2.7 per cent in the Ziguinchor region.

224. The causes are nutritional anaemia due to multiparity, closely-spaced pregnancies and parasitic infestation (ankylostomiasis, strongyloidiasis and malaria), which particularly affect women and preschool children.

225. A survey carried out by the Social Paediatrics Institute in 1993 shows that 30 per cent of children under the age of 5 were anaemic and another survey conducted by the Institute in 1995 estimated that 59 per cent of pregnant women living on the outskirts of towns were anaemic.

226. In 1997, an evaluation of the Community Nutrition Programme confirmed that 67 per cent of children under the age of 36 months exhibited iron-deficiency anaemia.

227. In Senegal there is, however, no national iron supplement strategy for children or for women of childbearing age.

228. Nevertheless mass vitamin-A supplement programmes coupled with national vaccination days have produced spectacular results. For example, in Ngaye Mékhé the prevalence rate of vitamin-A deficiency fell from 26 per cent in 1997 to 2 per cent in 2001 (*source: Normes et Protocoles des Services de Nutrition, August 2001*).

### Iodine deficiency

Type of deficiency	Coverage of needs
Endemic goitre	23.4% to 35.5%
Severe iodine deficiency	21%
Moderate iodine deficiency	18%

*Source: Normes et Protocoles des Services de Nutrition, August 2001.*



229. WHO standards set the threshold above which iodine deficiency is deemed to be a public health problem at 10 per cent. Senegal is therefore facing a predicament which calls for energetic action.

230. Nine per cent of households consume iodized salt.

231. Since the situation is by far the most critical in Casamance and the regions of eastern Senegal, the Government, with the support of UNICEF, is running a programme to combat iodine deficiency disorders, which has produced encouraging results. However, the programme needs to be continued and expanded.

232. A countrywide programme to combat diarrhoea, an insidious disease that undermines the nutritional status of children, has been in operation since 1986 with the support of UNICEF.

233. Nevertheless, the statistics kept by the Health Department/Nutrition Service show that prevalence, which had dropped substantially, rose again between 1997 and 1999, from 15 per cent at the time of the third demographic and health survey to 22 per cent at the time of the Senegalese Health Indicators Survey in 1999.

234. The prevalence of very low birth weight has risen from 11 per cent of live births in 1996 (Medium-term Objectives Survey) to 13.4 per cent in 2000 (Multiple Indicator Cluster Survey II).

235. Forty-six per cent of under-threes in the regions of Dakar, Thiès, Diourbel and Saint Louis suffer from parasitic infestation of the digestive tract.

236. The habit of geophagy found among 45 per cent of children is a major cause of disease.

237. Attention is drawn to the fact that the programme to combat malnutrition and micronutrient deficiency is not accompanied in Senegal by a national policy on systematically combating parasitic infestation.

238. Malnutrition in all its forms is a priority health issue in Senegal. It prompted the formulation of the community nutrition programme in 1991 and the improved nutrition programme in 2001.

239. The improved nutrition programme has set the following targets in order to tackle all the above-mentioned ills afflicting children, which in some way violate their rights:

- (a) Reduce the incidence of low weight among the under-fives by 45 per cent;
- (b) Introduce a package of integrated nutrition activities;
- (c) Provide comprehensive treatment for all childhood diseases;
- (d) Promote breastfeeding for the first six months of a baby's life;
- (e) Promote complementary BPA as from the age of 6 months;

- (f) Regularly monitor the growth of at least 50 per cent of children in the under-5 age group;
- (g) Give vitamin-A supplements to at least 80 per cent of children between 6 months and 5 years of age and to nursing mothers immediately after they have given birth;
- (h) Give a regular iron supplement to 50 per cent of children between 6 months and 5 years of age, women of childbearing age and pregnant women;
- (i) Eradicate iodine-deficiency disorders by 2005;
- (j) Treat 50 per cent of children aged between 6 months and 5 years and school-age children at least twice a year for parasitic infestation;
- (k) Ensure the proper treatment of cases of digestive parasitosis;
- (l) Prevent the undernutrition and dehydration of sick children;
- (m) Provide all severely malnourished children with a suitable and adequate diet.

240. Sixty-three per cent of the population as a whole have access to clean drinking water (the figures being 90 per cent in urban areas and 44 per cent in rural areas).

241. As for access to safe sanitation, the overall national figure is 39 per cent (71 per cent in urban areas and 15 per cent in rural areas).

242. The Government purchases all the vaccines used in the Expanded Vaccination Programme. Vaccination coverage is as follows:

- Tuberculosis, 80 per cent;
- Diphtheria, pertussis and tetanus, 65 per cent;
- Poliomyelitis, 65 per cent;
- Measles, 65 per cent;
- Pregnant women, 34 per cent;
- Rate of use of oral rehydration therapy, 39 per cent.

243. Praiseworthy efforts have been made and money invested in health services. The health budget has grown from 6.5 per cent of the national budget in 1995 to 8.75 per cent in 1999. In 2003, it accounted for 9.5 per cent and was thus over the 9 per cent recommended by WHO. The number of hospitals and health centres has risen substantially.

244. Community participation in health policy through committees comprising members of the local population is to be welcomed. These committees fund up to 30 per cent of their activities themselves.
245. Health partners such as UNICEF, UNFPA, the World Bank and GTZ contribute to the costs of construction, equipment and staff training.
246. In order to cope with the shortage of staff, the Ministry of Health has drawn up and is starting to carry out a major recruitment programme spread over a number of years.
247. There is also a national programme tackling several aspects of maternal and infant mortality.
248. In this context, projects to encourage family planning are to be welcomed, as they lead to more widely spaced births and better family health, while at the same time making it easier to pay for children's education, maintenance and upbringing.
249. The telethon organized this year forms part of a vigorous and sustainable policy for raising funds at the local level to pay for a mother-and-child health strategy centred on preventive treatment and social measures.
250. Despite all these efforts, the issue of children's health is an ongoing cause for concern. The mortality rates of infants, children and young people are still high. Low weight and micronutrient and iron deficiencies are reminders that it is necessary to keep on working to achieve better results.
251. It should be stressed that the social dimension of the Structural Adjustment Plans is increasingly incorporated in new bilateral and multilateral cooperation programmes.
252. For example, the Government of Senegal, thanks to the support of its development partners, has introduced a huge poverty-reduction programme that focuses on the enhancement of human resources, the promotion of grass-roots productive activities, the provision of basic infrastructure and building the capacity of local beneficiaries and stakeholders.
253. In 1995, the authorities also set out some new guidelines for a national health and social welfare policy to be implemented through a 10-year programme to expand health and social welfare provision over the period 1997-2007. The programme on the comprehensive development of health and social welfare reflects in practice the priorities set out in the 10-year programme for the period 1998-2008.
254. Senegal's Poverty Reduction Strategy Paper (PRSP), which offers a new framework for action by all partners, covers a substantial proportion of the health and education needs of various sectors of the population, especially women and children.
255. The same is true of the Millennium Challenge Account, which will make available the largest amount of funding ever raised in the history of poverty-reduction programmes, and which will be a very significant source of funds for PRSP projects.

