



Convention on the Rights of the Child

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Committee on the Rights of the Child

Report submitted by Senegal under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, due in 2005* **

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** The annexes to the present document are available on the Committee's web page.



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I. Introduction

1. Having ratified the Convention on the Rights of the Child on 31 July 1990 and the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography on 19 August 2003 by Act No. 2003–24, the State of Senegal undertook to submit its initial report to the Committee on the Rights of the Child.

2. By submitting to this exercise, the State of Senegal reaffirms its commitment to the protection of children, especially since it is a party to almost all the protocols and conventions that aim to safeguard the best interests of the child, including:

- The Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, ratified in 2003
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted on 10 December 1984, signed by the Government of Senegal on 4 February 1985 and ratified on 26 August 1986
- The Convention on the Elimination of All Forms of Discrimination against Women, signed by the Government of Senegal on 29 July 1980 and ratified on 5 February 1985
- The Convention on the Rights of the Child of 20 November 1989, ratified by Act No. 90-21 of 26 June 1990
- The International Labour Organization (ILO) Minimum Age Convention, 1973 (No. 138) of 26 June 1993, ratified by Act No. 99-71 of 14 January 1999
- The ILO Worst Forms of Child Labour Convention, 1999 (No. 182) of 17 June 1999, ratified by Act No. 99-72 of 14 January 1999
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 13 December 1990, ratified by Act No. 99–73 of 14 January 1999
- The Convention on Protection of Children and Cooperation in respect of Intercountry Adoption of 29 May 1993, ratified by Act No. 99-33
- The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict of 25 May 2000, ratified by Act No. 2003–25 of 19 August 2003

3. The purpose of this report is to provide information on the extent of the various issues faced and the measures taken to give effect to the provisions of the Optional Protocol. The report also describes the difficulties encountered in implementing the Optional Protocol and outlines the direction to be taken to ensure that the Protocol is better taken into consideration in the field of child protection.

4. The report contains an initial presentation of the national context, an analysis of the situation, and a review of the various international and regional instruments ratified by Senegal in terms of child protection. In addition, there is a study of the national legislative framework and the institutional framework put in place for the protection of children. Then, the different measures taken by the State to enhance implementation of the Optional Protocol are examined, as well as the progress made with the support of non-governmental organizations (NGOs) and partners and the difficulties related to its implementation. Lastly, the report suggests future steps and some strategic lines of action for improved implementation of the Optional Protocol.

Methodology

5. This report was drafted following a study that was conducted in two main stages. The study was led by the entities with responsibility for children in the Ministry for Women's, Family and Children's Affairs, namely the Directorate for Rights, Child Protection and Vulnerable Groups, the National Early Childhood and Preschool Reception Centres Agency,

the Directorate for Early Childhood and the Reception and Assistance Centre for Street Children (GINDDI). The study was entrusted to a consultant with expertise in children's rights for a period of one month divided into two main stages:

- A data collection exercise was carried out with the various actors working in the areas covered by the Optional Protocol (see list of actors in the annex on page 51). The method adopted for the collection of data involved a combination of a document review among the stakeholders that had documents and staff or group interviews by telephone or email, taking into account the busy schedule of certain actors and the deadlines in place.
- The drafting of the report was divided into two stages: the preparation of a provisional report submitted to the steering committee for validation, and the writing of the final report, which was shared at a national workshop with State actors, civil society organizations and technical and financial partners working in this area.

II. National context

6. Senegal is a Sudano-Sahelian country situated in the westernmost part of the African continent. It is bordered to the north by Mauritania, to the east by Mali, to the south by Guinea-Bissau and Guinea, and to the west by the Atlantic Ocean. Senegal surrounds the Gambia, which is an enclave situated between the regions of Kaolack and Ziguinchor, on the lower reaches of the river of the Gambia River.

7. Covering an area of approximately 196,722 km², Senegal has an Atlantic coastline stretching over 700 km. It is a flat country, where the altitude rarely exceeds 100 metres. The highest point, Mount Assirik, located in the southeast of the country is 381 metres high.

8. Senegal has a large body of socio-demographic and economic data thanks to numerous surveys conducted over the past 30 years. In addition to three General Population and Housing Censuses (in 1976, 1988 and 2002), several national surveys have been conducted, including the Senegalese Fertility Survey (1978), the Senegalese Migration and Urbanization Survey (1993), the Senegalese Household Survey (1994–1995 and 2001–2002), five Demographic and Health Surveys (1986, 1992–1993, 1997, 2005, and 2010–2011), the National Child Labour Survey (2005) and the Poverty Monitoring Survey (2006 and 2011). These various surveys provided basic demographic indicators on different dates, which are used in the monitoring and evaluation of development projects and programmes.

9. According to the 2013 census, the total population is 12,873,601,¹ of which 6,428,189 are male and 6,445,412 female. The population in 2002 was 9,858,482, which means there was an average annual growth rate of 2.5 per cent between the 2002 and 2013 censuses. The population was 4,958,085 in 1976 and 6,881,919 in 1988, which means the growth rates between the 1976 and 1988 censuses and the 1988 and 2002 censuses were 2.7 per cent and 2.5 per cent, respectively.

10. The Senegalese population is characterized by its youth: half of the population is under 18 years of age (17 years of age for men and 19 years of age for women). In addition, 52.7 per cent of the population is under 20 years of age. Children under 15 years of age make up 42.1 per cent of the overall population. There are more boys under the age of 15 (43.6 per cent) than girls (40.5 per cent). In addition, 3.5 per cent of the population is over the age of 65. This means that the demographic dependency ratio is high. There are 84 inactive persons (under the age of 15 and over 65) for every 100 active persons (aged 15 to 64). The voting population, i.e. those over the age of 18, makes up 51.4 per cent of the total. The proportion of women of voting age (53 per cent of all women) is higher than that of men (49.7 per cent of all men).

11. Among the voting population, the proportion of men and women is almost equal. The overall sex ratio is 99.7 men for every 100 women. In 2002, this ratio was 96.9.

