Committee on the Rights of the Child
Ninety-fifth session
15 January–2 February 2024
Consideration of reports of States parties

Replies of Senegal to the list of issues in relation to its report submitted 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*

[Date received: 16 October 2023]

* The present document is being issued without formal editing.
Reply to the issues raised in paragraph 2 (a) of the list of issues (CRC/C/OPSC/SEN/Q/1)

1. Disaggregated statistical data on the sale of children, child prostitution and child pornography, sexual exploitation of children in the travel and tourism industry, child marriage and online sexual exploitation of children are not available. However, according to the records of the National Unit to Combat Trafficking in Persons, in 2022 the external services of the Directorate for Legal and Social Protection provided support for 1,840 children in trafficking situations.

2. The largest share of these cases (45.2 per cent) involved exploitation of begging by others, while the next largest share (34.1 per cent) involved the exploitation, by parents or guardians, of children in street situations.

3. Cases of child victims of sexual exploitation were the third most frequent, at 13.3 per cent, while cases involving economic exploitation represented 7.4 per cent.

4. With regard to the prosecution of perpetrators and the sanctions imposed on them, the police and gendarmerie opened 32 judicial investigations in 2019, and at least seven Qur’anic teachers were found guilty of ill-treatment during this period. In Ziguinchor and Saint Louis, for example, Qur’anic teachers were sentenced to 3 months’ and 2 years’ imprisonment, respectively, for assault and battery.

5. At the prosecutor’s office of the Thiès Tribunal de Grande Instance (court of major jurisdiction), four cases of forced begging, abuse and ill-treatment and exploitation of talibé children were recorded between 2021 and 2023.


7. Regarding the type of action taken, the following measures should be noted:
   • Adoption of a law criminalizing rape and paedophilia
   • Technical validation, in 2023, of the evaluation of the National Child Protection Strategy
   • Adoption of the Action Plan against Child Marriage (2022–2026)
   • Adoption of the National Agenda for Girls (2021–2025)
   • Adoption of the New Deal project, a community pact between parents and children

Reply to the issues raised in paragraph 2 (b)

8. The data requested are not available.

Reply to the issues raised in paragraph 2 (c)

9. The data requested are not available.

Reply to the issues raised in paragraph 2 (d)

10. Data relating to recipients of assistance with reintegration are not available. However, all child victims of the offences mentioned above, in cases where the perpetrators have been found guilty by Senegalese courts, have been awarded monetary damages to be paid by the convicted perpetrators.

Reply to the issues raised in paragraph 3

11. All the offences referred to in the Optional Protocol are criminalized in Senegalese national legislation, whether in the Criminal Code or in special laws such as the Trafficking
in Persons Act of 2005, with the exception of child marriage, which is covered in the bill on the draft children’s code.

12. However, not all the offences defined in Senegalese legislation are entirely in line with those referred to in the Optional Protocol.

13. By way of illustration, offences relating to child pornography are covered in articles 431-34 to 431-37 of the Criminal Code. Article 431-7 defines child pornography as “any representation, whatever its nature, form or medium, of:

(a) A minor engaging in sexually explicit activity;
(b) A person who appears to be a minor engaging in sexually explicit activity;
(c) Any realistic image depicting a minor engaging in sexually explicit activity.”

14. In contrast, the Optional Protocol provides that the mere representation of the sexual parts of a child, in addition to what is provided in Senegalese legislation, can constitute child pornography.

15. In Senegal, penalties for child pornography offences range from 5 to 10 years’ imprisonment and a fine of between 5 million and 10 million CFA francs (CFAF).

16. The sexual exploitation of children includes paedophilia and rape, both of which are defined and penalized in articles 320 and 320 bis of the Criminal Code.

17. The same applies to the offence of sale of children, which is defined in the Protocol as any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration, whereas in Senegal it is criminalized by analogy with another offence.

18. The sale of children is criminalized under the provisions on trafficking in persons, which is defined and penalized in article 1 of Act No. 2005-06 as follows: “The recruitment, transportation, transfer, harbouring or receipt of persons by means of the threat or use of violence, abduction, fraud, deception, abuse of power or of a position of vulnerability, or by the giving or receiving of payments or benefits to obtain 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, is punishable by 5 to 10 years’ imprisonment and a fine of CFAF 5 million to CFAF 20 million.”

Reply to the issues raised in paragraph 4

19. There are no plans to amend the Criminal Code to define the sale of children as a separate offence distinct from trafficking in persons.

20. The same applies to the offence of paedophilia, which has indeed been criminalized but only in cases involving minors under the age of 16 years.

