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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Thirty-first session**  
5–16 November 2018

## **Compilation on Senegal**

### **Report of the Office of the United Nations High Commissioner for Human Rights**

#### **I. Background**

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

#### **II. Scope of international obligations and cooperation with international human rights mechanisms and bodies**

2. In 2015 and 2016, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families recommended that Senegal ratify the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).<sup>1</sup> The Committee on Migrant Workers also recommended ratifying the ILO Migration for Employment Convention (Revised), 1949 (No. 97) and the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143).<sup>2</sup>

3. The Committee on the Rights of the Child and the Committee on Migrant Workers recommended ratifying the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty and the Optional Protocol to the Convention on the Rights of Persons with Disabilities.<sup>3</sup>

4. The Committee on Migrant Workers encouraged Senegal to make the declarations provided for in articles 76 and 77 of the Convention.<sup>4</sup> In 2017, the Committee on Enforced Disappearances invited it to recognize the Committee's competence under articles 31 and 32 of the Convention.<sup>5</sup>

5. The United Nations country team noted that a number of recommendations from the 2013 universal periodic review related to extending a standing invitation to special



procedure mandate holders, which had not been done. It also noted, however, that Senegal had received a visit from the Working Group on the issue of discrimination against women in law and in practice.<sup>6</sup>

6. The Working Group on the issue of discrimination against women in law and in practice noted that Senegal had ratified without reservation almost all the relevant international and regional human rights instruments. However, the Working Group noted that Senegal had not ratified the Equality of Treatment (Social Security) Convention, 1962 (No. 118), the Maternity Protection Convention, 2000 (No. 183) and the Domestic Workers Convention, 2011 (No. 189) of ILO.<sup>7</sup>

### III. National human rights framework<sup>8</sup>

7. The Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and the Committee on Migrant Workers welcomed various legislative measures that had been adopted,<sup>9</sup> including Law No. 2013-03 (2013)<sup>10</sup> and Law No. 2013-05 (2013) on nationality.<sup>11</sup>

8. The Committee on the Rights of the Child recommended that Senegal adopt the draft Children's Code.<sup>12</sup>

9. The Committee also recommended ensuring the effective enforcement of legislation,<sup>13</sup> as well as harmonizing child protection laws with international and regional instruments.<sup>14</sup> The Committee on Migrant Workers urged Senegal to bring national laws and policies into line with the Convention.<sup>15</sup> The Committee on Enforced Disappearances made a similar recommendation.<sup>16</sup>

10. While welcoming the National Strategy for the Development of Statistics 2014–2019,<sup>17</sup> the Committee on the Rights of the Child urged Senegal to improve its data collection system.<sup>18</sup> The Committee on Migrant Workers recommended the establishment of a centralized database to collect migration-related statistics.<sup>19</sup> The Committee on the Elimination of Discrimination against Women recommended improving the collection of sex-disaggregated data.<sup>20</sup>

11. The Committee on the Rights of the Child was concerned that the Senegalese Human Rights Committee was downgraded to B status in 2012.<sup>21</sup> The Committee on Enforced Disappearances noted that Senegal was considering adopting a law to establish a Senegalese national human rights commission in order to comply with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).<sup>22</sup> The Committee on the Elimination of Discrimination against Women recommended adopting the legislative amendments necessary to enable the upgrading of the Senegalese Human Rights Committee to A status.<sup>23</sup> The Committee on Enforced Disappearances encouraged establishing a national human rights institution in conformity with the Paris Principles, allocating sufficient resources for its functioning.<sup>24</sup> The Committee on the Rights of the Child recommended adopting the draft law establishing an independent ombudsman for children.<sup>25</sup>

12. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that Senegal should adopt and implement the law establishing an ombudsman for children and strengthen activities aimed at ensuring education and protection for vulnerable children who beg or who do not attend school. It also recommended that Senegal should continue to establish educational facilities adapted to the needs of persons with disabilities and should further develop measures aimed at providing education for *talibé* child beggars and protecting them from trafficking, exploitation and all forms of violence. UNESCO also recommended that Senegal should continue its efforts to modernize the legal framework of the education system.<sup>26</sup>

13. The country team recommended that Senegal should shift the focus of the draft children's code to include provisions effectively protecting children's rights by means of penalization. The recommendation is based on a study commissioned in 2018 by the West Africa Regional Office of the Office of the United Nations High Commissioner for Human Rights to evaluate and analyse the country's national, regional and international legal

framework with regard to children's rights and the degree of implementation of the recommendations issued by children's rights protection mechanisms. That study found that, owing to its lack of penalties for violations of children's rights, the draft children's code would not provide adequate protection for such rights.<sup>27</sup>

14. The Working Group on the issue of discrimination against women in law and in practice commended Senegal on the efforts it had made to strengthen its legal framework for the promotion and protection of women's rights and gender equality.<sup>28</sup> Nonetheless, the Working Group noted that the Family Code remained one of the chief sources of discrimination against women in Senegal and contained many discriminatory provisions.<sup>29</sup>

15. In addition, the Working Group recommended that Senegal bolster the leadership of the Ministry of Women, the Family and Children, strengthen the National Observatory on Gender Parity and assign it an adequate budget.<sup>30</sup>

## **IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

### **A. Cross-cutting issues**

#### **Equality and non-discrimination<sup>31</sup>**

16. The Committee on the Elimination of Discrimination against Women noted that the Constitution and ordinary legislation lacked an explicit definition of discrimination covering direct and indirect discrimination and discrimination in the public and private spheres, as well as provisions guaranteeing equal rights of women and men. It recommended that Senegal introduce in its legislation the definition of discrimination included in article 1 of the Convention.<sup>32</sup>