¹ National Statistics and Demography Agency, general census of population, housing and agriculture, March 2013.

12. However, there are more males than females in younger age groups; among children under the age of 15, there are 107 boys for every 100 girls.

13. For the 15–64 and over-65 age groups, the trend is reversed in favour of women, with 95 and 94 men per 100 women, respectively. This could be explained by differential (male-biased) migration among the 15-64 age group. In the over-65 age group, in addition to migration, it can be attributed to women's greater life expectancy.

14. At the national level, the illiteracy rate is 65 per cent. The illiteracy rate varies from one region to another. It is lowest in Dakar (35 per cent), followed by Ziguinchor (43 per cent). In the other regions, apart from Saint-Louis and Thiès, the illiteracy rate is over 75 per cent.

15. These different data have an impact on the situation of children in Senegal as, in combination with the low income of the majority of households, they create conditions that lead to increased vulnerability among children.

III. Analysis of the situation

16. The United Nations Special Rapporteur on the sale of children, child prostitution and child pornography, Ms. Najat Maalla M'jid, conducted a mission to Senegal from 21 to 30 October 2009. One of the objectives of that visit was to see the progress made by the State party since ratification with a view to fulfilling its obligations under the Optional Protocol. After having assessed the situation, she presented her report to the Human Rights Council, including a set of recommendations aimed at strengthening prevention, child protection and the legal framework.

17. This report reflects the progress that has been made since her visit in response to the recommendations she made.

A. Trafficking of children

18. Human trafficking, one of the most lucrative and widespread forms of slavery next to illicit arms and drug trafficking, has grown unprecedentedly in West Africa, and particularly in Senegal, in recent decades.

19. This practice constitutes a serious violation of the inherent rights and dignity of the human person. Trafficking takes the form of profit-making practices that are punishable by law, such as the sale of children, child prostitution and child pornography.

20. In Senegal, it appears that the victims of trafficking are mainly women and children, as they are considered the most vulnerable groups. These targets are usually exploited for sexual and/or economic purposes (pornography, paedophilia, domestic work, begging, etc.).

21. The phenomenon of trafficking in Senegal is becoming more complex due to the different forms it takes, the most visible being exploitation through begging and child labour.

1. Child begging

22. According to a Human Rights Watch, an estimated 50,000 children are involved in begging in towns and cities. The average age is 10 years old and most come from regions affected by poverty and drought (Kolda, Kaolack) or from neighbouring countries (50 per cent of the children are from Guinea-Bissau, Guinea, Mali and the Gambia). These children live in precarious conditions in terms of housing, clothing and food. As a result, they are disproportionately exposed to violence, exploitation, human trafficking and sexual abuse.

23. Begging is a "full-time job" for these children, as it takes up between six and seven hours of their day or more. Most of these children are victims of economic exploitation by their "Qur'anic masters", which takes the form of forced begging. In addition, there are others who have left their family environment as a result of conflict or have run away from their *daara* (Qur'anic school) because of abuse. These children are thus exposed to a variety of risks, such as paedophilia, sexual abuse and organ trafficking.

2. Child labour

24. According to national surveys on child labour conducted by the National Statistics and Demography Agency in 2005, in collaboration with the ILO Statistical Information and Monitoring Programme on Child Labour, the number of children aged between 5 and 14 years old engaged in hazardous work was estimated at more than 450,000, or more than 15 per cent of this age group. The rate of economically active children is much higher in rural than in urban areas. This may be linked to disparities in the literacy rate, which is lower in rural than in urban areas.

25. In terms of the activities performed, child labour takes many forms. The agriculture sector employs the largest number of children, followed by trade, industry, and services (domestic and other services). Most children are not paid for the economic activities in which they are engaged. A tiny proportion of children is in salaried employment.

26. In addition, the exploitation of mines (iron, gold and others), especially in the Kédougou region, has led to the growing use of child labour in work that is classified as one of the worst forms of labour. Although studies need to be carried out in this area to provide reliable statistics, press reports indicate that a considerable number of children work in mining areas.

B. Child prostitution

27. Statistics on cases referred to the authorities seem to suggest that child prostitution is a marginal activity. However, the monitoring of entertainment and leisure areas in the cities shows that these places are increasingly frequented by minors engaged in acts of prostitution. It is clear from the increasingly frequent incidents reported in the press and the stories shown on television that underage prostitution has become a reality.

28. It can take several forms, most notably where:

- A minor has one or more (much older) partners who support his or her needs (school network scandals)
- Minors are exploited for prostitution by persons who have authority over them.

29. In addition, there are various kinds of sexual abuse of minors:

- Children abused by a person in authority (Qur'anic or school masters, parents, etc.)
- Children in street situations abused by older children or by adults
- Girls in domestic service abused by their employer or the employer's children

30. Whatever the categorization, which differs according to the study or institution, child victims of sexual exploitation and children temporarily or permanently separated from their families (often called street children) make up a significant proportion of the total.

31. However, both phenomena have almost the same causes:

- Voluntary prostitution or vagrancy due to a defective socialization process
- Occasional prostitution or vagrancy as a result of having run away from home
- Prostitution or vagrancy directed by an adult or close relatives

32. A sample of the statistics provided by Department of Supervised Education and Social Protection shows that these child victims are most often from at-risk families, as shown in the table below.