## **VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES (arts. 28, 29 and 31)**

### **7.1 Education**

256. The right to education is guaranteed by the Senegalese Constitution. It has been reaffirmed in:

- The National Education Guidance Act, No. 91/22, of 16 February 1991;
- The 1992 circular on general education policy;
- The general meeting on education and the 1981 report of the National Commission on Educational Reform;
- The Ten-year Education and Training Programme.

257. In its circular on general education policy, the Government clearly states that “the expansion of primary education constitutes first and foremost a basic right”. It goes on to say that “in the process of correcting disparities between the sexes and between regions, measures to boost enrolment among the school-age population (7 to 17-year-olds) will be implemented with a view to achieving universal primary schooling by 2010”.

258. Education is free in Senegal.

259. Moreover, Senegal endorsed the decisions taken at various conferences on education:

- The conference in Addis Ababa (1961);
- The Nairobi resolution on literacy (1978);
- The conference of ministers of education and those responsible for economic planning in African member States, held in Harare in 1982;
- The World Conference on Education for All, held in Jomtien in 1990;
- The World Education Forum (Education for All), held in Dakar in 2000.

260. School statistics are regularly collected and processed by the Department of Educational Planning and Reform at the Ministry of Education.

261. It was estimated that the literacy rate among adults was approximately 49 per cent in 2000, and the enrolment rate in primary schooling was 75.8 per cent in 2002/03.

262. The trend in the enrolment rate in primary schooling was as follows:

- 1960-1996, gross enrolment rate: boys, 76 per cent/girls, 62 per cent;
- 1993-1995, net enrolment rate: boys, 60 per cent/girls, 48 per cent;

- 2002-2003, gross enrolment rate: boys, 89 per cent/girls, 81 per cent;
- 2002-2003, net enrolment rate: boys, 76 per cent/girls, 69 per cent.

263. The enrolment rate rose from 59.9 per cent in 1996/97 to 61.7 per cent in 1997/98, 65.5 per cent in 1998/99 and 75.8 per cent in 2003. While it is essential to emphasize the improvement, a large number of children are nevertheless left by the wayside.

264. The net attendance rate in primary schools in the period 1993-1997 was 48 per cent for boys and 42 per cent for girls.

265. The gross enrolment rate in secondary schools in the period 1990-1996 was 20 per cent for boys and 12 per cent for girls.

266. Out of 100,000 girls attending secondary school, only 142 go on to higher education (UNDP, 1999).

267. In 2003, the admission and pass rates of girls in science, information technology and other technical subjects in higher education were very low.

### **Quality of education**

268. The gross enrolment rate rose from 54 per cent in 1993/94 to 66.5 per cent in 1998/99. The principal reason for this trend was that the gross enrolment rate for girls improved by 2.6 percentage points between the 1996/97 and 1997/98 school years, while the rate for boys increased by only 1.4 percentage points. This means that the gross enrolment rate for girls progressed from 49.83 per cent in 1996 to 58.1 per cent in 1999. In 2003, the gross enrolment rate for boys was 76 per cent and that for girls 69 per cent.

### **7.2 Girls' schooling**

269. The burden of tradition, domestic labour and early marriage meant that before 1995 the enrolment rate for girls was under 50 per cent. In 1995, the girls' enrolment rate in 20 of the 30 Senegalese departments was below the national average.

270. However, this rate is rising every year and if it continues at its current pace Senegal can hope to achieve universal schooling for boys and girls by 2010, provided that the efforts to build new schools are kept up (or even stepped up) and that a more vigorous policy is adopted to recruit teachers.

271. The planned reforms to turn teacher training colleges into education science faculties presage the path chosen by the Government of Senegal.

272. In this context, a huge exercise in social mobilization was launched to alert opinion leaders, politicians, religious leaders, women's groups, youth associations and families to the need to send girls to school.

273. One of the highlights of this exercise was the holding of the national forums on girls' education chaired by the Head of State and his annual appeal for support for education and the provision of textbooks and school supplies.

274. In addition to the awareness-raising and advocacy campaigns, specific measures have been adopted to make sure that girls obtain an education, such as enrolment even without proof of identity, the implementation of support projects to lighten the burden of domestic labour and the introduction of a prize awarded by the President of the Republic to the schools that enrol the highest numbers of girl pupils.

275. The immediate upshot of this campaign and its accompanying measures has been the massive enrolment of girls over the last five years. In 2003, the proportion of girls enrolled in primary school was 69 per cent, as compared with 33.8 per cent in 1994.

276. The implementation of the girls' school enrolment programme and the basic community schools scheme has contributed greatly to this improved figure. Efforts must be made to improve it further by renewing the girls' school enrolment programme as part of the Ten-year Education and Training Programme.

277. Nevertheless, the supply of school places lags behind demand. In order to compensate for this shortfall, the Government has taken steps to recruit 1,200 volunteers a year. It has also made arrangements for coordinating donors' activities better in order to make sure that there are enough properly equipped classrooms.

278. UNICEF has financed the initial training of these volunteer teachers and has supplied school materials such as tables and benches.