17. Concerned about discrimination against certain groups of children, the Committee on the Rights of the Child urged Senegal to eliminate de facto discrimination against all vulnerable and marginalized children.<sup>33</sup> It also recommended that customary and traditional practices did not prevent children from enjoying their rights.<sup>34</sup>

18. The country team noted that the legislation on parity had enabled a considerable number of women to enter the parliament, but that, as the proportion of women in decision-making bodies remained very low, such legislation should also be applied to appointed positions. The team also pointed out discriminatory provisions that remained in the national legislation, including in connection with paternal and marital authority, which interfered with women's enjoyment of other rights.<sup>35</sup>

19. The country team also noted that the 2013 Nationality Act had put an end to the discrimination women had faced in passing their nationality to a foreign spouse or to their children. However, the country team drew attention to continued discrimination faced by children born or found on Senegalese territory in acquiring nationality.<sup>36</sup>

20. The Working Group on the issue of discrimination against women in law and in practice recommended that Senegal increase men's awareness of their shared responsibility for the upbringing of children and for dependent parents, as well as a more equitable sharing of domestic chores. It also recommended that Senegal introduce temporary special measures, such as quotas, in order to address discrimination against women in employment, not only in elected positions, but also in the civil service and in private companies, in order to ensure that Senegalese women had the same opportunities as men.<sup>37</sup>

### **B. Civil and political rights**

#### **1. Right to life, liberty and security of person<sup>38</sup>**

21. The Committee on Enforced Disappearances recommended expediting the revision of the Criminal Code and the Code of Criminal Procedure with a view to define enforced

disappearance as an autonomous offence and to recognize its continuous nature.<sup>39</sup> It also recommended that the draft reform of the Criminal Code ensure that no exceptional circumstances be invoked for the non-derogability of the prohibition of enforced disappearance,<sup>40</sup> as well as provide for the responsibility of a superior<sup>41</sup> and for mitigating and aggravating circumstances applicable to acts of enforced disappearance covering all the elements listed in the Convention.<sup>42</sup>

22. The Committee recommended amending the criminal legislation on enforced disappearance, especially article 431-2 (1) (6) of the Criminal Code, in particular by mentioning enforced disappearance separately from subjection to slavery and abduction, and stating that enforced disappearance constituted a crime against humanity.<sup>43</sup>

23. The Committee noted Senegal's intention to include in the reformed Criminal Code an explicit prohibition against the expulsion, return, surrender or extradition of a person in cases in which there were grounds for believing that he or she would be subjected to enforced disappearance. It recommended strictly observing the principle of non-refoulement in all circumstances.<sup>44</sup>

24. Concerned at the absence of measures to punish under criminal law the abduction of children and the falsification, concealment or destruction of documents attesting to the identity of children, the Committee recommended strengthening the criminal legislation in that regard.<sup>45</sup>

25. The Committee recommended that Senegal address the legal situation of disappeared persons and their relatives in areas such as social care, financial matters, family law and property rights.<sup>46</sup>

26. In 2012, the Subcommittee on the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment found that the legislative framework of the National Observatory of Places of Deprivation of Liberty made it impossible to guarantee its independence.<sup>47</sup> The Subcommittee also communicated its disquiet at the absence of an adequate budget for the Observatory, which prevented it from functioning properly.<sup>48</sup> The Subcommittee urged Senegal to reinforce the institution's legal framework.<sup>49</sup>

27. In 2014, the Observatory informed the Subcommittee that the Minister of Justice had assured it that any linking of the national preventive mechanism to the executive branch would be abolished.<sup>50</sup> The Observatory also stated that Senegal had not taken any account of the proposals of the Subcommittee and the Committee against Torture or those of the Human Rights Council, which had been made during the previous universal periodic review, regarding the Observatory's budget.<sup>51</sup>

28. The Committee on Migrant Workers was concerned about the poor conditions of detention due to ageing infrastructure and prison overcrowding, recommending bringing detention conditions into conformity with international standards.<sup>52</sup> The Committee on the Elimination of Discrimination against Women was concerned specifically about the overcrowding in detention centres and prisons for women. It recommended reducing overcrowding and improving access to health care in all places in which women were deprived of their liberty, and using alternative measures of detention, especially for pregnant women and women with children.<sup>53</sup>

29. The Committee on Enforced Disappearances recommended affording all persons deprived of liberty with all the fundamental legal safeguards from the outset of their deprivation of liberty, and accurately and promptly completing and updating all registers of such persons.<sup>54</sup>

30. Senegal informed the Committee against Torture that, in order to strengthen legal safeguards protecting liberty, it had begun drafting amendments to reform both the Criminal Code and the Code of Criminal Procedure with measures to protect the rights of persons deprived of their liberty. Both bills were to be presented to the authorities for adoption in the first half of 2014.<sup>55</sup>

## 2. Administration of justice, including impunity, and the rule of law

31. The Committee on Enforced Disappearances noted with concern that the national authorities, when investigating cases of disappearance, used investigative procedures set out in the Code of Criminal Procedure relating to such acts as abduction and false imprisonment. It recommended guaranteeing the exercise of jurisdiction by the courts over offences of enforced disappearance.<sup>56</sup>

32. Regarding complainants and witnesses, the same Committee recommended that, as part of the reform of the Criminal Code, Senegal effectively protect all the categories of persons listed in article 12 (1) of the Convention from any ill-treatment or intimidation as a consequence of any complaint made or evidence given.<sup>57</sup>

33. Senegal informed the Committee against Torture that the Government had taken all steps necessary to hold the trial of the former President of Chad, Hissène Habré, who was accused of international crimes committed in the territory of Chad between 1982 and 1990,<sup>58</sup> and had reiterated its commitment to hold the trial to its full conclusion.<sup>59</sup> The Committee on Enforced Disappearances noted the establishment of the Extraordinary African Chambers within the Senegalese judicial system to try Hissène Habré.<sup>60</sup>