	<i>Age</i>	<i>Education</i>	<i>Parents</i>	<i>Place of origin</i>	<i>Family</i>	<i>Income</i>	<i>Placement</i>
No.1	13	Third year of primary	Single mother Father unknown	Fatick	Older maternal grandparents Uncle (driver)	Mother: cleaner	Court decision
No. 2	18	First year of primary	Divorced	Saint-Louis	Father Aunt Brother	Father: electrician, lives with his parents-in-law	Educational support
No.3	15	None	Divorced	Dakar	Mother Full brother and sisters	The family lives in a house on loan (one bedroom and a living room)	
No.4	15	None	Remarried after the death of her first husband	Pire	One full brother Two maternal half-sisters	The family is taken care of by the father, supported by the minor's mother, a street coffee vendor	Educational support
No.5	17	Fourth year of lower secondary	Polygamous marriage	Dakar	Three paternal half-sisters and one half-brother One maternal half-brother and one half-sister	Father: bank employee (France); he has a house in Diamalaye and the couple meets the needs of the family Mother: medical secretary at the main hospital	Educational support
No.6	16	Fifth year of primary	Married	Saint-Louis	Four full brothers	His father no longer works, he has tuberculosis. His mother is engaged in domestic work.	Educational support
No.7	15	None	Child born out of wedlock	Saint-Louis	Three maternal half-sisters One full brother	His father no longer works, he has tuberculosis. His mother is engaged in domestic work.	Court decision
No.8	17	Fourth year of primary	Married	Dakar	Three full siblings Four paternal half-siblings	Mother: bread seller Father: driver	Educational support

C. Child pornography

33. There are no statistics indicating the extent of child pornography, but it may be assumed, from all the cases of paedophilia reported in the press, that there are networks of paedophiles who may use images of children for pornographic purposes.

34. The commander of the Saly police unit reports that images of children that may constitute pornography are sometimes found on the various devices seized from paedophiles (cameras, computers, mobile phones, etc.). However, these individuals are charged only with paedophilia.

35. The ease of access to the Internet and the use of information and communications technology to share images and videos highlight the real risk of this problem spreading and the need to take all necessary steps to protect children from it.

D. Determinants of risks and their evolution

1. From deteriorating living conditions to impoverishment

36. Poverty is one of the causes and structural elements of children's vulnerability. It manifests itself in various forms, including:

- A change in the domestic economic management model, resulting in young children taking on an economic role in a context in which, in principle, nothing predestined them to do so
- Income becomes insufficient to cover families' basic social needs, leading to the gig economy becoming widespread

2. Erosion of values and questioning of the societal model

37. Senegal is becoming increasingly urbanized and social institutions, most of which were formed in the context of an agricultural economy, are changing and adapting. This transition is the backdrop to the development of social arrangements whose instability is in itself a source of vulnerability. Social values change from one generation and one social group to the next. The societal model follows suit. Indeed, the classic model of social success based on patient vertical socialization (support from elders, intellectual and moral inheritance, gradual integration over time, preponderance of the social group that legislates, etc.) has given way to fragmented, convoluted processes characterized by the improvisation of individual actors. In this context, people hope for miracles and turn to odd jobs to survive. Several factors are at play:

- Loss of authority and responsibility for children
- Erosion of traditional principles and values (loss of protection for women and children)
- Legitimization of certain deviant practices
- Popular shows depicting deviant behaviour
- Questioning of parental authority and a failure to educate children
- Suggestibility of parents to sexually deviant influences
- Early school dropout (the education crisis)
- Proliferation of brothels
- Compromising social arrangements (the community solidarity crisis)
- Impunity of perpetrators (private settlements, cover-ups)
- Passive complicity of certain communities (silent witnesses)
- Extroversion of young people's model of sexual behaviour
- Scant reference to religious principles by young people
- Seeking multiple partners to capture as many resources as possible
- Growth of "child trafficking" networks

3. Insecurity and destabilization of the socialization process

38. This is caused by a set of non-exclusive situations that destroy or weaken actors' capacity to react, with symbolic functions no longer being performed as previously announced. In such cases, the family becomes incapable of protecting its children, and society or the group that acted as an intermediary or second link in the chain seems to lose impetus, where traditionally the immediate environment (parents, neighbours or third parties) felt both responsible for and involved in functions related to education, initiation into social commerce, the adaptation of social protection mechanisms and, above all, personality development. This decline in the process of integration and of empowerment of children to develop in an

environment that safeguards the fundamental principles of society is increasingly evident in some families, including:

- Broken homes (or single-parent families)
- Displaced families (because of war, floods)
- War orphans;
- Insecurity in the southern part of the country
- Fear of reprisals from perpetrators
- The emergence of informal settlements, which increase exposure to insecurity
- The proximity of military quarters to outlying districts and villages in insecure areas
- *Confiage* (fostering) is a smooth process that enables children who live with someone other than their biological family to grow up with feelings of belonging to a group and community, and of good social cohesion. Nowadays, this understanding of the protective role of the community and the family is undermined by the social and economic transformations that Senegalese society is undergoing. Traditional practices have changed, and foster families and institutions can sometimes abuse them to force children into work, to the detriment of children's education and protection.

4. Impact of tourism

39. The influence of tourism is reflected in the model of social success that encourages the accumulation of resources in immigration situations. Tourists are holders of hard currency and, as such, constitute a pool of resources that can be mobilized to promote child prostitution. Tourism combines many enticing elements, including:

- The illusion of the tourist partnership (mixed couple)
- The development of pimping networks
- The rapid rise in sex tourism (paedophilia, pornography, exhibitionism)
- Income streams that attract waves of young people (girls and boys)
- The extroversion of patterns of deviant sexual behaviour (sexual libertinism, early sexual relations, etc.)
- The allure of the foreign (possibility of emigrating through the tourists)
- The preference for Western tourists (because of the strong currencies and their purchasing power)

5. Impact of information and communications technology

40. Information and communications technology has equally harmful effects on children's sexual behaviour. These include:

- The proliferation of Internet cafés
- Unregulated access to pornographic websites
- The influence of television (broadcasting of pornographic films)
- The growth of mobile telephony facilitating communication among clients, victims and intermediaries
- The use of information and communications technology by boys and girls to market themselves abroad

Statistics of the Reception and Assistance Centre for Street Children (GINDDI) on trafficking, sexual abuse and prostitution

<i>2013</i>	<i>2014</i>
155 child victims of trafficking, including 94 from the subregion	29 child victims of trafficking, including 23 from the subregion
10 girls victims of sexual abuse and incest, 1 girl forced into prostitution	4 cases of rape and abuse