279. A number of schemes have been launched and significant progress has been made. Mention can be made of the implementation of the second human resources development project and the mass recruitment of volunteer teachers, as a result of which the enrolment rate in primary education has risen from 59.7 per cent in 1995/96 to 61.7 per cent in 1997/98 and 75.8 per cent in 2003 (*source*: Department of Educational Planning and Reform, 2003).

280. Nevertheless, if this major recruitment drive is to be accompanied by high-quality teaching, it will be necessary to improve the in-service training of volunteers and supply teachers who in some regions, notably Tamba, make up 70 per cent of the teaching staff, but who have received only initial training.

- The "Support the New School" project, which has UNICEF backing, is making it possible to run pilot schemes designed to produce schools where children can more easily acquire the knowledge, skills and attitudes required by Senegalese society now and in the future. The purpose of the project is to secure and strengthen links between schools and the community. By introducing new educational programmes in the fields of health, productive labour and the environment, the project will prepare children better for family life, work, democracy and citizenship;

- The goal of universal schooling is supported by partners such as Plan International, the Christian Children’s Fund, ActionAid International and the Fondation Paul Gérin-Lajoie;
- Mention must be made of the project to support groups for the advancement of women, which was carried out by the Ministry of the Family, Social Development and National Solidarity. As part of its action in the sphere of education, it set up 158 community nurseries in five regions. These nurseries have had some success in increasing school enrolment, especially for girls. The project was revived in 2002 with a focus on support for women and girls. It is still jointly financed by the African Development Bank and the Nordic Development Fund.

281. The basic community schools offer an alternative form of education for the 9 to 15 age-group, with a flexible programme and a short course of instruction lasting four years, and they buttress the girls’ school enrolment programme.

282. Certain NGOs, such as ENDA Tiers Monde (which campaigns for the right of child workers to education), Fonds de Solidarité pour les Enfants de la Rue, Zakat House, USE, Caritas, ACAPES and Enfance et Paix cater for the needs of schoolchildren from the poorest sectors of the population.

### **7.3 Vocational training**

283. Vocational training remains the poor relative of the educational system. Despite the valid goals of such training, which include preparing youngsters of both sexes for working life by giving them the theoretical knowledge and practical skills they will need if they are to master and engage in a given occupation, it has not yet found full acceptance, notwithstanding the great need for it and, above all, the development needs of the country.

284. In the year 2000, a mere 7,339 students were enrolled on vocational training courses out of a school-age population of some 5 million and a working population of almost 3 million. In 2002, only about 3.2 per cent of the working population in Senegal had a vocational training qualification (cf. Technical Education and Vocational Training Policy Paper, 2001).

285. The Technical Education and Vocational Training Policy Paper of December 2001 plainly states: “Over the last 10 years, the subsector has lost a number of training centres in several fields ... Only two new technical education colleges have been opened, and they have had serious problems with finding equipment. In the building sector, which is important to the country’s whole economy, there are no students preparing to take the examinations leading to the Certificat d’aptitude professionnelle (CAP), Brevet d’études professionnelles (BEP) or Brevet de technicien (BT).”

286. Statistics on young people under the age of 20 who are receiving vocational training or following an apprenticeship in a rural or urban manufacturing company or on a farm, irrespective of its size, would show just how many children have no prospects and whose future is uncertain.

287. Over 3 million children who have never been to school or who have been excluded from the educational system and who have received no on-the-job training in workshops have little possibility of obtaining any qualifications and competing on the labour market for jobs which increasingly demand a high level of qualification and further training to help them adapt to an increasingly competitive environment.

288. Yet Senegal needs to realize its full human potential in order to increase its wealth, pursue its development and definitively eradicate poverty.

289. For many years, the mismatch between the training given and the demands of an economy that is still struggling to find its bearings in order to become productive and competitive has been constantly underlined by the National Employers' Council (CNP), the National Council of Employers of Senegal (CNES) and, more recently, by the National Union of Merchants and Industrialists of Senegal (UNACOIS).

290. The products of the Senegalese education system experience genuine difficulty in finding a job and adapting to the reality of the world of business and of work, apart from in the civil service, but even there they have problems. Many sectors still need to demonstrate that they can be productive and efficient.

291. For this reason, poverty - which the educational system is supposed to be gradually eradicating, given the age structure of the population (58 per cent of whom are under 20) - is steadily spreading and worsening (over two thirds of the population were living beneath the poverty line in 2002, as compared with one third in 1994) owing to the perverse effects of an educational system whose ability to turn out producers and entrepreneurs is severely limited by the reality of their socioeconomic background.

292. Nevertheless many organizations and individuals are striving to improve the educational system and provide training that equips young people of both sexes with qualifications.

293. Associations for the education and training of the underprivileged provide free courses or pay for the education of people who have never been to school, or who have dropped out. The BALLAL association has trained 581 teachers, all of whom are now working in the public or private education sector.

294. Structural difficulties are, however, encountered by Senegalese schools in their endeavours to guarantee young people's right to education and training, mainly because of constantly rising school fees, population growth and the declining quality of education.

295. The drawing up of the Ten-year Education and Training Programme is, however, a very hopeful step. The basic education section of this programme has just been completed. The programme will cover the period 1998-2007. Its objectives are, inter alia, to correct gender and geographical disparities, to secure better provision for disabled children (in terms of buildings and equipment) and to achieve universal access to education for all boys and girls, which is one of the goals of the World Summit for Children.



### Statistical Data - National Education, 1995-1998

		1995/96			1996/97			1997/98		
		Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total
Primary education	School-age population	795 189	809 091	1 598 280	801 122	813 896	1 615 018	827 526	835 738	1 663 334
	Gross enrolment rate (7 to 12-year-olds)	66.7%	52.9%	59.7%	67.08%	53.87%	59.9%	68%	55.5%	61.7%
	Total number of schoolchildren	529 558	425 200	954 758	491 248	384 413	875 661	562 958	463 612	1 026 570
	Percentage	55.47%	44.53%	100%	56.10%	43.90%	100%	54.84%	45.16%	100%
	Repeating a year	71 259	56 843	128 102	68 484	53 700	122 184	75 467	61 535	137 002
	Percentage	13.47%	13.37%	13.42%	7.82%	6.13%	13.95%	13.27%	13.41%	13.35%
Lower secondary education	Total number of schoolchildren	93 987	57 748	151 735	72 033	40 193	112 226	72 349	40 648	112 997
	Repeating a year	12 796	9 042	21 838	11 847	7 851	19 698	10 523	8 007	18 530
Upper secondary education	Total number of schoolchildren	11 210	6 395	17 605	34 619	18 739	53 358	35 217	19 330	54 511
	Repeating a year	7 209	3 828	11 037	6 580	3 472	10 052	6 741	3 907	10 648

*Source:* Ministry of Education and National Languages, 1999.