34. The country team noted that socioeducational programmes were insufficient to avoid the placement of children in prison or to reduce the time they spent there. The team also noted that those responsible for exploiting child beggars enjoyed impunity and indicated that the practices of female genital mutilation and child marriage were widespread. It encouraged Senegal to strengthen all elements of the judicial protection system and the social services in order to ensure the rule of law for children.<sup>61</sup>

35. The Working Group on the issue of discrimination against women in law and in practice recommended that Senegal provide proper training to all judicial personnel, mobilize the entire judicial system to combat impunity and disseminate information on and raise awareness of the rights of women and girls among all segments of the population through the involvement of the media, men and boys, as well as community and religious leaders.<sup>62</sup>

36. The Working Group also recommended that Senegal recruit more women officers in police stations and gendarmeries in order to handle the cases of girls and women who had been subjected to violence, and that Senegal ensure that perpetrators of gender-based violence were prosecuted and convicted, including those responsible for female genital mutilation.<sup>63</sup>

## 3. Fundamental freedoms and the right to participate in public and political life

37. The United Nations Educational, Scientific and Cultural Organization (UNESCO) encouraged Senegal to decriminalize defamation in accordance with international standards. It also encouraged Senegal to assess the appointment system for the broadcast licensing authority to ensure that that body was independent and review the mandatory licensing of journalists.<sup>64</sup>

## 4. Prohibition of all forms of slavery

38. The Committee on Migrant Workers was concerned at the limited enforcement of Act No. 2005-06 on combating trafficking in persons and related practices and on the protection of victims, and at the invocation of that Act to prosecute Senegalese migrants attempting the crossing to Europe.<sup>65</sup> The Committee on the Rights of the Child recommended ensuring the application and enforcement of the Act,<sup>66</sup> while the Committee on Migrant Workers recommended amending it.<sup>67</sup> The Committee on the Elimination of Discrimination against Women recommended that Senegal incorporate a clear definition of trafficking in persons into the Act.<sup>68</sup>

39. The Committee on Migrant Workers was concerned that Senegalese nationals were victims of trafficking or forced labour in agriculture, gold-mining or domestic work in third countries.<sup>69</sup> It was also concerned by the reports of women and children from other countries who were victims of sexual exploitation, especially for purposes of sex tourism, forced labour and domestic servitude, as well as those of children from the region were

working in small-scale gold-mines, some of whom were victims of trafficking, abuse and sexual exploitation, and others who were forced to beg and were exploited for financial gain by *marabouts*.<sup>70</sup>

40. The Committee on the Elimination of Discrimination against Women added that women and girls were trafficked as domestic workers and “Internet brides”, and were subjected to forced labour, sexual exploitation and forced begging, such as *talibé* children forced to beg.<sup>71</sup> The Committee on the Rights of the Child was likewise concerned at the increasing prevalence of forced begging in the large cities, mostly affecting *talibés* under 12 years of age, who were trafficked from rural areas and from neighbouring countries<sup>72</sup> and the legislation authorizing some forms of begging.<sup>73</sup> The Committee on the Rights of the Child urged Senegal to explicitly prohibit all forms of begging in all settings and protect *talibés* against exploitation and discrimination.<sup>74</sup>

41. The Committee on the Rights of the Child was deeply concerned about the very low rates of investigations, prosecutions and convictions of those responsible for trafficking and forced begging.<sup>75</sup>

42. The Committee on Migrant Workers recommended investigating and prosecuting those responsible for human trafficking, smuggling and other related offences.<sup>76</sup>

## C. Economic, social and cultural rights

### 1. Right to work and to just and favourable conditions of work

43. The Committee on the Elimination of Discrimination against Women was concerned about the persistent gender wage gap and occupational segregation of women and men; the high rate of unemployment among women and their concentration in the informal sector; and the absence of legal provisions explicitly criminalizing sexual harassment in the workplace. It made recommendations to address those issues.<sup>77</sup> It also recommended reviewing discriminatory legal provisions in the Code of Social Security and Law No. 71-31 of 1971 amending Law No. 61-33 of 1961 on the general status of civil servants.<sup>78</sup>

### 2. Right to social security

44. The country team noted that Senegal had adopted the National Strategy for Social Protection with the aim of achieving universal social protection by 2035. The team stressed that despite the progress made, the right to social security was only partially realized for workers in the informal sector.<sup>79</sup>

### 3. Right to an adequate standard of living

45. The Committee on the Rights of the Child remained deeply concerned that almost half of the country’s children lived in income-poor families, with rural regions being in the most disadvantaged situation. It urged Senegal to address child poverty and regional disparities.<sup>80</sup>

### 4. Right to health

46. The Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child welcomed measures to expand universal health coverage.<sup>81</sup> The Committee on the Rights of the Child remained, however, concerned about the insufficient funding allocated to the health-care sector and the number of qualified health-care providers and their inequitable distribution across the country. It recommended that Senegal allocate sufficient resources to health services.<sup>82</sup>

47. The Committee on the Rights of the Child recommended reducing child mortality, including neonatal mortality, and regional disparities;<sup>83</sup> protecting children from malnutrition,<sup>84</sup> while adopting the new Nutrition Enhancement Programme;<sup>85</sup> and combating malaria.<sup>86</sup>

48. The Committee on the Elimination of Discrimination against Women remained concerned about the persistent high rates of maternal mortality, and the disproportionately

high number of women living with HIV, particularly women in prostitution. It recommended providing essential obstetric care for pregnant women and reducing HIV/AIDS among women.<sup>87</sup>

49. Concerned about the high number of teenage pregnancies, the Committee on the Rights of the Child urged Senegal to adopt a comprehensive sexual and reproductive health policy for adolescents and introduce age-appropriate school education on sexual and reproductive health and rights; increase access to safe and affordable contraceptives; and protect the rights of pregnant teenagers, adolescent mothers and their children, and combat their discrimination.<sup>88</sup>

