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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON
ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Reports submitted in accordance with Council resolution 1988 (LX)
by States Parties to the Covenant, concerning rights covered by
articles 10 to 12

SENEGAL

15 April 1981

Preliminary remark

The steps taken by Senegal to implement articles 10 to 12 of the International Covenant on Economic, Social and Cultural Rights are consistent with the provisions of articles 1 to 5 of that Covenant.

ARTICLE 10. PROTECTION OF THE FAMILY, MOTHERS AND CHILDREN

I. Family protection and assistance

A. Formation

The Family Code lays down conditions of substance and form in connexion with family formation.

The substantive conditions are:

1. Natural conditions, namely, physiological and psychological.

Accordingly, the consent of the future spouses is protected by the Family Code, which states:

(a) "Each intending spouse, even if a legal minor, must give his or her personal consent to the marriage" (sect. 108);

(b) "Any marriage, whatever its form, shall be annulled if it has been contracted without the consent of one of the spouses" (sect. 141).

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2. Conditions of a social or moral character concerning:

(a) Absolute or diriment impediments (existence of a previous marriage which has not been dissolved, period of widowhood, lack of consent of the parents to the marriage of a minor);

(b) Relative impediments - deriving from legitimate or natural relationship and union and adoption.

The conditions relating to form are:

(a) Either a marriage ceremony performed by the registrar;

(b) Or certification of the marriage by the registrar or his representative.

Sanctions applicable in connexion with the rules of marriage formation are:

(a) Opposition to the marriage;

(b) Nullity of the marriage;

(c) Incontestability of a marriage which has not been certified.

B. Care and education of dependent child

Article 10 of the Constitution states that: "Marriage and the family constitute the natural and ethical basis of the human community. They shall be protected by the State. The State and the community have the social duty of safeguarding the physical and moral health of the family."

Provision for family allowances is made under Act No. 73-37 of 31 July 1973, which establishes the Social Security Code.

Section 21 describes the benefits in the following terms: "Family allowances shall be granted to a worker in respect of any of his dependent children who are over 12 and under 15 years of age. The age limit shall be increased to 18 years in the case of children serving an apprenticeship and to 21 years in the case of children continuing their studies or incapable of engaging in gainful employment as a result of infirmity or incurable illness."

Section 23 stipulates the method of payment of family allowances.

It states: "Family allowances shall be paid to the beneficiary at the end of the period to which they relate, at regular intervals not exceeding three months. They shall be payable from the first day of the month following the date of the child's second birthday."

Income-tax rates decrease in relation to the number of dependent children.

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II. Special protection for mothers

Mothers enjoy benefits in cash and in kind.

A. Cash benefits

1. Prenatal allowances

(a) Beneficiaries

Section 15 of the Social Security Code states: "An entitlement to prenatal allowances shall be enjoyed by any woman married to a worker, any unmarried woman worker and any woman worker whose husband is not engaged in any form of gainful activity, from the date on which she is certified as being pregnant until the date on which she is confined."

(b) Payment arrangements

Section 17 states: "Prenatal allowances shall be paid to the mother on presentation of vouchers attesting to pregnancy, as follows: two monthly payments before the third month of pregnancy; four monthly payments towards the sixth month of pregnancy; three monthly payments towards the eighth month of pregnancy."

2. Maternity allowances

(a) Beneficiaries

Section 18 provides that: "An entitlement to maternity allowances shall be enjoyed by any woman married to a worker, any unmarried woman worker and any woman worker whose husband is not engaged in any form of gainful activity if she gives birth under medical supervision to a child who is born alive and is duly registered at a registry office."

The entitlement commences on the date of birth and continues until the child's second birthday.

(b) Payment arrangements

Section 20 provides that: "Payment of maternity allowances shall be made as follows: in six monthly payments starting at birth or immediately on receipt of the application for an allowance; six monthly payments when the infant reaches the age of six months; six monthly payments when he reaches the age of 12 months; three monthly payments when he reaches the age of 18 months; three monthly payments when he reaches the age of 24 months."

In the case of multiple births, each infant gives rise to a separate entitlement.

3. Daily maternity leave allowances

Section 24 states: "As provided in the sixth paragraph of section 138 of the Labour Code, a woman worker who is pregnant shall be entitled to daily allowances throughout her maternity leave, subject to a maximum of six weeks before and eight weeks after her confinement."

Section 27 provides that: "The allowance shall be calculated at the rate of the daily wage that the woman actually received on her last pay day, including any allowances directly related to the nature of the work. The amount of the allowance shall be equal to as many times the woman's daily wage as there are days, whether working days or not, comprised in the period for which her employment is suspended."