IV. International and regional instruments

41. Senegal is a party to international and regional anti-trafficking instruments.

A. International instruments

- The United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, ratified in 2003
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted on 10 December 1984, signed by the Government of Senegal on 4 February 1985 and ratified on 26 August 1986
- The Convention on the Elimination of All Forms of Discrimination against Women, signed by the Government of Senegal on 29 July 1980 and ratified on 5 February 1985
- The Convention on the Rights of the Child of 20 November 1989, ratified by Act No. 90-21 of 26 June 1990
- The International Labour Organization (ILO) Minimum Age Convention, 1973 (No. 138) of 26 June 1973, ratified by Act No. 99-71 of 14 January 1999
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 13 December 1990, ratified by Act No. 99-73 of 14 January 1999, and the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption of 29 May 1993, by means of accession
- The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict of 25 May 2000, ratified by Act No. 2003-25 of 19 August 2003
- The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography of 25 May 2000, ratified by Act No. 2003-24 of 19 August 2003

B. Regional instruments

- The African Charter on the Rights and Welfare of the Child, in particular articles 15 (child labour), 16 (protection against child abuse and torture) and 29 (sale, trafficking and abduction), including subparagraph (b) (use of children in all forms of begging)
- The Economic Community of West African States (ECOWAS) Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, adopted on 10 December 1999, and its provisions concerning the fight against cross-border crime
- The ECOWAS Convention on Mutual Assistance in Criminal Matters
- The ECOWAS Convention on Extradition

- The ECOWAS-Economic Community of Central African States (ECCAS) Joint Plan of Action to Combat Trafficking in Persons, Especially Women and Children
- The bilateral agreement to combat cross-border trafficking in children, signed by Senegal and Mali in 2004

V. National legislative framework

42. The rights of the child are well established in Senegalese law.

A. Act No. 99-05 of 29 January 1999 on the suppression of sexual abuse and exploitation

43. This Act amends several provisions of the Criminal Code dealing with sexual abuse and exploitation, including:

Rape (article 320 of the Criminal Code)

44. This offence has recently undergone a major change. Indeed, the Act of 29 January 1999 broadens the definition of rape by including unnatural acts and making it possible for men to be victims. According to article 320 of the Criminal Code, any act of sexual penetration, whatever its nature, committed on another person by force, coercion, threat or surprise constitutes rape. This offence is subject to numerous aggravating circumstances, some of which render rape a crime.

Paedophilia (article 320 bis of the Criminal Code)

45. Any gesture, touching, caressing or 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. The offence is punishable by 5 to 10 years' imprisonment and is aggravated and punishable by the maximum penalty when committed by a relative or a person with de jure or de facto authority over the victim.

Corruption of minors

46. This new offence was introduced into the Criminal Code by Act No. 99/05 of 29 January 1999 and is essentially aimed at punishing depraved behaviour, namely the perversion of young people. The most common examples concern the participation of minors in sexual acts between adults, even as spectators. Encouraging the corruption of a minor is punishable by 1 to 5 years' imprisonment and a fine of CFAF 100,000 to 150,000. The penalties are 3 to 7 years' imprisonment and a fine of CFAF 200,000 to 300,000 when the minor is under 13 years of age. The same penalties apply to an adult who organizes sexual encounters involving the attendance or participation of a minor.

Indecent assault (article 319 of the Criminal Code)

47. The indecent assault of a minor under 13 years of age without violence is punishable by 2 to 5 years' imprisonment (any attempt is always punishable).

48. Aggravating circumstances apply when the attack is committed, including on a minor under 13 years of age, by:

- A legitimate, natural or adoptive relative of the victim
- A person with authority over the victim
- A person who has abused the authority conferred by his or her position

B. Cybercrime Act No. 2008-11 of 25 January 2008

Section I: Child pornography

Article 431-34

Any person who produces, records, offers, makes available, distributes or transmits images or visual representations of a child pornographic nature by means of a computer system shall be liable to 5 to 10 years' imprisonment and/or a fine of between CFAF 5 million and 15 million.

Article 431-35

Any person who procures for themselves or for others, imports or causes to be imported, exports or causes to be exported images or visual representations of a child pornographic nature by means of a computer system shall be liable to 5 to 10 years' imprisonment and/or a fine of between CFAF 5 million and 15 million.

Article 431-36

The same penalties shall apply to any person who possesses images or visual representations of a child pornographic nature in a computer system or in any device capable of storing computerized data.

The same penalties shall apply to any person who facilitates the access of a minor to images, documents, sound files or visual representations of a pornographic nature.

Article 431-37

When committed by an organized crime group, the offences established in this Act shall be punishable by the maximum penalty provided for in article 431-23 of this Act.

C. Punishment of early marriage

49. Article 300 of the Criminal Code provides for the punishment of early marriage:

Any person who, in consummating a marriage celebrated according to custom, performs or attempts to perform a sexual act on a child under 13 years of age shall be punished by 2 to 5 years' imprisonment.

If this results in the child's serious injury or disability, even if temporary, or if the intercourse results in the death of the child or is accompanied by violence, the perpetrator shall be punished by 5 to 10 years' imprisonment.

D. Combating trafficking in persons and related practices

50. Act No. 2005-06 of 10 May 2005 punishes trafficking in persons and related practices.

51. Article 1 of the Act defines trafficking in persons as:

The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of violence, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of sexual exploitation, forced labour or services, slavery or slavery-like practices or servitude.

52. The definition of trafficking in adults implies that consent is vitiated by coercion. However, the mere act of recruiting, transporting, transferring, harbouring or receiving a child for the purpose of exploitation is sufficient to constitute child trafficking (art. 1 (2) of the 2005 Act).

53. Trafficking in adults is punishable by 5 to 10 years' imprisonment and a fine of between CFAF 5 and 20 million. Trafficking is punishable by 10 to 30 years' imprisonment when it is committed under aggravating circumstances. The maximum penalty is imposed

when, for example, the offence is committed against a minor or by a relative or a person with authority over the victim.