50. The Committee on the Elimination of Discrimination against Women recommended amending article 305 of the Criminal Code, the code of professional conduct and relevant legal provisions to decriminalize abortion and removing from the draft legal provisions the above-mentioned burden of proof for pregnant women.<sup>89</sup>

## 5. Right to education

51. The Working Group on the issue of discrimination against women in law and in practice recommended that Senegal include women's human rights and gender equality in school curricula, beginning at the level of primary education.<sup>90</sup>

52. The Committee on the Rights of the Child remained concerned about: the negative impact of the indirect costs of education on children's access to education; the low enrolment rates and high dropout rates; the poor quality of education; and the lack of a policy to upgrade the Qur'anic schools (*daaras*).<sup>91</sup> It recommended that Senegal eliminate direct and indirect costs for education; improve the quality of education;<sup>92</sup> and adopt the law on modernizing *daaras* to link them with the formal education system, creating grounds to prohibit their involvement in child abuse and exploitation, including child begging.<sup>93</sup>

53. The Committee on the Elimination of Discrimination against Women recommended ensuring equal access and equal retention of girls and young women at all levels of education; implementing a zero-tolerance policy on sexual violence and sexual harassment; increasing the number of female teachers at all levels of education; and conducting literacy campaigns for women, particularly in rural areas.<sup>94</sup>

54. UNESCO recommended that Senegal should continue its efforts to uphold the right to education, with a particular focus on access to schooling for children and adolescents of middle- and secondary-school age.<sup>95</sup> UNESCO also recommended that Senegal should continue the considerable efforts it had already made to strengthen the right to education, in particular by improving access to education for girls and by stepping up its programme to modernize religious schools.<sup>96</sup>

55. UNESCO also recommended that Senegal should raise the minimum age for employment to align it with the end of compulsory schooling and ensure full compliance with the obligation to attend school.<sup>97</sup> Lastly, since early marriage hindered girls' access to education, UNESCO recommended that Senegal should raise the minimum age for marriage to 18 years.<sup>98</sup>

56. The country team noted that equal numbers of girls and boys were attending and staying in school at the primary level, but that keeping girls in school at the secondary level and ensuring they could access vocational training remained a challenge.<sup>99</sup>

## D. Rights of specific persons or groups

### 1. Women

57. The Committee on the Elimination of Discrimination against Women was concerned at the limited capacity and independence of the National Observatory for Parity.<sup>100</sup> It recommended that Senegal ensure its independence and strengthen the national machinery for the advancement of women and improve its coordination.<sup>101</sup>

58. The Committee also recommended putting in place a comprehensive strategy to eliminate stereotypes that discriminated against women and harmful practices.<sup>102</sup>
59. The Committee was concerned about the long delays in revising the discriminatory provisions contained in national law, particularly those of the Family Code, including provisions relating to the different minimum age of marriage for girls and boys, polygamy, discrimination in the consequences of breach of marriage and discrimination against Muslim women regarding inheritance.<sup>103</sup>
60. The Committee on the Elimination of Discrimination against Women was concerned at the high number of unregistered marriages, recommending protecting the rights of women in such marriages.<sup>104</sup>
61. Concerning persistent harmful practices,<sup>105</sup> the same Committee recommended eliminating the practice of polygamy, child and early marriage, female genital mutilation, levirate and sororate marriages, repudiation and food prohibitions or taboos.<sup>106</sup>
62. The Committee on the Rights of the Child urged Senegal to promptly investigate cases of female genital mutilation and prosecute the perpetrators; accelerate the legislative reforms within the Criminal Code to criminalize failure to report female genital mutilation performed on girls; and establish protective mechanisms to safeguard children, especially girls, at risk of female genital mutilation.<sup>107</sup> The Committee on the Elimination of Discrimination against Women recommended the effective implementation of Law No. 99-05 criminalizing female genital mutilation and of the second national action plan to accelerate the elimination of female genital mutilation (2010–2015).<sup>108</sup>
63. The Working Group on the issue of discrimination against women in law and in practice was concerned that voluntary termination of pregnancy was prohibited under both the Criminal Code and Act No. 2005-18 on Reproductive Health and carried a penalty of up to five years' imprisonment. It noted that the incorporation into domestic law and enforcement of the instruments to which it was a party remained inadequate and the new constitution of 2001 that promoted gender equality had yet to be implemented in practice.<sup>109</sup>
64. The Working Group recommended that Senegal amend the Family Code to eliminate, in law and in practice, all forms of discrimination in the family.<sup>110</sup> It also recommended that Senegal raise the legal age of marriage for women to 18 and include a new provision in the Criminal Code that penalized early marriage, legalized abortion and abolished the penalization of women involved in prostitution.<sup>111</sup>
65. The Committee on the Elimination of Discrimination against Women was concerned about the lack of criminalization of marriages with a child between 13 and 18 years of age.<sup>112</sup> The Committee on the Rights of the Child urged Senegal to adopt the Plan of Action to End Child Marriage, and prevent and combat child marriage.<sup>113</sup> It also encouraged Senegal to amend article 111 of the Family Code and article 300 of the Criminal Code; and to adopt the draft Children's Code in order to raise the minimum age for marriage to 18 for both boys and girls.<sup>114</sup>
66. The Committee on the Elimination of Discrimination against Women remained concerned about the persistence of domestic violence<sup>115</sup> and urged Senegal to amend the relevant legislation to qualify rape as a serious crime and criminalize marital rape; strengthen assistance to and rehabilitation of women victims of violence, and ensure their effective access to remedies; and eliminate prejudices relating to violence against women through awareness-raising and educational activities.<sup>116</sup>
67. Concerned about the persisting barriers faced by women in effectively gaining access to justice, the same Committee recommended removing those barriers and ensuring that women without sufficient means had effective access to free legal aid.<sup>117</sup>
68. The Committee remained concerned about rural women's limited access to land, owing to legal and sociocultural barriers regarding their right to inheritance, health care, education, public transportation, food, water and sanitation, income-generating opportunities and social protection.<sup>118</sup>
69. The country team noted the national action plan to eliminate gender-based violence and promote human rights, adopted in 2017, which gave form to the vision of theme 3, on



governance, peace and security, of the Emerging Senegal Plan. The country team encouraged the Government to allocate substantial resources to the implementation of the Plan in order to guarantee the promotion and protection of the rights of women and girls.<sup>119</sup>