**Trends in gross enrolment rates by region, 1997/98 to 2002/03**

Region	93	94	97/98	98/99	99/00	00/01	01/02	02/03	Annual average rate of growth
Dakar			91.5	90.0	86.3	84.7	83.3	85.2	-1.9%
Ziguinchor			90.6	92.9	99.1	109.9	113.7	100.9	4.6%
Diourbel			30.9	36.0	40.4	42.0	44.2	46.8	7.4%
St. Louis			64.5	66.1	75.2	74.9	80.3	85.5	4.5%
Tamba			60.0	71.1	76.3	80.4	82.9	88.3	6.7%
Kaolack			42.1	40.9	44.3	45.1	47.5	51.8	2.4%
Thiès			59.7	68.8	69.6	72.0	75.8	79.3	4.9%
Louga			46.8	51.7	55.9	59.2	59.2	65.5	4.8%
Fatick			48.3	50.1	54.5	57.0	61.1	66.9	4.8%
Kolda			56.3	70.2	76.8	80.9	85.1	96.5	8.6%
Senegal			61.7	65.5	68.3	69.4	71.6	75.8	3.0%

*Source:* National Statistical Service Yearbook 2003, Department of Educational Planning and Reform.

296. The efforts which the Government has been making for many years with the backing of international cooperation agencies to give the under-18s training which leads to proper formal qualifications should be viewed from this angle.

297. These praiseworthy efforts not only led to the setting up of a centre for distance learning and qualifications 20 years ago, but also made it possible to open a technical teacher training centre with Japanese cooperation and an entrepreneurship training centre with Indian cooperation, both of which offer young people under the age of 18 formal training leading to a diploma. There is also a project in the pipeline to open a centre to promote entrepreneurship and the incubation of small and medium-sized enterprises and industries with the assistance of the Canadian International Development Agency.

298. These projects deserve to be encouraged and repeated in all the regions of the country. The arrangements for this should be agreed with the three principal centres, i.e. the centre for distance learning and qualifications, the technical teacher training centre and the centre to promote entrepreneurship and the incubation of small and medium-sized enterprises and industries, while at the same time taking account of the vocational training requirements of pupils in *Koranic schools*.

299. This would make it possible to satisfy Senegal's obligations under the Convention on the Rights of the Child and to respond to the recommendations contained in the Technical Education and Vocational Training Policy Paper of December 2001.

300. One of the most important commitments set out in the Ten-year Education and Training Programme is to reduce the percentage of pupils repeating a year in primary education from approximately 17 per cent to 10 per cent by the beginning of the 2003/04 school year.

301. A comparison of the two tables shows a net increase at regional and national levels in gross enrolment rates. This augurs well for universal schooling within the next seven years if current efforts are kept up.

### **7.3 Sports, leisure and cultural activities**

302. The Government of Senegal has adopted general guidelines on youth, sports and culture and has entrusted organizations responsible for issues pertaining to children with the implementation of the relevant policies.

- The Senegal Football Federation, pursuant to the guidelines established by FIFA and with support from this association, has delegated the training and management of children under 14 or 15 years of age to former football players who receive assistance of various kinds from the Federation. This initiative involves the creation of football schools and the organization of tournaments, particularly at the local level;
- At the primary-school level, the Ministry of Education entrusts the task of planning and organizing sporting activities for young children to the teachers;

- Sports schools were established, especially in the neighbourhoods of Dakar; the schools provide training for children and organize tournaments in a wide range of disciplines, including football, basketball, handball and athletics, subject to a symbolic contribution by parents;
- Within the context of the community-based employment-creation programme, thanks to the support of the French cooperation agency, the then Ministry of Youth and Sports was in a position to introduce a “community sports” scheme that gave children access to facilities where they could practise certain sporting disciplines. The current Ministry of Youth perseveres with these employment creation initiatives, in particular through the National Youth Promotion Fund (FNPJ).

303. Efforts to promote sports and cultural activities include:

- The organization of a biennial national week of youth and culture at the national and regional levels to encourage the intermingling of different population groups and the discovery of cultural diversity, to facilitate exchanges, healthy competition and creativity, and to foster awareness of belonging to the same collective space - the Senegalese nation;
- Football tournaments called “*navétanes*” are held during the holiday season and bring together young people from all over the country, including the most remote, humble or deserted villages, to participate in football competitions and educational activities (raising awareness of HIV/AIDS, sexually transmitted diseases, malaria, etc.); drama, songs and dance are used to get the message across. These events are among the highlights in efforts to mobilize young people and encourage them to take responsibility for themselves;
- There is a young artists’ festival at which young people gather to discover artwork, beauty spots and monuments. The festival provides an opportunity to gain insight into young peoples’ perceptions of society and the world and their awareness of topical issues (fight against poverty, reproductive health, good governance, etc.);
- Arts workshops are organized at the regional level to introduce children to the plastic and performing arts. This type of education helps develop children’s sensitivity, their capacity to observe and their assertiveness;
- Regional public libraries were created to promote literary activities such as storytelling sessions, encounters with writers, poetry readings and film screenings. With the support of Plan International, libraries are currently being established in Pikine and in peri-urban areas.

### **VIII. SPECIAL PROTECTION MEASURES (arts. 22, 30 and 32-40)**

304. In 1999, some 400,000 children in Senegal were considered at risk (street children, beggars, *talibés*, apprentices, domestic servants, refugees, etc.).