54. Under the Act, the exploitation of the begging of others is considered to be a practice similar to trafficking but is criminalized in its own right. The Act seeks to criminalize the exploitation of the begging of children in particular, in a social context that tolerates begging by *talibés*, or pupils of traditional Qur'anic schools.

55. Article 3 of Act No. 2005-06 criminalizes the offence in the following terms:

Any person who organizes the begging activities of others with a view to profiting therefrom or who recruits, coerces or misleads another person with a view to forcing them into begging or exerting pressure on them to beg or continue begging.

56. The offence is punishable by 2 to 5 years' imprisonment and a fine of between CFAF 500,000 and 2 million.

57. The particular vulnerability of the victim is an aggravating circumstance resulting in the imposition of the maximum penalty.

58. Article 17 of Act No. 2005-06 gives NGOs the right to bring a civil suit for damages in cases involving trafficking victims.

E. Child labour

59. In 1999, ILO member States unanimously adopted the Worst Forms of Child Labour Convention, 1999 (No. 182) and the Worst Forms of Child Labour Recommendation, 1999 (No. 190), which call on signatory countries to commit to immediate and effective measures to prohibit and eliminate such forms of child labour.

60. In accordance with article 3 of the Convention, the term "the worst forms of child labour" comprises:

- All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

61. Senegal ratified this Convention in June 2000. Subsequently, three decrees were issued in 2003, prohibiting the worst forms of child labour, establishing the forms of hazardous work prohibited to children and establishing the types of companies and work prohibited to children:

- Decree No. 3749/MFPTEOP/DTSS of 6 June 2003 establishing a list of and prohibiting the worst forms of child labour;
- Decree No. 3750/MFPTEOP/DTSS of 6 June 2003 establishing the forms of hazardous work prohibited to children and young people;
- Decree No. 3751/MFPTEOP/DTSS of 6 June 2003 establishing the types of companies and work prohibited to children and young people and the age group to which the ban applies.

62. The prohibited forms of work are very diverse and include:

- Forced or bonded child labour for third parties (prostitution, pornographic productions or acts, production and sale of drugs, illicit activities, etc.);

- Very arduous work performed by children (child domestic labour that is very arduous, very dangerous or exposes the child to physical, chemical or sexual abuse, work that involves carrying heavy loads, stone-breaking, gold panning, etc.);
- Very dangerous work performed by children (use, handling and transportation of chemical, biological or toxic products, use of sophisticated tools or machinery);
- Public transportation of goods and people by children;
- Waste and litter collection by children;
- Slaughter of animals by children.

F. Child prostitution

63. Prostitution of minors is prohibited in Senegal. Articles 323 to 327 of the Criminal Code deal with prostitution and procuring in general, while article 327 bis covers the prostitution of minors.

64. Prostitution is legally defined as “the fact of earning all or part of one’s livelihood from engaging in commercial sex work with casual partners”. In Senegal, it is governed by Act No. 66-21 of 1 February 1966 on combating venereal diseases and prostitution, and its implementing Decree No. 69-616 of 20 May 1969. Pursuant to the Act, any person wishing to engage in prostitution must be enrolled in the Health and Social Register.

65. The act of prostitution itself has three components:

- The sexual act
- Remuneration
- A casual partner

66. The requirements for engaging in prostitution are as follows:

- Be at least 21 years of age
- Show an identity card (citizens) or identity document (foreign nationals)
- Provide four photos
- Attend gynaecological check-ups every 15 days
- Present a health card to the police or gendarmerie upon request
- Do not solicit on the street

67. Minority is defined in article 276 of the Family Code as follows: “A minor is a person of either sex who has not yet reached the age of 18 years”.

68. It was in the interests of protecting minors that Act No. 66-21 of 1 February 1966 regarding the Health and Social Register set the minimum age of eligibility for the health card at 21 years. Since the age of majority was lowered, the minimum age of eligibility for the card is now 18 years.

69. Senegal adopted a tourism charter on 30 April 2003, the first paragraph of which stipulates that signatories to the charter must promote tourism that is compatible with cultural mores and values by minimizing the negative impact of tourism activities on the environment and local communities.

G. Child pornography

70. All forms of child pornography are punished:

Article 371 of the Criminal Code

Any person who produces, records, offers, makes available, distributes or transmits images or visual representations of a child pornographic nature by means of a

computer system shall be liable to 5 to 10 years' imprisonment and/or a fine of between CFAF 500,000 and 10 million.

Article 372 of the Criminal Code

Any person who procures for themselves or for others, imports or causes to be imported, exports or causes to be exported images or visual representations of a child pornographic nature by means of a computer system shall be liable to 5 to 10 years' imprisonment and/or a fine of between CFAF 500,000 and 10 million.

Article 373 of the Criminal Code

The same penalties shall apply to any person who knowingly possesses images or visual representations of a child pornographic nature in a computer system or in any device capable of storing computerized data.

Article 374 of the Criminal Code

Any person who knowingly facilitates access by a minor to images, documents, sound files or visual representations of a pornographic nature or to manifestly illegal content shall be punished by 5 to 10 years' imprisonment and/or a fine of between CFAF 500,000 and 10 million.

Article 375 of the Criminal Code

Any person who intentionally proposes, by means of information and communications technology, a meeting with a minor with the aim of committing against him or her one of the offences established in articles 372 to 374 or the offences of rape, paedophilia or indecent assault shall be punished by 5 to 10 years' imprisonment and/or a fine of between CFAF 500,000 and 10 million.

Where the sexual proposal is followed by physical acts leading to an encounter, the judge may neither suspend the sentence nor extend the benefits of mitigating circumstances to the perpetrator.

Article 376 of the Criminal Code

Any person who accesses child pornographic content habitually and without legitimate reason shall be punished by 2 to 5 years' imprisonment and/or a fine of between CFAF 500,000 and 10 million.

Article 377 of the Criminal Code

When committed by an organized crime group, the offences established in this section shall be punishable by the maximum penalty provided for in article 371 of this Code.