## 2. Children

70. The Committee on the Rights of the Child recommended providing the national intersectoral committee and departmental committees on child protection with a clear mandate, authority and resources; establishing clear procedures and mechanisms for coordination between such institutions;<sup>120</sup> and allocating resources to the Office for the Protection of Children.<sup>121</sup>

71. The same Committee was concerned about the lack of measures to protect children from tourism activities, and about the fact that private investment, particularly in the mining and fishing industries, could entail the use of child labour and their exposure to harmful substances. It recommended that Senegal prevent child sex tourism and require that companies operating in the country mitigated the adverse impact on child rights of their operations.<sup>122</sup>

72. The Committee was concerned at the high levels of abuse and exploitation of children.<sup>123</sup> It expressed deep concern about the increasing number of girls subjected to domestic servitude and commercial sexual exploitation, including for sex tourism, and the lack of regulation of the system of sponsorship and adoption in exchange for money or services for the family (*confiage* or *yaar doom*).<sup>124</sup>

73. The Committee urged Senegal to enforce legislation on the sexual abuse and exploitation of children,<sup>125</sup> specifically article 298 of the Criminal Code criminalizing physical abuse and neglect of children<sup>126</sup> and the Criminal Code provision prohibiting sexual intercourse with children under the age of 12.<sup>127</sup> The Committee recommended implementing the National Strategy on Child Protection to prevent and combat child abuse and neglect.<sup>128</sup>

74. The Committee reiterated its deep concern at the practice of Qur'anic schools run by *marabouts*, who use *talibés* for economic gain, sending them to beg. It urged Senegal to remove *talibé* children from the control of Qur'anic teachers, and promptly investigate and prosecute perpetrators.<sup>129</sup>

75. The Committee urged Senegal to amend the Labour Code and ensure that children under 18 years of age could not work in underground mines, quarries or fisheries; ensure respect for the minimum age (16 years) for admission to employment in the informal sector; establish mechanisms to safeguard children at risk of child labour; and ensure access to social services and legal redress to child victims.<sup>130</sup>

76. Despite initiatives to protect children in street situations, the Committee was deeply concerned about the increasing number of such children and their poor living conditions. It urged Senegal to address their rights and needs, and facilitate their reintegration into society.<sup>131</sup> It recommended repealing all provisions authorizing corporal punishment, including article 285 of the Family Code, and explicitly prohibiting corporal punishment in all settings.<sup>132</sup>

77. The country team highlighted the practice of begging among *talibé* children and noted that the situation of street children was becoming increasingly worrying. Despite the fact that there was legislation in place, no concrete, effective measures had been taken to counter the practice, which left children completely at risk on the streets. The country team noted that Senegal had adopted a national child protection strategy which had a limited impact owing to a lack of resources and coordination.<sup>133</sup>

78. While noting the measures that had been taken on juvenile justice, the Committee urged Senegal to establish specialized juvenile courts throughout the country; promote alternative measures to detention; ensure that children were not detained together with adults; and provide both sentenced and released persons below 18 years of age with educational opportunities, recovery and social reintegration services.<sup>134</sup>

79. The Committee was concerned at the effects of family separation on children, and recommended that Senegal ensure the registration and certification of existing alternative care centres for children, and systematically review the placement of children in institutions and foster care.<sup>135</sup>

80. The Committee recommended that Senegal adopt the decree setting up a central authority to oversee intercountry adoptions and establish a legal framework regulating international adoptions.<sup>136</sup>

81. The country team nevertheless noted the progress made in amending the Nationality Act to allow Senegalese women to pass their nationality to their children and foreign spouses.<sup>137</sup>

82. The Committee on the Rights of the Child welcomed the revised Nationality Code (2013), eliminating gender-discriminatory provisions on the transmission of nationality through marriage, childbirth and adoption, as well as distinctions between children born in or out of wedlock in the attribution of nationality.<sup>138</sup> Nevertheless to grant nationality, the revised Code required that a child be born to a parent also born in Senegal or to a parent who was a national.<sup>139</sup> The Committee on Migrant Workers was concerned that children born in Senegal to foreign nationals had difficulty obtaining Senegalese nationality.<sup>140</sup> The Committee on the Rights of the Child recommended bringing the Nationality Code into line with international standards on preventing statelessness.<sup>141</sup>

83. The Committee on the Rights of the Child was concerned about the lack of progress in increasing the birth registration rates of children under 5 and the wide disparities between urban and rural areas. It recommended that Senegal modernize its civil registration system; provide free birth registration and issuance of certificates, especially in rural and remote areas; and ensure access to education and social services to children without birth certificates.<sup>142</sup>

### **3. Persons with disabilities**

84. While welcoming programmes to protect the rights of children with disabilities, the Committee on the Rights of the Child remained deeply concerned about their very low primary school enrolment, and their limited access to inclusive education and well-trained teachers; the high prevailing abuse, violence, stigma and exclusion against them; and the inadequate provision of health-care, social and rehabilitation services. It urged Senegal to adopt a human rights-based approach to disability and strengthen the implementation of the programmes relating to children with disabilities.<sup>143</sup>

### **4. Migrants, refugees, asylum seekers and internally displaced persons**

85. The Committee on Migrant Workers stated that, as a country of transit and destination, Senegal faced a number of challenges regarding the protection of migrant workers' rights.<sup>144</sup> It recommended signing bilateral and multilateral agreements with countries of destination and transit that would be conducive to regular migration;<sup>145</sup> combating the criminal groups involved in the smuggling of migrants; and addressing the root causes of irregular migration.<sup>146</sup>

86. The Committee remained concerned about the criminalization of irregular migration under Act No. 78-12 on conditions of admission, stay and establishment of foreigners in Senegal.