### **8.1 Child refugees and asylum-seekers**

305. The right to asylum is enshrined in article 6 of the Senegalese Constitution. It is governed by Act No. 68-27 of 24 July 1968 and based on the idea that all persons persecuted in their own country are in need of protection.

306. Refugee status is granted by the National Eligibility Commission, which is chaired by a judge from the Court of Cassation. The Office of the United Nations High Commissioner for Human Rights has observer status with the Commission and can issue opinions on each case.

307. Holders of refugee status have access to all benefits available to Senegalese nationals, including study grants and the right to work.

308. Under Senegalese law, refugee status is granted irrespective of a person's age, sex or any other personal characteristic.

### **8.2 Minimum age for criminal responsibility**

309. Under Senegalese law, the age of criminal responsibility is set at 13 years. A number of public and private institutions dispense care to children in conflict with the law.

310. At present, Senegal has 10 institutions for children who are in moral danger, at risk of social exclusion or in conflict with the law:

- Three multi-purpose centres (Dakar, Thiaroye, Diourbel);
- Four protection centres (Pikine, Cambérène, Thiès, Ziguinchor), two centres for social rehabilitation (Nianing, Sébikotane) and one reception centre for girls (Thiaroye);
- District courts have a special unit responsible for socio-educational measures in urban areas.

311. These centres fall within the remit of the Department of Correctional Education, which is attached to the Ministry of Justice.

312. There is also a semi-open institution for children, which is run by a charity concerned with the protection of children, the Association Sénégalaise pour la Sauvegarde de l'Enfant (ASSEA). This institution and the nursery run by the Franciscan Sisters receive State funding.

313. The external services of correctional education establishments provide assistance to some 10,050 children.

314. Children who have been sentenced by criminal courts are placed in the custody of the prison service or the commission on juvenile freedom. In accordance with the Convention, there is a growing tendency in Senegal to avoid imprisoning children and to give priority to placement in a family. Children are placed in specialized institutions in exceptional cases only, since a child's natural environment is the family. However, both legal and practical measures must be taken to address the persisting problem of delinquency and begging among young girls.

### **Treatment of young persons in difficult situations**

315. Young persons in conflict with the law who are placed in the above-mentioned centres receive special care:

- Specialized units offer a range of educational activities;
- Legislation guarantees children's right to maintain contact with their family;
- A specialized unit (non-custodial supervision unit) supervises the conditions of detention of young persons in conflict with the law and reports to the juvenile judge;
- Young persons in conflict with the law are guaranteed access to primary and secondary education;
- A department for minors was established by virtue of a circular of the Ministry of the Interior. The expected conversion of the department into a ministry of State would pave the way for the enactment of a code on children in conflict with the law, which would extend the mandate of the department by converting it into a fully-fledged department with adequate staff, equipment and infrastructure to ensure that children are no longer detained alongside professional criminals.

### **8.3 Economic exploitation of children**

316. The revised Senegalese Labour Code of December 1997 contains various provisions on the protection of children against difficult and hazardous work:

- It sets the minimum age for admission to employment at 15 years;
- It further establishes the duration of work, a mandatory weekly rest of 24 hours, a mandatory medical examination and regular check-ups.

317. Apprenticeships, as provided for in the Labour Code, are governed by a number of legal provisions that address the need to conclude a contract and provide for labour inspections.

318. However, there is no system to ensure regular labour inspections and the competent authorities have virtually no resources to conduct such activities, let alone punish those who violate labour laws and regulations.

### **Measures to combat the exploitation of children in the informal sector**

319. While the Ministry of Labour can make exceptions to the minimum age of admission to employment, children between 13 and 15 years of age may only work as domestic servants or seasonal workers if:

- The parents or legal guardian give their express authorization, except when the child works in the same place and alongside them;

- The activity does not interfere with the child's education;
- The work does not harm the child's health or development;
- The child is not engaged in the worst forms of labour.

320. In 1993, in the context of the programme for children in particularly difficult circumstances, the programme of cooperation between the Government of Senegal and UNICEF (1992-1996) and ILO/IPEC, the Department of Forecasting and Statistics conducted a statistical survey of child labour in Senegal. The survey was complemented by a study of young girls in domestic service, which was carried out by ENDA Tiers Monde, and a study on apprentices undertaken by a consultant.

321. ILO provided direct logistical and financial support for the undertaking of the statistical survey and the two studies.

322. Furthermore, all ministerial departments and NGOs concerned with the issue of child labour participated in the statistical survey and the studies through their representatives on a scientific committee.

323. The statistical survey covered eight regions of Senegal and concerned children between the ages of 6 and 18 who work regularly. A census was taken of 293,783 working children, or 15 per cent of children in the target age group. An estimated 83,763 young girls in domestic service and apprentices working in the informal sector, or 29 per cent of working children, fall into the category of children at risk.

324. Working children in rural areas, home helps and children doing odd jobs in cities also fall into this category.

325. Under the leadership of the Ministry of Labour and Employment, a national action plan for working children was drafted. The plan was finalized during a national workshop convened in May 1994 with support from ILO and UNICEF; all ministerial departments and a range of professional organizations, workers' unions, street children, employers organizations, NGOs and national associations participated in the event.

326. The action plan, which reflects a broad-based consensus, aims at the abolition of child labour in the long term. In the short and medium term, it seeks to improve working conditions and provide basic education for children who work to survive or because their social network has disintegrated (such as children who are excluded from schooling).

327. The measures envisaged in the national action plan for working children include the recommendation to implement the provisions of the Labour Code and, above all, preventive action such as making education compulsory until at least the age of 14, and action in rural areas to lighten the workload of young girls.

328. For almost a decade, Senegal has done its utmost to research, analyse and address the problem of child labour. Once the situation had been properly assessed and an action plan formulated, priorities were identified with a view to preparing and participating in major

international conferences on the issue (in Amsterdam, Oslo, Arusha and Pretoria, Kampala). At the same time, as of 1996, activities to heighten public awareness of the issue of child labour were given priority at special events dealing with children's issues.