Reply to the issues raised in paragraph 5

21. Senegal has no centralized system for the compilation of data specifically relating to child protection issues.

22. However, certain ministerial departments, such as the one responsible for child protection, justice and health, have Excel data-collection tools, the data-collection system on trafficking in persons (SYSTRAITE) and the District Health Information System 2 (DHIS2) platform.

Reply to the issues raised in paragraph 6

23. Coordination of the activities of the various agencies dealing with child protection issues has been the responsibility of the National Intersectoral Committee on Child Protection since June 2014 as part of the implementation of the National Child Protection Strategy.
24. This committee, which is chaired by the Prime Minister, brings together all the actors involved in child protection. It is supported by the National Executive Secretariat for Child Protection, which is chaired by the minister for child protection. The National Executive Secretariat for Child Protection is responsible for coordinating the implementation of the workplans of the four expert committees that form the operational arms of the National Child Protection Strategy.

25. There is no single body responsible for implementing the Optional Protocol. However, structures such as the Directorate for Promoting Children’s Rights and Child Protection, the Child Protection Support Unit, the Directorate for Legal and Social Protection, the Directorate for Human Rights, the Directorate for Families and the Protection of Vulnerable Groups and the Directorate General for Social Action are responsible for implementing the international legal instruments for the protection of children’s rights ratified by Senegal, including the present Protocol.

Reply to the issues raised in paragraph 7

26. Tools developed to support children in vulnerable situations (minimum standards, integrated frameworks, a manual on procedures for the management of reception centres, a reference guide on the costs of available child protection services) are major innovations.

27. Specifically regarding the vulnerability of children in the school environment, a harmonized policy framework for preventing and combating gender-based violence has been developed, in addition to tools for classifying and dealing with identified cases. In addition, a policy document has been produced for education personnel, in coordination with external services, to improve detection of and support for pupils who are victims of any form of violence, abuse or harmful practices.

28. In the field of prevention, the actions taken relate primarily to the establishment of a contingency plan and a national technical team (ROSTER) to assist children in emergency situations.

29. In addition, grass-roots child protection initiatives are developed in communities through alert and monitoring systems.

30. With respect to support for vulnerable groups, the Government’s social policy has improved living and learning conditions for several thousand children through social safety net projects and programmes (a project to reduce children’s vulnerability, a programme for disadvantaged children, the Family Security Grant Programme, universal health coverage, the Equal Opportunities Card, a programme for children who are wards of the State, a project to strengthen support for child protection, etc.). Thousands of vulnerable children have also been enrolled in mutual health insurance schemes, to make it easier for them to receive health care.

31. In addition, various facilities (counselling centres, reception centres, social rehabilitation centres, multipurpose centres, protection centres, centres for social advancement and reintegration, correctional education and social protection inspectorates, Qur’anic schools (daaras), etc.) have been set up, rebuilt, fitted out, reopened or subsidized to provide better support to children.

Reply to the issues raised in paragraph 8

32. Senegal has adopted the second phase of the National Child Protection Strategy and its National Action Plan (2016–2018), which were developed and implemented under the supervision of the Ministry for Women, the Family and Children.

33. The implementation of this strategy paved the way for the development of a national integrated child protection system.

34. The provisional budget for the 2016–2018 action plan of the National Child Protection Strategy was CFAF 6,056,091,610.
35. In addition, the budget of the Ministry for Women, the Family, Gender and Child Protection includes allocations for the provision of social support to children in difficult circumstances and for a project to reduce children’s vulnerability. These allocations were increased from CFAF 254,586,360 and CFAF 95,000,000, respectively, in 2020 to CFAF 292,208,320 and CFAF 395,000,000, respectively, in 2021.

36. A departmental action plan to combat child sexual abuse and exploitation has been drawn up and validated by a departmental development committee chaired by the Minister for Social Development and National Solidarity.

37. A fourth national action plan to combat trafficking in persons (2020–2023) has been implemented.

38. With regard to eradicating the worst forms of child labour, the Ministry of Labour, Social Dialogue, Professional Organizations and Institutional Relations has implemented a National Framework Plan on the Prevention and Elimination of Child Labour.

39. The Government has set up a plan to remove children from the streets.

Reply to the issues raised in paragraph 9

40. The Ministry of the Interior has set up a specialized police force, the Child Protection Squad, whose mission is to protect children at moral risk, identify them and ensure their reintegration.

41. This squad and the Vice Squad are also responsible for preventing the exploitation of children in the context of sex tourism.