87. While appreciating a number of programmes on migration, the Committee recommended adopting a comprehensive policy on labour migration.<sup>147</sup> It also encouraged establishing an independent body responsible for the coordination and follow-up of all issues related to the migration of labour or reviving the National Commission on the Management and Monitoring of Employment Offers.<sup>148</sup>

88. Concerned that domestic legislation on employment and working conditions did not cover all the prohibited grounds of discrimination enumerated in the Convention, the Committee recommended that all migrant workers and their families, both documented and undocumented, enjoy, without discrimination, the rights of the Convention.<sup>149</sup>

89. Regarding social security, the Committee recommended that Senegal afford all migrant workers and their families, regardless of their migration status, equality of treatment regarding remuneration and working conditions, subscription to a social security scheme<sup>150</sup> and access to social services and benefits.<sup>151</sup>

90. Regarding return and reintegration, the Committee invited Senegal to ensure that all Senegalese nationals still present in a third country who wished to be repatriated had effective access to the repatriation assistance provided by the Committee for Aid and Assistance to Refugees and Repatriated Persons.<sup>152</sup>

91. The Committee noted that, following the 2016 referendum, the Constitution had been amended to allow Senegalese migrants abroad to be represented in the National Assembly, and encouraged the country to ensure that Senegalese migrants were able to effectively exercise their right to vote.<sup>153</sup>

92. The country team noted that most identity cards issued to refugees by the authorities were not recognized by the majority of public and private services and had expired in 2016. The team encouraged Senegal to renew the identity cards of individuals who met the relevant criteria and to continue its campaign to raise awareness of the validity of the cards among State and non-State services and the general population.<sup>154</sup>

93. The Committee on the Rights of the Child was concerned at the lack of capacity to handle the flow of mainly Mauritanian refugees and to provide them with basic services. It urged Senegal to adopt a comprehensive legal framework for refugees and asylum seekers in line with international standards.<sup>155</sup>

## E. Specific regions or territories

94. The Committee on the Rights of the Child welcomed the unilateral ceasefire declared by the Movement of Democratic Forces of Casamance in April 2014, and noted with appreciation measures to protect children affected by the armed conflict. However, it remained concerned that the needs of children living in the area were not sufficiently addressed, and that landmines from the conflict were still a threat. It recommended that Senegal demine former conflict areas.<sup>156</sup>

### Notes

- <sup>1</sup> See CEDAW/C/SEN/CO/3-7, para. 23 (f); CRC/C/SEN/CO/3-5, para. 66 (f); and CMW/C/SEN/CO/2-3, para. 13.
- <sup>2</sup> See CMW/C/SEN/CO/2-3, para. 13.
- <sup>3</sup> See CRC/C/SEN/CO/3-5, paras. 75–76; and CMW/C/SEN/CO/2-3, paras. 12–13.
- <sup>4</sup> See CMW/C/SEN/CO/2-3, para. 11.
- <sup>5</sup> See CED/C/SEN/CO/1, para. 8.
- <sup>6</sup> See United Nations country team submission for the universal periodic review of Senegal, paras. 13–14.
- <sup>7</sup> See A/HRC/32/44/Add.1, para. 7.
- <sup>8</sup> For relevant recommendations, see A/HRC/25/4, paras. 123.1–123.27.
- <sup>9</sup> See CEDAW/C/SEN/CO/3-7, para. 4; CRC/C/SEN/CO/3-5, para. 4; and CMW/C/SEN/CO/2-3, para. 6.
- <sup>10</sup> See CEDAW/C/SEN/CO/3-7, para. 4 (a).
- <sup>11</sup> See CRC/C/SEN/CO/3-5, para. 4 (c); and CMW/C/SEN/CO/2-3, para. 6 (b). See also CEDAW/C/SEN/CO/3-7, para. 4 (a); and CRC/C/SEN/CO/3-5, para. 33.
- <sup>12</sup> See CRC/C/SEN/CO/3-5, para. 8 (a).
- <sup>13</sup> *Ibid.*, para. 8 (c).
- <sup>14</sup> *Ibid.*, para. 46 (a).
- <sup>15</sup> See CMW/C/SEN/CO/2-3, para. 9.
- <sup>16</sup> See CED/C/SEN/CO/1, para. 6.
- <sup>17</sup> See CRC/C/SEN/CO/3-5, para. 15. See also CMW/C/SEN/CO/2-3, para. 18.
- <sup>18</sup> See CRC/C/SEN/CO/3-5, para. 16 (a).
- <sup>19</sup> See CMW/C/SEN/CO/2-3, para. 19.
- <sup>20</sup> See CEDAW/C/SEN/CO/3-7, para. 15 (d).