VI. Institutional framework

71. The institutional framework for dealing with trafficking in persons, especially women and children, is made up of various bodies, including:

- The Directorate for the Rights and Protection of Children and Vulnerable Groups
- The GINDDI Centre
- The Directorate for Correctional Education and Social Protection
- The Human Rights Directorate
- The Directorate General for Social Action
- The Children's Unit
- The Coordination Unit to Combat Child Labour
- The National Unit to Combat Trafficking in Persons, especially Women and Children
- The Senegalese Human Rights Committee
- The Child Protection Support Unit

72. In addition to this institutional framework, civil society, in the form of NGOs and associations, makes a valuable contribution to the fight against trafficking in persons and related practices by providing a framework for raising awareness and alerting the competent authorities. The support of international partners and United Nations system organizations is also significant.

VII. Measures taken by Senegal to ensure better implementation of the Optional Protocol and progress achieved

73. State authorities have deemed it necessary to adopt a number of national and regional legislative, policy and institutional initiatives to address these scourges, which are considered to constitute serious human rights violations.

A. At the institutional level

74. The State has established a range of mechanisms to address the problem of trafficking in persons, particularly women and children, including:

1. External services of the Directorate for Correctional Education and Social Protection

75. The Directorate, attached to the Ministry of Justice, is mandated to provide legal protection of an educational and social nature. Its mission is to deal with all matters pertaining to the protection, rehabilitation and reintegration of children aged 0 to 21 years who are at risk or in conflict with the law.

76. The Directorate has various resources at its disposal to serve this target group, including non-custodial educational facilities, protection centres, multipurpose centres and social rehabilitation centres. These mainly provide listening, observation, activities, support, mediation, psychological assistance and guidance.

77. The Directorate's institutional framework is as follows:

- Four protection centres in Pikine, Cambérène, Ziguinchor and Thiès
- Four multipurpose centres in Liberté 6 (closed), Thiaroye (for girls), Kaolack and Diourbel
- Two social rehabilitation centres in Sébikotane and Nianing
- Three initial reception centres in Dakar, Ziguinchor and Saint-Louis tasked with handling emergency situations

78. This framework is supplemented by:

- 14 regional coordination offices
- 10 departmental offices
- 2 neighbourhood offices: Dakar-Ville and Pikine

79. These 37 institutions work closely with juvenile courts to implement two kinds of measures:

- Court decisions
- Educational measures

80. These measures are accompanied by follow-up reports on progress in the provision of care.

2. GINDDI Centre

81. The Reception and Assistance Centre for Street Children (GINDDI Centre) was established in June 2003 by the Government of Senegal, which was very concerned about children in street situations and those from broken homes.

82. The Centre's activities are regulated by Decree No. 2012-437 of 10 April 2012 concerning the division of State services provided by "other government agencies" and fall within the purview of the ministry responsible for children.

83. Through its work, the Centre contributes to the successful integration of boys and girls in vulnerable situations into family and social life.

84. In the light of its achievements, the Centre has become one of the most important bodies in implementing the Government's policies for the care of children in vulnerable situations. Its objectives and target groups are as follows:

- Objectives:
 - Help to remove children from abusive situations and reintegrate them into society
 - Assist girl victims of abuse and ill-treatment
 - Promote the helpline within the national protection system
 - Help to promote alternative education for out-of-school children
 - Provide social and medical assistance to children in vulnerable situations
- Target groups:
 - Child beggars
 - Orphaned children
 - Child guides
 - Children from broken homes
 - Girl victims of ill-treatment or sexual abuse
 - Out-of-school girls

85. The Centre has set up a toll-free helpline (116) as a technical information and remote communication tool that enables any person (adult or minor) to:

- Report ill-treatment and all other forms of abuse
- Request help or assistance
- Report incidents and acts of violence against children
- Provide guidance and support in cases of abuse and ill-treatment, if necessary

86. All callers in distress receive advice from counsellors to reassure them and encourage them to be more vigilant towards children. The calls handled relate mainly to the following needs:

- Guidance
- Reporting of children in distress by relatives, families/communities and other child protection actors
- Information on adolescent sexual and reproductive health and referral to appropriate services

Social and medical assistance

87. The Centre has a fully functional infirmary to provide first aid to residents, all of whom are given a medical consultation on arrival.

88. Below is a summary of the care provided to residents and outpatient children in 2012–2013.

Table 1
Medical care

<i>Medical follow-up</i>	<i>Number</i>
Consultations at the Centre	858
Cases referred to the emergency social service	2
Cases referred to Grand Yoff General Hospital	4
Cases referred to Albert Royer Hospital	5
Cases referred to Keur Khaley	2
Cases referred to the municipal emergency social service	1
Cases referred to Nabil Chouker	3
Total	875

Training department

Table 2
Socioeducational awareness-raising and support sessions (2012–2013)

Number of talks/group activities	302
Number of socioeducational and sports activities	325
Number of awareness-raising sessions on reproductive health for girls	106
Number of behavioural therapy sessions (civic, moral and health education)	205
Number of village gatherings	265
Number of arts education sessions	53
Number of religious education sessions	91
Number of logic and mathematics sessions	37
Number of in-house and external family mediation sessions	444
Number of street outreach sessions	156

NB: A single case may involve several family mediation sessions.

Table 3
Number of female school dropouts placed in apprenticeships at the GINDDI Centre (2012–2013)

<i>Industry</i>		<i>Total</i>
<i>Sewing</i>	<i>Catering</i>	
36	29	65

89. These numbers refer to the girls currently undergoing training at the GINDDI Centre.

Training project for trafficked talibés

90. As part of efforts to combat child begging, the GINDDI Centre identified 15 informal *daaras* (Qur'anic schools) in Grand Yoff and conducted several information and awareness-raising sessions, which led to a mutual agreement to establish a pilot project consisting of two literacy classes. One hundred children were selected, and a tutor was hired by the Centre to provide them with training after their Qur'an classes. The tutor is under the supervision of a retired volunteer head teacher. The tutor also teaches literacy in French to residents in transit who express an interest. To improve the sanitary environment, disinfection sessions have been organized in collaboration with the Hygiene Service.