329. In April 1998, with the support of the Netherlands, ILO implemented a national component of its IPEC programme. The fundamental objective of this three-year programme is to strengthen national capacities to prevent this phenomenon and to ensure the protection of child workers. It is coordinated by a national multidisciplinary steering committee.

330. It underpins the implementation of 15 secondary projects concerning the harmonization of labour legislation (2); health and safety at work (3); education and training of young girls in domestic service (1); protection and social and legal support for working children (2); improving the system of apprenticeships in the informal sector (2); rehabilitation of child scavengers (1); and projects to prevent child labour in rural areas in seven Senegalese regions.

331. The above-mentioned programme also helped provide courses on child labour for employers, trade unions, NGOs, the media and human rights organizations. Furthermore, a number of apprentices were given toolboxes and instructors' attention was drawn to the need to give their apprentices proper training.

332. The programme of cooperation between the Government of Senegal and UNICEF (1997-2001) has been concluded. Another programme introduced for the period 2002-2005 includes a project to assist working children and street children. The project, which is part of the Programme for Children in Particularly Difficult Circumstances, seeks to further the objectives of the national action plan for child workers.

333. Fifteen thousand girls in domestic employment (approximately 50 per cent of apprentices in the informal sector are under 16 years of age) will benefit from this project. The activities planned will contribute to reaching health- and hygiene-related objectives and ensuring those children's access to basic education.

334. The project further includes a strong advocacy and awareness-raising component aimed at promoting the abolition of child labour in the long term (ILO Convention No. 138 sets the minimum age for admission to employment at 15 years), and, in the short term, the effective implementation of the provisions of the Labour Code and changes in employers' and the general public's attitude towards child labour.

#### **8.4 The fight against drugs**

335. The Government of Senegal has long been aware of the dangers of drug addiction. Therefore, on 25 June 1965, a national anti-narcotics commission chaired by the Minister of the Interior was set up. The commission comprises representatives from various other ministries, including the Ministry of the Family, Social Development and National Solidarity and the Ministry of Justice.

336. Its principal mission is to draw up a national policy to combat the use of and trafficking in drugs and to coordinate the activities of the various State bodies involved in the fight against drug abuse and illicit trafficking in drugs.



337. The creation of the Central Office for Suppressing Illegal Drug Trafficking (OCRTIS), which is attached to the judicial police department, is also noteworthy. The Office, which has its headquarters in Dakar, also has 7 regional units, 10 anti-drug units and 2 liaison offices (gendarmerie and customs). Meanwhile, the Central Office for Suppressing Organized Crime was established within the Ministry of the Interior.

338. Measures taken in the field of awareness-raising include the establishment of the Centre Jacques Chirac to raise awareness and give information about drugs. The Centre is based in Thiaroye, a suburb of Dakar, and was established with the support of the French cooperation agency.

339. In a further illustration of Senegal's commitment to eradicating this scourge, the national anti-narcotics commission chaired by the Minister of the Interior decided to extend the annual celebration of the International Day against Drug Abuse and Illicit Trafficking held on June 26 to a one-week awareness-raising event to bring on board all segments of society.

340. As to prosecution, the Senegalese Criminal Code provides for prison sentences ranging from 1 month to 1 year for drug users and for 2 to 10 years' imprisonment for traffickers, in addition to a fine of between CFAF 1 million and CFAF 10 million.

341. An inter-ministerial council convened on 10 May 1995 under the chairmanship of the Prime Minister decided on several important measures to strengthen anti-drug action, in particular:

- Measures to combat the laundering of proceeds of trafficking, which will be strictly implemented and enforced;
- Measures to strengthen subregional cooperation in harmonizing national legislation;
- The introduction of teaching materials in schools to raise schoolchildren's awareness of the dangers of drugs;
- The broadcasting of a regular programme on drug abuse in the State media;
- The establishment of treatment centres for drug addicts;
- The enactment of drug legislation providing for more severe punishment of drug traffickers and manufacturers.

### **Preventive action by the Ministry of Health**

342. Senegal has ratified the following international instruments pertaining to drugs: the Single Convention on Narcotic Drugs of 1961, the Convention on Psychotropic Substances of 1971 and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.

343. In order to enhance the implementation of these conventions, Senegal has adopted a drugs code. A specialized unit composed of well-trained, experienced executives and officers was set up within the Ministry of the Interior to monitor, follow-up and support the prosecution of drug-trafficking.

344. Senegal is also a member of the Commission on Narcotic Drugs and the International Criminal Police Organization-Interpol; participates actively in the United Nations International Drug Control Programme (UNDCP); and takes a leading role in subregional cooperation to fight drug abuse. It should be pointed out that UNDCP chose Senegal, a country strongly committed to fighting drug abuse, to house its subregional office. The Government further intends to draft a national action plan against drug abuse that puts the emphasis on cooperation with NGOs (JAMRA, counselling centres, the Centre Jacques Chirac, etc.).

### **8.5 Protection against all forms of violence and sexual exploitation**

345. The measures taken to protect children from all forms of violence and sexual exploitation are mainly related to:

- The rape of a minor under 13 years of age is an aggravating circumstance impeding suspension of the sentence;
- The consummation of a marriage with a girl under the age of 16 constitutes a criminal offence;
- The commercial sexual exploitation of children is an aggravating circumstance;
- The prostitution of girls under the age of 21 is prohibited and is a punishable offence: article 397 of the Criminal Code provides for rehabilitation;
- The same applies to the use of minors for the purposes of pornography;
- Indecent assault constitutes an offence and, if perpetrated against a child under the age of 13, constitutes an aggravating circumstance;
- Legislation adopted in 1999 provides for severe punishment of acts of paedophilia, among other things;
- The abduction of a child under the age of 18 is subject to severe penalties;
- Training and awareness-raising activities are conducted for judges, gendarmes, journalists, soldiers and police officers;
- A national plan of action against sexual violence and abuse was adopted;
- A national plan of action against trafficking in children was adopted;
- Legal reforms are under way to protect children against abuse and sex tourism;

- The National AIDS Programme provides for assistance to child victims of HIV/AIDS;
- An anti-malaria programme was introduced;
- The Code of Criminal Procedure is currently being reviewed with a view to introducing alternative sentences and a social programme to occupy young persons in prison;
- A family mediation project assists children separated from their families;
- A legal advice centre will be set up shortly to enhance the processing of cases involving children;
- Plans are currently being made to create so-called “family solidarity houses” and centres for the promotion of social rehabilitation;
- The training of police officers and judges in matters pertaining to child prostitution is on the agenda;
- In recognition of the need to coordinate actions and programmes for orphans, the Ministry of Health has appointed a coordinator for this purpose;
- An action plan for vulnerable children was adopted;
- A programme is currently being designed to give police officers, judges and other law enforcement personnel training in the application of the Convention on the Rights of the Child;
- Following a study on children at risk, which was co-sponsored by the Ministry of the Family, Social Development and National Solidarity and the Office of the Prime Minister, a national plan of action to assist those children is currently being prepared with the support of UNICEF.