- 21 See CRC/C/SEN/CO/3-5, para. 17. See also CED/C/SEN/CO/1, para. 9.
- 22 See CED/C/SEN/CO/1, para. 9.
- 23 See CEDAW/C/SEN/CO/3-7, para. 15 (c). See also CRC/C/SEN/CO/3-5, para. 18 (b).
- 24 See CED/C/SEN/CO/1, para. 10.
- 25 See CRC/C/SEN/CO/3-5, para. 18 (a).
- 26 UNESCO submission for the universal periodic review of Senegal, p. 4.
- 27 See United Nations country team submission, para. 4.
- 28 See A/HRC/32/44/Add.1, para. 8.
- 29 Ibid., para. 17.
- 30 Ibid., para. 92.
- 31 For relevant recommendations, see A/HRC/25/4, paras. 124.23–124.29.
- 32 See CEDAW/C/SEN/CO/3-7, paras. 10–11.
- 33 See CRC/C/SEN/CO/3-5, paras. 23 and 24 (b).
- 34 See CRC/C/SEN/CO/3-5, para. 8 (d).
- 35 See United Nations country team submission, para. 16. See also CEDAW/C/SEN/CO/3-7, paras. 24–25.
- 36 See United Nations country team submission, para. 17.
- 37 See A/HRC/32/44/Add.1, para. 94 (c) and (d).
- 38 For relevant recommendations, see A/HRC/25/4, paras 124.39–124.64 and 125.5.
- 39 See CED/C/SEN/CO/1, para. 24.
- 40 Ibid., paras. 11–12.
- 41 Ibid., para. 20.
- 42 Ibid., paras. 21–22.
- 43 Ibid., para. 18.
- 44 Ibid., paras. 31–32.
- 45 Ibid., paras. 41–42.
- 46 Ibid., para. 40.
- 47 See CAT/OP/SEN/2, para. 14. See also para. 26.
- 48 See CAT/OP/SEN/2, para. 24. See also CAT/OP/SEN/2/Add.1, paras. 7–8.
- 49 See CAT/OP/SEN/2, para. 17.
- 50 See CAT/OP/SEN/2/Add.1, para. 3.
- 51 Ibid., para. 10.
- 52 See CMW/C/SEN/CO/2-3, paras. 26 (d) and 27(c). See also CRC/C/SEN/CO/3-5, para. 74 (d).
- 53 See CEDAW/C/SEN/CO/3-7, paras. 34–35.
- 54 See CED/C/SEN/CO/1, para. 34 (a) and (c).
- 55 CAT/C/SEN/CO/3/Add.1, p. 2.
- 56 See CED/C/SEN/CO/1, paras. 26–27.
- 57 Ibid., paras. 29–30.
- 58 CAT/C/SEN/CO/3/Add.1, p. 6.
- 59 CAT/C/SEN/CO/3/Add.1, p. 7.
- 60 See CED/C/SEN/CO/1, para. 5.
- 61 See United Nations country team submission, paras. 29–30.
- 62 See A/HRC/32/44/Add.1, para. 93 (a). See also CEDAW/C/SEN/CO/3-7, paras. 13 (d) and 39 (c).
- 63 See A/HRC/32/44/Add.1, para. 93.
- 64 UNESCO submission, p. 7.
- 65 See CMW/C/SEN/CO/2-3, para. 56 (f) and (g).
- 66 See CRC/C/SEN/CO/3-5, paras. 8 (c) and 72 (a). See also CEDAW/C/SEN/CO/3-7, para. 23 (c).
- 67 See CMW/C/SEN/CO/2-3, para. 57 (g).
- 68 See CEDAW/C/SEN/CO/3-7, para. 23 (a).
- 69 See CMW/C/SEN/CO/2-3, para. 56 (b).
- 70 See CMW/C/SEN/CO/2-3, para. 56 (c). See also CRC/C/SEN/CO/3-5, paras. 39 (c), 65 (c) and 69 (b) and (c); and CEDAW/C/SEN/CO/3-7, para. 22 (c).
- 71 See CEDAW/C/SEN/CO/3-7, para. 22 (c). See also CRC/C/SEN/CO/3-5, paras. 39 (c), 65 (c) and 69 (b) and (c); and CMW/C/SEN/CO/2-3, para. 56 (c).
- 72 See CRC/C/SEN/CO/3-5, para. 69 (c). See also CEDAW/C/SEN/CO/3-7, para. 22 (c); and CMW/C/SEN/CO/2-3, para. 56 (b) and (c).
- 73 See CRC/C/SEN/CO/3-5, para. 69 (a).
- 74 Ibid., para. 70 (a) and (c).
- 75 Ibid., para. 71.
- 76 See CMW/C/SEN/CO/2-3, para. 57 (d). See also CEDAW/C/SEN/CO/3-7, para. 23 (d).
- 77 See CEDAW/C/SEN/CO/3-7, paras. 28 (a), (b) and (c) and 29.
- 78 Ibid., para. 29 (d).
- 79 See United Nations country team submission, para. 54.