3. National Unit to Combat Trafficking in Persons, especially Women and Children

91. Given the considerable number of actors involved in the fight against trafficking in persons, the Government decided to create a national coordination body. Previously, the lack of such a body had had a negative impact on the prevention of trafficking and the repatriation, reintegration and protection of victims.

92. The establishment of the National Unit to Combat Trafficking in Persons, especially Women and Children by Prime Ministerial Order No. 09051 of 8 October 2010 represents a strong commitment and reflects the efforts of authorities at all levels to provide an appropriate response to this issue.

93. The Unit has the following responsibilities:

- Play a warning and monitoring role in the fight against trafficking in persons
- Report all cases of trafficking brought to its attention to the competent authorities
- Set up regional anti-trafficking bodies
- Develop and implement a public awareness-raising policy
- Collect and include the opinions of civil society and development partners in its actions and programmes
- Propose legislative and regulatory amendments to strengthen anti-trafficking provisions

94. The Unit comprises representatives of State, non-State, civil society and religious institutions.

95. It may use the services of any person qualified to prevent and combat trafficking in persons, especially women and children (article 5(2) of the Prime Ministerial Order).

96. The Unit formulated an action plan for 2012–2014 to enable the State to honour its commitments under the Optional Protocol (see annex).

4. Coordination Unit to Combat Child Labour

97. The Unit was set up to coordinate all activities to combat child labour, especially its worst forms. The policy that Senegal intends to pursue in this regard is laid out in the National Framework Plan on the Prevention and Abolition of Child Labour, which was adopted in November 2012 and focuses on five strategic areas:

- National ownership of the fight against child labour
- Eliminating the worst forms of child labour by 2016
- Preventing child labour by expanding education and training opportunities
- Strengthening and enforcing the legal framework
- Strengthening the response capabilities of institutional mechanisms

98. These strategic areas are reflected in a national action plan for 2012–2016 that is currently being implemented under the Unit's coordination (see annex).

5. Senegalese Human Rights Committee

99. Senegal has deemed it necessary to enhance the status of the Senegalese Human Rights Committee, which has until now been governed by Decree No. 93-141 of 16 February 1993.

100. A bill to transform the Committee into an independent institution is in the pipeline. This will upgrade the Committee's status by clearly defining it as an "independent institution". Article 1 of the bill states as follows:

The Senegalese Human Rights Committee is an independent institution for consultation, monitoring, evaluation, dialogue and proposals concerning respect for human rights. It ensures the pluralistic representation of social forces, including

institutions and civil society organizations concerned with the promotion and protection of human rights.

6. Departmental child protection committees

101. These committees bring together, at the departmental level, government technical services, community leaders and civil society organizations working on children's issues. They are chaired by departmental prefects and are intended to extend to the most decentralized level through the establishment of village child protection committees. This system enables synergies between actors and the harmonization of their actions.

7. Children's Parliament

102. The State is firmly committed to giving the Children's Parliament the means to carry out its tasks by approving a restructuring exercise and an action plan for its regeneration.

8. Civil society

103. Civil society organizations carry out many activities alongside the State to care for children in situations of risk and prevent such situations.

104. Prevention measures include public awareness-raising activities on children's rights and training and capacity-building for various actors.

105. In terms of care, actions are regularly carried out to remove children from street situations and reintegrate them into society. There are care institutions where children from broken homes, orphans and victims of abuse are taken in, reintegrated or integrated into the school system or given the opportunity to learn a trade. Tools are being developed to enhance the efficiency of the services provided.

106. Civil society organizations that deal with the same issues or work in similar areas are increasingly joining forces in networks. They support the State in improving the situation of children in Senegal.

B. At the subregional level

107. Measures adopted by Senegal include the signing of inter-State conventions and the ratification of several protocols to combat child trafficking. The focus is on improving border security and strengthening the capacities of relevant actors:

- Law enforcement personnel (police, gendarmerie, customs)
- Transporters
- Civil society actors

108. However, the instability in some neighbouring countries such as Mali and Guinea-Bissau makes it difficult to implement the various inter-State conventions.

C. On the legal front

109. In order to bring its legislation more into line with the international standards arising from its international commitments, Senegal has drafted a range of new provisions on young offenders and children at risk as part of the revision of its Criminal Code and Code of Criminal Procedure. These new provisions must be adopted and passed into law (see annex).

D. On the political front: adoption of the National Child Protection Strategy

110. In December 2013, Senegal adopted the National Child Protection Strategy to ensure the effective and efficient protection of children, with the following vision:

Through an integrated protection system, Senegal maintains a protective policy, institutional and legal environment against all forms of ill-treatment, neglect, abuse, exploitation and violence suffered by children, their families and their communities.

111. The Strategy helps to raise the profile of child protection issues at the political level and to improve the legal framework and the mobilization of financial resources for the implementation of programmes for children.

112. The Strategy aims to create a protective and safe environment where children are not abused, exploited or unnecessarily separated from their families, and where they receive appropriate services. This human rights-based approach emphasizes the primary responsibility of the State and other actors, including families, communities and development partners. It makes responses more effective by building national child protection capacities. Lastly, it highlights the role of children as agents of change and in strengthening the protective environment.

113. The Strategy calls for better coordination of public and private funding of programmes and mobilizes additional financial resources for the implementation of relevant national projects.

114. It seeks to build consensus around a common child protection “philosophy” by linking it to the following two strategic objectives:

- Establishing an integrated national protection system
- Supporting and promoting positive social change

115. The Strategy was adopted in December 2013 at an interministerial council meeting chaired by the Prime Minister. To implement it, the Intersectoral Child Protection Committee was set up. The Committee is chaired by the Prime Minister and includes representatives from every sectoral department, technical and financial partners and NGOs. At the operational level, actors draw up an integrated response plan whose implementation requires the adoption of an action plan for children, which the Government will endeavour to assess every two years.

