



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### Information received from Senegal on follow-up to the concluding observations on its third periodic report\*

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\* The present document is being issued without formal editing.



## **Reply to paragraph 13 of the concluding observations (E/C.12/SEN/CO/3) – Non-discrimination**

### **Reply to paragraph 13 (a) and (b) of the concluding observations**

1. The country has embarked on a process of amending the Criminal Code and Code of Criminal Procedure, encompassing a number of areas not sufficiently covered by the current legislation.
2. The definition of discrimination and the criminalization of its various forms is part of these ambitious reforms, which should be adopted very soon.

### **Reply to paragraph 13 (c) of the concluding observations**

3. Senegal considers the matter of sexual orientation a social issue, which it will address in line with the realities in the country, while upholding fundamental freedoms and protecting the mental and physical integrity of individuals.
4. All citizens and residents of the country enjoy equal protection under criminal law, regardless of sexual orientation. All victims of a criminal offence have the right to bring a case before the national courts and to be represented by a lawyer of their choice.

## **Reply to paragraph 27 of the concluding observations – Forced begging and exploitation of children**

### **Reply to paragraph 27 (a) of the concluding observations**

5. Pursuant to a presidential directive to remove all children from the streets, issued to the Council of Ministers on 22 June 2016, the Government, through the Ministry of Women, Family, Gender and Child Protection, has developed many initiatives to put an end to the phenomenon, including:
  - The emergency plan in the Dakar region, under which 1,585 children were taken off the streets in the first phase (between June 2016 and May 2017) and almost 400 children in the second phase (between March 2018 and July 2019)
  - The emergency project to protect children from coronavirus disease (COVID-19), called “Zero Children on the Streets”, under which 6,605 children were taken off the street between 2020 and 2021, with almost 85 per cent of them being returned to their families
  - The programme to help children in street situations get off the streets and reintegrate into society for 2021–2023, developed on the basis of lessons learned from the “Zero Children on the Streets” project and focused on the community, getting children off the streets and support for children and their families, communities and *daaras* (Qur’anic schools) with a view to their socioeconomic reintegration
6. With an estimated cost of approximately 27,298,800,000 CFA francs, the programme is part of the Adjusted and Accelerated Priority Action Plan under the Emerging Senegal Plan and is currently being carried out to achieve the objective of no child on the street.

### **Reply to paragraph 27 (b) of the concluding observations**

7. Article 2 of Act No. 65-61 of 21 July 1965 on the Code of Criminal Procedure establishes a very broad conception of suing for damages in criminal proceedings, under which any person who has suffered harm owing to a criminal offence may claim compensation in the courts.
8. Wishing to further improve this mechanism so that it is better suited to combating trafficking in persons and equivalent practices, the national legislature took account of this in Act No. 2005-06 of 10 May 2005 on the punishment of such offences. The final paragraph of article 17 of the Act provides that associations or public services providing support to victims of such abuse may represent the victims before the courts, at the victims’ request or

on their own initiative, which appears to partly address the concern of the Human Rights Committee.

9. The above-mentioned law on combating trafficking in persons and related practices and on victim protection is currently undergoing revision and should be significantly strengthened with respect to victim support.

10. This may entail establishing the right of civil society organizations working to combat trafficking in persons and child abuse to become parties to criminal proceedings related to such offences.

### **Reply to paragraph 44 of the concluding observations – Sexual abuse in schools**

#### **Reply to paragraph 44 (a) of the concluding observations – Adopt a national policy to combat sexual exploitation in schools**

11. In close cooperation with other sectors, the Ministry of Education has developed an approach intended to strengthen the child protection system in each education and training institution with a view to preventing and responding to situations of violence, abuse or exploitation that may affect the students. The Ministry has begun putting in place a package of measures to make schools and other institutions truly safe and protective places where attention is paid to children's well-being and girls and boys are provided with every opportunity to succeed.

12. Every education and training institution in the country is responsible for: (i) prevention; (ii) identification; (iii) support; and (iv) referral to other services if necessary.