- 80 See CRC/C/SEN/CO/3-5, paras. 57 (a) and 58 (a). See also paras. 27 (c) and 28 (b).
- 81 See CEDAW/C/SEN/CO/3-7, para. 30; and CRC/C/SEN/CO/3-5, para. 51.
- 82 See CRC/C/SEN/CO/3-5, paras. 51 (a) and (b) and 52 (a).
- 83 *Ibid.*, para. 28 (a). See also para. 52 (b) and (c).
- 84 *Ibid.*, para. 28 (b).
- 85 *Ibid.*, para. 52 (e).
- 86 *Ibid.*, para. 52 (f).
- 87 See CEDAW/C/SEN/CO/3-7, paras. 30 (a) and (d) and 31 (a) and (d). See also CRC/C/SEN/CO/3-5, para. 51 (e).
- 88 See CRC/C/SEN/CO/3-5, paras. 53 (a) and 54 (a) and (b). See also CEDAW/C/SEN/CO/3-7, para. 31 (b).
- 89 See CEDAW/C/SEN/CO/3-7, para. 31 (c). See also CRC/C/SEN/CO/3-5, para. 54 (d).
- 90 See A/HRC/32/44/Add.1, para. 94 (b).
- 91 See CRC/C/SEN/CO/3-5, para. 59 (a), (b), (d), (f) and (h).
- 92 *Ibid.*, para. 60 (a) and (e).
- 93 *Ibid.*, paras. 37 (b) and 38 (b). See also para. 60 (f).
- 94 See CEDAW/C/SEN/CO/3-7, para. 27 (b) and (d)–(f). See also CRC/C/SEN/CO/3-5, para. 60 (b)–(d).
- 95 UNESCO submission, p. 4.
- 96 *Ibid.*, p. 4.
- 97 *Ibid.*, p. 6.
- 98 *Ibid.*
- 99 See United Nations country team submission, para. 52.
- 100 See CEDAW/C/SEN/CO/3-7, para. 14 (b).
- 101 *Ibid.*, para. 15 (a) and (b).
- 102 *Ibid.*, para. 19 (b).
- 103 *Ibid.*, paras. 8 (b) and 38 (a) and (b).
- 104 *Ibid.*, paras. 38 (d) and 39 (d).
- 105 *Ibid.*, para. 38 (c). See also CEDAW/C/SEN/CO/3-7, para. 18; and CRC/C/SEN/CO/3-5, para. 43.
- 106 See CEDAW/C/SEN/CO/3-7, paras. 19 (b) and 39 (b). See also CRC/C/SEN/CO/3-5, para. 44 (c).
- 107 See CRC/C/SEN/CO/3-5, para. 42 (b)–(e).
- 108 See CEDAW/C/SEN/CO/3-7, para. 19 (a). See also CRC/C/SEN/CO/3-5, para. 8 (c).
- 109 See A/HRC/32/44/Add.1, paras. 23–24.
- 110 *Ibid.*, para. 91 (b). See also CEDAW/C/SEN/CO/3-7, paras. 9 (a) and (b) and 39 (a); and CRC/C/SEN/CO/3-5, paras. 11 and 44 (c).
- 111 See A/HRC/32/44/Add.1, para. 91.
- 112 See CEDAW/C/SEN/CO/3-7, para. 38 (c). See also CRC/C/SEN/CO/3-5, para. 21.
- 113 See CRC/C/SEN/CO/3-5, para. 42 (f) and (g).
- 114 *Ibid.*, para. 22. See also CEDAW/C/SEN/CO/3-7, para. 39 (a).
- 115 See CEDAW/C/SEN/CO/3-7, paras. 20 (b) and 21 (b)–(d). See also para. 18.
- 116 *Ibid.*, para. 21 (a)–(d).
- 117 *Ibid.*, paras. 12 (a) and 13 (a) and (b).
- 118 *Ibid.*, para. 32 (a) and (c).
- 119 See United Nations country team submission, para. 25.
- 120 See CRC/C/SEN/CO/3-5, para. 12 (a) and (b). See also paras. 5 (b) and 11.
- 121 *Ibid.*, para. 38 (e).
- 122 *Ibid.*, paras. 19 and 20 (a) and (b).
- 123 *Ibid.*, para. 27 (c).
- 124 *Ibid.*, para. 39 (c) and (d). See also CRC/C/SEN/CO/3-5, para. 65(c); CMW/C/SEN/CO/2-3, para. 56 (c); and CEDAW/C/SEN/CO/3-7, para. 22 (c).
- 125 See CRC/C/SEN/CO/3-5, para. 40 (a).
- 126 *Ibid.*, para. 38 (a). See also para. 40 (a).
- 127 *Ibid.*, para. 72 (a).
- 128 *Ibid.*, para. 38 (c). See also para. 28 (b).
- 129 *Ibid.*, paras. 69 (b) and 70 (b). See also para. 37 (b).
- 130 *Ibid.*, para. 66 (a), (b) and (d).
- 131 *Ibid.*, paras. 67–68.
- 132 *Ibid.*, para. 36 (a) and (b).
- 133 See United Nations country team submission, para. 22.
- 134 See CRC/C/SEN/CO/3-5, paras. 73 and 74 (c)–(e).
- 135 *Ibid.*, paras. 45 and 46 (c) and (d).
- 136 *Ibid.*, para. 48.
- 137 See United Nations country team submission, para. 1.

- <sup>138</sup> See CRC/C/SEN/CO/3-5, para. 33. See also CEDAW/C/SEN/CO/3-7, para. 4 (a).  
<sup>139</sup> See CRC/C/SEN/CO/3-5, para. 33 (a).  
<sup>140</sup> See CMW/C/SEN/CO/2-3, para. 22 (c).  
<sup>141</sup> See CRC/C/SEN/CO/3-5, para. 34 (a).  
<sup>142</sup> *Ibid.*, paras. 31 (a) and 32 (a), (b) and (e).  
<sup>143</sup> *Ibid.*, paras. 49 (a)–(c) and 50 (a).  
<sup>144</sup> See CMW/C/SEN/CO/2-3, para. 3.  
<sup>145</sup> *Ibid.*, para. 51. See also para. 59.  
<sup>146</sup> *Ibid.*, para. 59.  
<sup>147</sup> *Ibid.*, paras. 14–15.  
<sup>148</sup> *Ibid.*, para. 17.  
<sup>149</sup> *Ibid.*, paras. 22 (a) and 23.  
<sup>150</sup> *Ibid.*, para. 33 (a).  
<sup>151</sup> *Ibid.*, para. 35.  
<sup>152</sup> *Ibid.*, para. 55.  
<sup>153</sup> *Ibid.*, paras. 44–45.  
<sup>154</sup> See United Nations country team submission, para. 26.  
<sup>155</sup> See CRC/C/SEN/CO/3-5, paras. 61–62.  
<sup>156</sup> *Ibid.*, paras. 63–64.
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