116. The Strategy now provides the framework for all public child protection policies.

VIII. Difficulties encountered in implementing the Optional Protocol

117. The main difficulties encountered in implementing the Optional Protocol relate to:

- Civil status: many children are not registered at birth, which makes it difficult to ascertain their real age and determine their status as minors. In addition, it is hard to establish their place of origin or residence and to trace their parents in efforts to reintegrate them or return them to their families.
- Sociocultural realities are such that reporting crimes is frowned upon by the community, with the result that many cases are ignored or settled out of court, to the detriment of the best interests of the child.
- The inadequacy of government funding allocated for the proper implementation of programmes and action plans.
- The fact that there is only one child protection unit, located in the capital, which means that tasks assigned to it are carried out by police officers in other parts of the country, who often lack the necessary training.
- The absence, in the Tourism Charter, of specific provisions on child trafficking and child prostitution.
- The lack of specialization of judges, even though they have attended capacity-building sessions over the past 10 years.
- Inadequate legal provisions (the issue of pornography is not covered).

- It was the inadequacy or unsuitability of institutional care, characterized by article 327 bis of the Criminal Code, which provides for educational support measures for persons under 21 years of age who engage in prostitution, even occasionally, that prompted the establishment, in 1996, of the Thiaroye multipurpose centre, a boarding school for girls.
- The Thiaroye multipurpose centre is limited in terms of both its capacity and the services that it offers, although it teaches a range of instrumental skills through schooling and vocational training, which have had a tangibly positive impact on reintegration.
- The inadequacy of the treatment afforded to minors and the support given to their families, even though that support may help to tackle the root of the problem.
- The high school dropout rate, which contributes significantly to the number of children who are in street situations or victims of trafficking.
- The very low level of involvement of local authorities owing to a lack of awareness of the provisions of the Optional Protocol and the failure of local policies to provide for mechanisms for the care of vulnerable children, despite the decentralization of certain powers.
- The insufficient financial resources allocated to child protection.

118. This list of factors, which is far from exhaustive, proves that there is still some way to go, but Senegal is determined to meet these challenges.

IX. Some strategic lines of action to better implement the Optional Protocol

119. To enhance the implementation of the Optional Protocol, there is a need to focus on certain strategic lines of action, including:

- The creation of an operational network to protect children from prostitution and vagrancy.
- The prevention of child sexual exploitation and the provision of care to victims.
- The harmonization of domestic and international instruments on children's rights (see annex).
- The issuance of a circular on the effective application of the Criminal Code articles punishing procuring and of Act No. 2005-06 of 10 May 2005 on combating trafficking in persons and related practices, including child begging.
- The involvement of local authorities in the care of vulnerable people.
- The dissemination of instruments on the protection of children's rights against trafficking, prostitution and vagrancy in the national languages.
- The allocation of an independent budget to the Juvenile Court to make it a court in its own right rather than a branch of the Regional Court.
- The centralization of statistics on non-custodial educational facilities.
- The development of a strategy and a communications plan against sexual exploitation, vagrancy of minors and child pornography.
- The establishment of a technical monitoring committee.
- The allocation of more human and financial resources to gendarmeries in pilot areas (Saly, Saint-Louis, Cap Skirring).
- The creation of a child protection unit in every department of Senegal.
- Greater involvement of journalists through training and capacity-building.

- The setting up of a data collection system to enable a proper assessment of the situation with regard to the various issues and of the impact of the steps taken to respond to them.
- Improving communication between agencies to strengthen the synergy of actions and build a powerful network of State agencies and civil society organizations.
- The institutionalization of greater coordination between State technical departments and agencies through a review of their missions and a proper institutional diagnosis that makes it possible to identify all the measures that need to be taken to make child protection measures more effective.
- The establishment of a data collection mechanism for proper monitoring, which will make it possible to capitalize on all actions taken for the benefit of children by the various State and civil society actors and thus to have national statistics.
- The mapping of all national actors.
- The establishment of coordination and monitoring frameworks at the most decentralized level.
- The regular evaluation of implemented action plans and programmes.
- Training and capacity-building for all actors working for children.
- The translation of the Optional Protocol into the national languages and its wide dissemination.
- The use of media and social networks to raise public awareness.

X. Conclusion

120. Since ratifying the Optional Protocol, Senegal has embarked on a major project to honour its commitments thereunder. It has set up bodies tasked specifically with the protection of children. It has also introduced a policy of legal harmonization and has decided to tackle head-on the problem of child begging, which remains one of the most distressing problems that children face.

121. However, major challenges remain, including:

- Child begging, the response to which will require not only changing the population's attitudes and behaviour but also getting religious leaders more involved in the implementation of government measures.
- Affording better protection to vulnerable groups by giving them the means to escape their precarious situation through education and learning.
- Responding appropriately to developments in information and communications technology and the influence of the media.
- Providing the Children's Parliament with sufficient resources to express children's needs and enforce laws and regulations.
- Creating a strong office of the ombudsperson for children so that the ombudsperson is completely independent and can act in the best interests of the child.
- Establishing a national coordination and monitoring system for child victims to help them to become properly reintegrated into society.
- Disseminating the Optional Protocol among all actors (civil service, education system, law enforcement agencies, civil society, etc.).
- Creating the conditions for birth registration nationwide.
- Strengthening the mandates of departmental and village child protection committees so that they can report violations of the Optional Protocol and, in general, act as children's rights watchdogs.

- To begin to address household poverty, the State has introduced various poverty reduction policies, including the National Strategy for Economic and Social Development, the Poverty Reduction Strategy and the Emerging Senegal Plan, in addition to scholarships to facilitate school enrolment, universal health coverage and free medical care for children under 5 years of age.

122. All these measures, combined with a strong media campaign, will undoubtedly help Senegal to meet the commitments undertaken in signing and ratifying the Optional Protocol on the sale of children, child prostitution and child pornography.