#### **Reply to paragraph 44 (b) of the concluding observations – Amend the Criminal Code by introducing as an aggravating circumstance sexual abuse committed in an educational setting**

13. Article 321 of the Criminal Code already provides that the commission of sexual abuse by a person responsible for the victim's education or by a public official constitutes aggravating circumstances; this necessarily includes abuse in an educational setting.

#### **Reply to paragraph 44 (c) of the concluding observations – Adopt a binding code of conduct for principals, teachers, education officials which is to be displayed in all schools**

14. As part of its preparation for establishing a system to protect children from all forms of violence and as an institutional response by the Ministry of Education to violence and abuse, the Ministry has called on education establishments to develop school rules.

15. A code of conduct containing the basics or fundamental rules to be observed in the drafting of the above-mentioned school rules is currently being developed.

#### **Reply to paragraph 44 (d) of the concluding observations - Establish a confidential complaint and reporting mechanism in schools**

16. In 2019, the Ministry of Education adopted a national framework for identifying and managing situations of risk affecting students, aimed at education staff.

17. The framework provides practical guidance to education stakeholders, especially teachers, to identify situations of risk, particularly violence, affecting students. It sets out the organization and procedures for the support to be provided to child victims by schools, clarifying the responsibilities of each actor, and specifies the functional relationships between the school and the child protection services falling under the social, justice and security sectors.

18. To this end, the following measures are in place:

- A system for reporting and monitoring cases. This is a three-level reporting and follow-up system for cases of violence, critical situations and incidents, covering all schools and educational establishments, including *daaras*. It comprises:

- An individual reporting form for incidents and child protection cases identified in educational settings, which must be completed and stored at the school level.
  - A special digital platform for reporting and monitoring child protection cases (<https://incident.education.sn/>). This platform makes it possible to complete and make full use of the entire form for reporting and monitoring cases anywhere and at any time, print hard copy versions, identify and analyse cases, access all student files, monitor cases identified at the central and local levels and download the incident report form by school. This innovative digital interface is in continuous operation and helps strengthen monitoring and follow-up for each case, while automatically generating data.
  - A table of the consolidated data for reporting on the established indicators as part of the annual statistics campaign.
- A network of designated teachers to whom children can turn for protection. The national framework provides for the designation in each education establishment of a teacher responsible for the protection of children in difficulty, to be chosen by the students and responsible for monitoring students' safety and physical and mental well-being, improving identification and support and reporting concerns to the competent protection services.
  - The terms of reference for these teachers, clearly defining their roles and responsibilities in cooperation with other stakeholders from the school and external services, are available and must be implemented under the supervision of the school principal or head of establishment.
  - Prevention, monitoring and counselling units (CAVE). These are organizations for student participation in the prevention and elimination of violence in educational settings. They have been set up in schools and *daaras* on a participatory, inclusive and voluntary basis. They contribute to action to prevent, detect and address cases of violence in educational and family settings, in conjunction with the local and departmental protection system. Through its Department for Elementary Education, the Ministry of Education has developed a guide on prevention, monitoring and counselling units, which determines the procedures for establishing and running such units. The units are not only part of the internal organization of the education system but also of the child protection system run by local child protection committees.
  - Improved communication and dialogue. Schools and other education establishments are the ideal place for children to learn to protect themselves and for other actors to learn respect for their mental and physical integrity. Each education and training institution must provide and make visible and accessible all information that could help reduce the risk of violence and abuse against students. This encourages reporting and facilitates access to assistance when necessary for students and other members of the education community.

**Reply to paragraph 44 (e) of the concluding observations – Conduct the necessary investigations into all reported cases of sexual abuse**

19. The Ministry of Education is administratively responsible for cases of abuse when the perpetrator is part of the education system:

- Interim measures of protection are taken before the decision of the judicial authority is handed down.
- If the perpetrator is a civil servant, the case is referred to the Ministry of the Civil Service and Public Service Renewal. Otherwise, the Ministry of Education handles it internally.

20. In accordance with the decision of the judicial authority, if the facts of the case are proved, the official is dismissed.

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