B. Benefits in kind

Section 31 provides that: "Benefits in kind, which shall be in addition to the cash benefits payable, shall be granted to workers' wives and children or any other person qualified to receive them, who shall be required to use them on the children's exclusive behalf."

The cost of such benefits in kind is charged to a special account of the Social Security Fund, known as the Health, Welfare and Family Benefit Account.

There are nurseries in all the maternity units.

III. Protection of children and young persons

A. Against discrimination on grounds of family status

Section 7 of the Social Security Code states: "A worker's dependent children falling in one of the following categories shall qualify for family benefits:

"1. Children born of the worker's marriage, on condition that they have been duly registered with a registry office and that the marriage was celebrated or confirmed by a registry office official;

"2. Children who have been legally adopted;

"3. An unmarried woman worker's children whose status as her natural children has been established by their voluntary recognition or a judgement rendered in accordance with the law;

"4. Children whose status as natural children in relation to both a married worker and his wife has been established in accordance with the law."

B. Against economic and social exploitation

Article 15 of the Constitution states: "Young people shall be protected by the State and the community against exploitation and moral neglect."

1. Protection against economic exploitation

The Labour Code states:

(a) In section 140: "Children under the age of 14 shall not be employed in any enterprise, even as apprentices, save where an order to the contrary is issued by the Minister of Labour and Social Security, after consulting the National Labour and Social Security Advisory Council, with due regard to local circumstances and the tasks which may be required of them." The nature of the work and the types of enterprises prohibited to young persons and the age limits to which that prohibition applies are established by an order of the Minister of Labour and Social Security;

(b) In section 141: "The Labour and Social Security Inspector may require that a child be examined by a duly appointed physician with a view to ascertaining that the work entrusted to him is not beyond his strength. This requirement shall be mandatory at the request of the interested parties. A child shall not be kept in any employment recognized as being beyond his strength but shall be assigned to suitable work. If that is not possible, the contract shall be terminated and a redundancy payment made to the worker";

(c) In section 136, concerning night work: "The rest period of children shall be a minimum of 11 consecutive hours. Night work of children in industry shall continue to be regulated by the provisions of the Washington international conventions extended to Senegal by the decrees of 28 December 1937."

Penalties are provided for non-compliance with these provisions.

2. Against moral neglect

(a) Articles 15, 16 and 17 of the Constitution state that: "Parents have the natural right and the duty to bring up their children. They shall be supported in that task by the State and by the community. The State and the community shall establish the prior conditions and the public institutions that will ensure the education of children. The education of young people shall be provided by public schools. Religious institutions and communities shall also be recognized as a means of education."

(b) In Senegal there is a Ministry of Social Welfare, which includes a Division for the Social Advancement of the Handicapped. This Division records the difficulties facing the handicapped and proposes suitable ways of promoting the advancement, if not the well-being, of all handicapped in the country. It comprises three offices and two divisions:

- (i) The Office of Sensory Handicaps (responsible for the blind and deaf-mutes);
- (ii) The Office of Physical and Motor Handicaps (responsible for the disabled and those formerly suffering from organic disorders);

- (iii) The Office of Mental Handicaps (responsible for mentally retarded and stabilized mentally ill persons);
- (iv) A Child Protection Division, which assists indigent minors, orphans and abandoned children, for whom a maintenance allowance has been instituted;
- (v) A Social Centres and Social Prophylaxis Division, one of the functions of which is to counter delinquency. It works in co-operation with the Supervised Education and Social Welfare Service, which is responsible for delinquent minors and endangered children.

These measures are a result of the Penal Code, which provides severe penalties for infractions against minors and agreements aimed at depriving a third person of his or her freedom, whether or not for financial compensation.

ARTICLE 11. RIGHT TO AN ADEQUATE STANDARD OF LIVING

The main objective of the State is to raise the standard of living. To this, end, it endeavours to carry out adequately the development plans, as these are the vehicles for ensuring economic and social progress, and to readjust periodically the incomes of the different segments of the population to the cost of living.

I. Right to adequate food

The State takes measures to prevent shortages and subsidizes the prices of staples so that they are not subjected excessively to the harmful effects of inflation.

It maintains these prices at a level that is accessible to the population and monitors them on a regular basis.

The State, through the Ministry of Co-operation, ensures equitable distribution of products supplied through international assistance and grants priority to the most deprived areas.

II. Right to adequate clothing

The State encourages the cultivation of cotton and facilitates the establishment of textile factories which use the most modern production techniques.

It encourages the promotion of a local textile industry, whose products are more accessible to the population.

III. Right to housing

The State gives priority to housing. The acts and decrees concerning real estate, in particular, the National Land Act, reflect that priority.

The construction of low-cost housing within the reach of the greatest possible number of citizens is therefore among the objectives of the State.