346. Perpetrators of rape or sexual abuse of children under 13 years of age are not eligible for pardon.

347. With regard to changing behavioural patterns, efforts must be made to eliminate early and forced marriages.

### **8.6 Measures taken to protect children who live, work and beg in the streets**

348. The Government of Senegal is concerned about child begging and the phenomenon of street children.

349. Legislative measures have therefore been taken to address the problem (arts. 241-247 bis of the Criminal Code prohibit begging except in connection with religious practices). In

particular, article 245, paragraph 2, of Act No. 75-77 of 9 July 1977 stipulates that “any person consenting to the begging of children under the age of 18 who are in their custody shall be punished with three to six months’ imprisonment”.

350. However, the ambiguity of those articles hampers their enforcement. In addition to these legal measures, the Government, in cooperation with UNICEF and several NGOs, has implemented programmes to improve the living conditions and basic education of students of Koranic schools (*talibés*) and street children.

351. The general purpose of the project entitled “Restitution of the rights of *talibés*”, which is part of the programme for children in particularly difficult circumstances (programme of cooperation between the Government of Senegal and UNICEF, 1992-1996), is to reduce the number of *talibé* beggars. According to the 1992 and 1993 surveys conducted by the Department of Social Action of the Ministry of Health and UNICEF, there are an estimated 100,000 *talibés*. The project aims to improve the living conditions and basic education of some 30,000 *talibés* beggars. Under the programme of cooperation between the Government of Senegal and UNICEF for 1997-2001, the project covers another 50,000 *talibés*. NGOs such as ADT Fourth World, youth associations, women’s associations, a number of religious leaders and community support groups back up Government efforts. The Malika Koranic school is a key player in the fight against *talibé* begging. The Fondation Paul Gérin-Lajoie is expected to launch a support and training programme for *talibé* beggars in Saint Louis soon, which will address the problem of young girls who live on the street. The project has an annual budget of 1 million Canadian dollars over a five-year period.

352. According to partial surveys carried out in 1992 and 1995, Senegal has an estimated 10,000 street children. “Although statistics remain somewhat unreliable, they give a clear indication that the number of children at risk, which was still marginal in the late 1970s, grew to over 300,000 by 1999 - or even 400,000 according to the appraisal undertaken by Government in the context of formulating its ‘Vision of children in the third millennium’. At the beginning of the third millennium, the proportion of boys and girls at risk could be around 2.5 to 3, or even 4, per cent of the country’s 10 million-strong population” (excerpt from the national plan of action for children at risk, Office of the Prime Minister and the Ministry of the Family, Social Development and National Solidarity, December 2000).

353. In the framework of the programmes carried out by the Government of Senegal and UNICEF (programme of cooperation, 1997-2001), ILO/IPEC and the UNFPA in relation to Koranic schools, special measures are being taken to improve children’s living conditions and basic education.

354. Organizations like ENDA Tiers Monde, Pour un Sourire d’Enfant, the FSER solidarity fund for street children, Espoir Sans Frontières, the Senegalese association for the development of community projects ASDIC and Avenir de l’Enfant (which has set up a monitoring centre in Mbour) already conduct a range of activities to improve the living conditions of street children and lobby on their behalf.

## CONCLUSION

355. It can be deduced from the above that the protection of children in difficult situations is an ongoing priority in Senegal.

356. This is illustrated, *inter alia*, by the ratification of several child rights-related instruments, the consideration of children's needs in the implementation of public-interest projects, and the implementation of several relevant programmes in the context of cooperation with United Nations agencies and NGOs.

357. The National Senegalese Workers' Confederation (CNTS), the National Union of Independent Trade Unions (UNSAS) and the Confederation of Independent Trade Unions (CSA) have set up a centre to monitor child labour in companies and other workplaces so as to ensure respect for international conventions, domestic legislation and children's educational needs in conformity with Senegalese legislation.

358. It is worth pointing out the personal involvement of the Head of State, which led to the adoption of presidential guidelines for the pursuit of the "2000 global objectives" relating to the survival, development and protection of children and the provision of school stationery. The Head of State has repeatedly urged sponsors, manufacturers, and company and business executives to provide material and other assistance to children, especially in the area of education.

359. The project to build 28,000 kindergartens is a vivid illustration of the measures taken to translate this political will into tangible achievements. This project should go hand in hand with the construction of 3,500 classrooms per year and the construction of a sufficient number of lower and upper secondary schools.

360. The authorities' commitment to enhancing respect for children's rights is thus clearly manifest.

361. However, much remains to be done, especially with regard to compulsory education, the school-leaving age, the definition of the child, children's participation in the running of schools (primary, lower secondary and secondary schools), educational infrastructure, disabled children, support for pregnant teenagers, early childhood care, infant, child and juvenile mortality, child malnutrition, etc.

362. By building a coherent vision supported by all segments of Senegalese society that are committed to guaranteeing and implementing children's rights, and by involving local government through decentralization and the development of local resources, the status of children at the beginning of the third millennium has certainly been enhanced considerably.