42. In accordance with Senegalese law, the Vice Squad and the Child Protection Squad carry out regular checks on hotels and hostels to prevent the commission of sex tourism offences involving minors. In addition, these squads require hotels and hostels to display signs prohibiting the accommodation of unaccompanied minors and to report any suspicious behaviour or actions involving children.

Reply to the issues raised in paragraph 10

43. To combat illegal adoptions, since 2018 the Directorate for Legal and Social Protection has served as the Government’s competent central authority for intercountry adoption. The competent central authority began operating with, inter alia, the creation of a matching committee established under Order No. 029385 of 15 November 2022. The members of this committee took office in December 2022.

44. In addition, an international adoption guide published by the Ministry of Justice has been distributed to all the judicial and administrative authorities with jurisdiction in this matter.

45. The practice of confiage is not yet regulated in Senegal. However, the bill on the draft children’s code contains provisions on this issue, in particular articles 29 and 30.

Reply to the issues raised in paragraph 11 (a)

46. There are no plans at present to amend the Code of Criminal Procedure in such a way as to extend extraterritorial jurisdiction to the offences covered by the Optional Protocol.

Reply to the issues raised in paragraph 11 (b)

47. Data on cases of this kind are unavailable.
Reply to the issues raised in paragraph 11 (c)

48. Data on extradition requests concerning offences covered by the Optional Protocol are unavailable. However, the Ministry of Justice receives extradition requests of all kinds and endeavours to follow up appropriately.

Reply to the issues raised in paragraph 11 (d)

49. There are no plans at present to amend or repeal Act No. 71-77 of 28 December 1971 on the dual criminality requirement.

Reply to the issues raised in paragraph 12

50. To protect the rights of victims who are minors or otherwise vulnerable, article 16 of Act No. 2005 states that such persons must be assisted during the investigation and trial either by counsel of their choosing or by court-appointed counsel.

51. With a view to extending this protection to witnesses, the draft amendment of the text provides for the incorporation of articles 39 and 46, which provide as follows:

- **Article 39**: Testimony, as victims or witnesses, of children and particularly vulnerable persons
  
  “Without prejudice to the rights of the defence and depending on the means available to the State, in order to limit the risks of intimidation and trauma for children and particularly vulnerable persons, their testimony during trial may be taken by the following means:
  
  (1) Testimony by videoconference;
  
  (2) Testimony in the presence of a parent or guardian of the minor, when it is proven that the adult in question is in no way involved in the criminal acts;
  
  (3) Pre-recorded testimony;
  
  (4) At the hearing, physical separation between the defendant and the victim or witness to be protected, including through the use of curtains or separate courtrooms.”

- **Article 46**: Protection measures
  
  “In order to bring a civil action, the Public Prosecutor’s Office may request that minor victims who have no known legal representative or in respect of whom the rights and welfare of the child are not otherwise guaranteed be placed under guardianship or statutory representation.”

52. The appointed guardian or administrator is responsible for protecting the victim’s interests in loco parentis. Associations or public services providing support to victims may, at the victims’ request or on their own initiative, represent them in court.

53. The Public Prosecutor’s Office may request that the following measures be taken:

  - (a) Transfer to a different place of residence;
  - (b) Accommodation outside detention centres reserved for alleged offenders;
  - (c) Access to appropriate legal assistance;
  - (d) Medical and psychological support;
  - (e) Safe access to diplomatic and consular services of the victim’s country of origin within a reasonable period of time;
  - (f) Safe repatriation to the victim’s country of origin, at his or her request, within a reasonable period of time;
  - (g) Possible acquisition of legal status in Senegal;
(h) Financial support, including access to employment under Senegalese law;

(i) All necessary measures to ensure the beneficiary’s safety, including a change of identity;

(j) All measures aimed at facilitating the beneficiary’s resettlement or independence.

54. How these measures are to be applied shall be specified by decree.”

55. In Senegal, medical examinations in cases of sexual violence are free of charge when requested by the police or gendarmerie as part of an investigation.

**Reply to the issues raised in paragraph 13**

56. In Senegal, child victims of offences covered by the Protocol not only are not treated as offenders, but also are afforded special protection, including psychological care, rehabilitation and reintegration.

57. Pursuant to Act No. 99-82 of 3 September 1999 amending the Criminal Code, a new article 327 bis was introduced, which states that “any minor under the age of 21 years who engages, even occasionally, in prostitution shall, at the request of his or her parents or the Public Prosecutor’s Office, be summoned to appear before the juvenile court, which shall apply to him or her one of the protective measures provided for in articles 593 et seq. of the Code of Criminal Procedure”.

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