(a) The Cape Verde Real Estate Company has constructed 10,000 housing units concentrated in the Cape Verde region, while the units constructed under the auspices of the Moderate-Rental Housing Office throughout the different regions total 8,123;

(b) Self-financed or subsidized construction has been promoted by the National Development Bank and the Housing Bank;

(c) Extensive land improvement programmes have been drawn up; they consist of developing parcels of national land in peri-urban areas with a view to placing them at the disposal of those in the lowest-income groups;

(d) The State ensures respect for safety standards by means of building permits issued upon presentation of building plans by the Ministry of Town Planning, Housing and the Environment; the State supports the establishment of workshops for architecture and research on building technology and construction materials in order to encourage the development of housing adapted to the socio-economic context;

(e) Acts Nos. 77-62 and 77-63 of 26 May 1977 assure the protection of tenants by providing them with legal guarantees and by regulating rents;

(f) Sanitation plans have been carried out in the rural areas. Many hydraulic works have been completed in the various regions.

IV. Measures to resolve the problem of hunger

These measures relate to the development of agriculture, animal husbandry, fishing, the food industry, the application of the principles of nutrition education and a policy of food self-sufficiency.

1. Development of agriculture

The following measures have been taken:

Enhanced role of the Senegalese Institute for Agricultural Research (ISRA);

Organization of farmers in co-operatives;

Provision of modern equipment to farmers;

Large-scale distribution of fertilizers and selected seeds and the use of fungicides;

Institution of advisory services on the use of intensive farming techniques and cattle-drawn ploughs;

Assistance to farmers by agencies.

2. Development of animal husbandry

(a) To improve animal husbandry methods, the country has been divided into five ecological zones specialized in breeding, raising, fattening, industrial cross-breeding and dairy production;

(b) Ranches using the most modern stock-raising techniques have been established;

(c) A general vaccination campaign has been launched to control such diseases as contagious bovine pleuropneumonia, cattle plague and symptomatic anthrax;

(d) Cold chains have been established for the purpose of conserving animal food products.

3. Development of fishing

The fishing fleet has been modernized and improved.

It consists of:

(a) The traditional sector: motorized canoes;

(b) The industrial sector: sardine boats, trawlers and tunny boats, which supply the canneries.

4. Knowledge of the principles of nutrition

Knowledge of the principles of nutrition is disseminated by the Food and Nutrition Research Organization (ORANA), the Food Technology Institute (ITA) and the Office of Food and Applied Nutrition (BANAS).

These agencies encourage the promotion of local food industries.

They disseminate information about production methods and food preservation, as a complement to the supervisory function of the departments of the Ministry of Commerce.

5. Self-sufficiency in food

The State practises a policy of self-sufficiency in food, taking measures to overcome the cereal deficit and encourage crop diversification.

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Senegal belongs to a number of organizations which give priority to the development of agriculture (desertification control, construction of dams).

Senegal is a member of the Inter-State Committee on Drought Control (CILS), the Organization for the Development of the Senegal River (OMVS) and the Organization for the Development of the Gambia River (OMVG).

ARTICLE 12. RIGHT TO PHYSICAL AND MENTAL HEALTH

The following legislation has been enacted:

(a) Act No. 69-49 of 16 July 1969 concerning the policing of drinking establishments and the penalization of public drunkenness;

(b) Act No. 72-24 of 19 April 1972 on the suppression of the growth, manufacture, sale and use of substances or plants classified as narcotics;

(c) Act No. 66-21 of 1 February 1966 to combat venereal diseases and prostitution.

In other areas, the following should be noted:

1. and 2. The existence of maternal and child welfare centres and maternity units is a factor in the reduction of the infant mortality and still-birth rates. These entities contribute to the healthy development of the child by virtue of the medical assistance provided to mothers.

3. Protection of the environment, environmental health and occupational hygiene is assured by:

(a) The authorities, primarily through the activities of the social hygiene institutes;

(b) The Labour Code;

(c) The Environmental Code.

4. The main function of the Directorate of Endemic Diseases of the Ministry of Health is to combat epidemic and endemic diseases by means of vaccination programmes.

The Social Centres and Social Prophylaxis Division of the Ministry of Social Welfare also performs work in this area.

The Social Security Code protects workers against occupational diseases.

Mandatory insurance has been instituted to protect victims of traffic accidents.

Road safety measures also play an effective role in the education of road users.

5. Medical care is assured throughout the territory (regional hospitals, health centres, health stations and endemic disease sectors).

6. Medical benefits are generally provided by the State.

The following achievements in the field of public health deserve mention:

- (a) Nine hospitals with 3,459 beds;
 - (b) Thirty-four departmental health centres with 923 beds;
 - (c) One doctor per 15,000 inhabitants.
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