**Annex**

**REPUBLIC OF SENEGAL**

**One people - one purpose - one faith**

**Act No. 99-05 of 31 January 1999, amending several provisions of the Criminal Code**

The National Assembly, meeting on Wednesday, 13 January 1999, discussed and adopted the following;

The President of the Republic promulgates the following Act:

**Article 1**

Articles 4, 80, 238, 239, 240, 294 (para. 2) and 320 of the Criminal Code are repealed and replaced by the following provisions:

**Article 4:** “No felony, misdemeanour or infraction shall be liable to penalties other than those set forth in legislation or regulations adopted prior to its commission.”

**Article 80:** “Other types of conduct or acts undermining public security or causing serious political upheaval in violation of domestic law are liable to three to five years’ imprisonment and a fine of between 100,000 and 500,000 CFA francs. The offender might further be subject to a residence ban.

Any person who receives, accepts, solicits or authorizes donations, gifts, grants, offerings, promises or any other resources in exchange for producing propaganda that could undermine public security or cause serious political upheaval, or for inciting citizens to violate domestic law, shall be liable to one to five years’ imprisonment and a fine equal to or double the value of the promises accepted or the goods received or requested, but no less than 100,000 CFA francs. The offender may further be subject to a residence ban.

Neither the goods received nor their monetary equivalent shall ever be returned; they shall be seized for the benefit of the treasury.”

**Article 238:** “The creation of any association, whatever its duration or the size of its membership, and any agreement entered into for the purpose of planning or committing one or more felonies or misdemeanours against persons or property constitute a felony or misdemeanour against the public peace.”

**Article 239:** “Any person who joins an association or enters into an agreement for the purposes described in the preceding article shall be liable to between ten and twenty years’ hard labour or to a lesser penalty of five to ten years, depending on the circumstances of the case.

Persons convicted of the felony or misdemeanour referred to in the present article shall be immune from punishment if they inform the authorities of the agreement entered into or the existence of the association before any legal proceedings are instituted.”

**Article 240:** “Any person having wittingly and voluntarily facilitated the commission of the felonies or misdemeanours set forth in article 238 by providing instruments, means of communication, shelter or meeting places for the perpetrators shall be liable to ten to twenty years’ hard labour or to a lesser penalty of five to ten years, depending on the circumstances of the case.

The offender shall further be subject to a five- to ten-year residence ban.

The provisions contained in article 239, paragraph 2, shall nevertheless be applicable to the perpetrators of the acts referred to in the present article.”

**Article 294, paragraph 2:** “If the acts of violence described above are committed against a female person or a person who is a particularly vulnerable owing to pregnancy, advanced age or their physical or psychological condition, the offender shall be liable to one to five years’ imprisonment and a fine of between 30,000 and 150,000 CFA francs. The sentence may not be suspended.”

**Article 320:** “Any act of sexual penetration, whatever its nature, committed on another person by force, coercion, threat or surprise constitutes rape.

Rape is punishable by five to ten years’ imprisonment.

If the act leads to mutilation or permanent disability or is accompanied by illegal confinement or is committed by several people, the above-mentioned penalty shall be doubled.

If the act results in the death of the victim, the perpetrator(s) shall be prosecuted for murder.

If the offence is committed against a child under 13 years of age or a person who is particularly vulnerable owing to pregnancy, advanced age or their physical or psychological condition, the maximum penalty shall be imposed.”

**Article 322:** “In the cases provided for in articles 319, 320, 320-1, 320-2 and 321, the sentence may not be suspended.”

## Article 2

The Criminal Code is supplemented by articles 397 bis, 299 bis, 319 bis, 320 ter and 379 bis, as set out below:

**Article 297 bis:** “Any person who deliberately injures, hits or otherwise attacks or assaults his or her spouse shall be liable to one to five years’ imprisonment and a fine of between 50,000 and 500,000 CFA francs if such violence results in infirmity or incapacity to work for a period exceeding 20 days.

If the injury, blow or other act of violence or abuse does not lead to infirmity or incapacity to work for the period specified in the preceding paragraph, the offender shall be liable to the penalties set forth in article 294, paragraph 2.

The sentence may not be suspended in the cases referred to in the first two paragraphs of the present article.

If the various acts of violence lead to mutilation, amputation or loss of use of a limb, blindness or loss of an eye, or any other permanent disability, the penalty shall be ten to twenty years' hard labour.

If the blows or recurring acts of violence lead to the death of the victim, the perpetrators shall be prosecuted for murder."

**Article 299 bis:** "Any person who harms or attempts to harm a female person's genital organ by total or partial excision of one or more of its elements, infibulation, anaesthetization or any other means shall be liable to between six months' and five years' imprisonment.

If the act of genital mutilation is carried out or facilitated by a member of the medical or paramedical profession, the maximum penalty shall apply.

If the act results in the death of the victim, the penalty shall automatically be hard labour for life.

The same penalties shall apply to any person who facilitates or orders genital mutilation by means of donations, promises, manipulation, threats, intimidation or abuse of power or authority."

**Article 319 bis:** "Any person abusing the authority conferred on them by their position to harass others through orders, gestures, threats, words, writings or coercion to obtain sexual favours shall be liable to between six months' and three years' imprisonment and a fine of 50,000 to 500,000 CFA francs.

If the victim of this offence is under 16 years of age, the maximum term of imprisonment shall be imposed."

**Article 320 bis:** "Any gesture, touching, caressing, pornographic manipulation or the use of images or sounds using any technical procedures whatsoever for sexual purposes in relation to a child of either sex under 16 years of age constitutes an act of paedophilia and is liable to five to ten years' imprisonment.

If the offence is committed by a relative or a person in a position of authority over the minor, the maximum penalty shall be imposed at all times.

An attempt is liable to the same punishment as the consummated offence."



**Article 320 ter:** “Facilitating the corruption of a minor is punishable with one to five years’ imprisonment and a fine of 100,000 to 1,500,000 CFA francs. The corresponding penalty in cases where the minor is under 13 years of age is three to seven years’ imprisonment and a fine of between 200,000 and 3,000,000 CFA francs.

The same penalties shall be imposed on adults who convene gatherings involving indecent exposure or sexual relations in the presence or with the participation of a minor.”

**Article 379 bis:** “Any person who receives benefits, material goods, payment or services either by acting fraudulently in any way or by using a false name or status shall be liable to the penalties provided for in the first paragraph of the preceding article.”

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