



Convention on the Rights of Persons with Disabilities

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**Consideration of reports submitted by parties
to the Convention under article 35**

List of issues in relation to the initial report of Senegal

Addendum

Replies of Senegal to the list of issues*

[Date received: 19 February 2019]

* The present document is being issued without formal editing.



A. Purpose and general obligations (arts. 1–4)

Paragraph 1

1. The main step taken is of a legal nature, namely the adoption of Social Framework Act No. 2010-15 of 6 July 2010 on the promotion and protection of the rights of persons with disabilities. The Act has 50 articles and incorporates virtually all of the core human rights enshrined in the Convention on the Rights of Persons with Disabilities. On 13 February 2018, by way of follow-up, the Government organized an interministerial committee on the implementation status of the Act, following which the Prime Minister issued directives for its full implementation by 30 June 2018 at the latest. The regulations prescribed by the Act have been adopted and implemented.

Paragraph 2

2. In 2016, in order to streamline the disability assessment process, Senegal adopted a national disability measurement instrument aligned with two international standards, namely:

- The International Classification of Functioning, Disability and Health developed by the World Health Organization
- An instrument used in Quebec named the Assessment of Life Habits

3. The national instrument used by the departmental technical committees under the General Directorate of Social Action is respectful of the human rights of persons with disabilities. The main challenge facing Senegal is to ensure that the technical committees are trained in the use of disability assessment techniques.

Paragraph 3

4. The Departmental Federation of Associations of Persons with Disabilities is a member of the technical committee and is thus involved in considering individual applications for equal opportunities cards. Decree No. 2012-1038 lists the supporting documents that must be submitted alongside an application. Civil status documents, a medical disability certificate issued by a registered doctor and a social case file are mandatory. Once an application has been reviewed and approved, a record is drafted and submitted to the responsible minister. As noted in the reply to paragraph 2, members of the technical committees must have received training in disability assessment techniques. This also applies to persons with disabilities with a view to ensuring their active participation.

Paragraph 4

5. The Senegalese Federation of Associations of Persons with Disabilities represents all persons with disabilities and is regularly consulted as part of the formulation, implementation, monitoring and evaluation of core national public policies. With an eye to nurturing the participation of persons with disabilities in decision-making processes, the Head of State has appointed persons with disabilities to serve as advisers in high-level institutions:

- The Office of the President
- The Economic, Social and Environmental Council
- The Supreme Council of Local Authorities

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

Paragraph 5

6. In accordance with articles 3 and 17 of the Social Framework Act, Decree No. 2012-1038 of 3 October 2012 provides for the establishment of two technical committees to process applications for equal opportunities cards and promote social education. The equal opportunities card is a social protection system that facilitates the access of persons with disabilities to multiple benefits with regard to health, functional rehabilitation, education, training, transport and finance. To date, 50,006 equal opportunities cards have been issued. Of the persons with disabilities who are holders of the card, 17,614 are enrolled in participatory health insurance schemes, 25,507 have received a family welfare grant and 633 travel for free on the Dakar Dem Dikk public transport network. This social protection system, which has broken new ground in Africa and reflects the strong commitment of the Head of State, constitutes a form of multiple positive discrimination aimed at fostering the social inclusion of persons with disabilities.

7. The legal mechanisms in place to register complaints of discrimination are those of domestic law. Persons with disabilities whose rights have been infringed can bring legal proceedings to defend themselves and obtain redress.

8. The penalties and sanctions applicable to acts of disability-based discrimination are set out in domestic law.

Women with disabilities (art. 6)

Paragraph 6

9. The State has taken the following measures to promote gender equality and eliminate all forms of discrimination against women without distinction:

- The establishment of a ministry responsible for women, family and gender
- The adoption of Act No. 2010-11 of 28 May 2010 establishing absolute gender parity
- Decree No. 2011-309 of 7 March 2011 on the establishment, organization and functions of the National Observatory on Gender Parity
- The design and implementation of the National Disability Action Plan for the period 2017–2021 that takes into account women with disabilities

Paragraph 7

10. The committee of women with disabilities under the Senegalese Federation of Associations of Persons with Disabilities is the main mechanism for promoting the rights of women with disabilities and their participation in the design and implementation of public policies and in cultural life. Like all women, women with disabilities receive a subsidy from the General Directorate of Social Action and celebrate International Women's Day each year on 8 March. On International Women's Day in 2018, emphasis was placed on the development of a national action plan for the advancement of women with disabilities. The plan is aligned with the National Disability Action Plan.

Children with disabilities (art. 7)

Paragraphs 8 and 9

11. The 2013 general population census provides general information on persons with disabilities, who are estimated to represent 5.9 per cent of the population, but offers little granularity by way of disaggregated data on the enrolment of children with disabilities in schools. Senegal plans to overcome this difficulty by using the database developed through the production of the equal opportunities cards, which will eventually make it possible to

produce disaggregated statistical data on educational issues concerning children with disabilities.

12. The optimal functioning of the departmental technical committees responsible for special education could have a positive long-term impact on the collection of educational data on children with disabilities.

13. No specific measures have been taken to increase the participation of children with disabilities in decision-making processes, and public policies are based on a global approach. However, under the third phase of the 2017–2021 National Community-based Rehabilitation Programme for persons with disabilities, which was approved by Decree No. 2018-1236 of 5 July 2018, the State, through the Ministry of Health and Social Action, plans to implement individual rehabilitation plans, which will eventually allow children with disabilities to play a greater role in the community.

Awareness-raising (art. 8)

Paragraph 10

14. Pursuant to article 45 of the Social Framework Act, the Government organizes awareness-raising activities overseen by the Ministry of Health and Social Action. Under the National Community-based Rehabilitation Programme, the State organizes one week and several individual days dedicated to persons with disabilities, including:

- International Wheelchair Day (1 March)
- International Women's Day, in partnership with the committee of women with disabilities (8 March)
- International Albinism Awareness Day (13 June)
- International Day of Sign Languages combined with the International Week of the Deaf (23 September)
- World Mental Health Day (10 October)
- White Cane Safety Day (15 October 2018)
- International Day of Persons with Disabilities (3 December)
- National Week of Persons with Disabilities (1 to 10 December)

15. These events are organized in partnership with organizations of persons with disabilities and contribute to the primary prevention of disability. They also serve to raise awareness of the living conditions of persons with disabilities. In connection with these awareness-raising activities, relevant umbrella organizations of persons with disabilities receive a State subsidy of 1,500,000 CFAF for individual days dedicated to persons with disabilities and 8,000,000 CFAF for the Week of Persons with Disabilities. These sums are additional to contributions from development partners.

Accessibility (art. 9)

Paragraph 11

16. Measures to improve the accessibility of public buildings and transport and communications networks are subject to technical oversight by the ministries responsible for housing, transport and communication. Accessibility regulations are being developed in accordance with the Social Framework Act.

17. Organizations of persons with disabilities are being consulted at all stages of the development of these regulations.

18. As accessibility is a multisectoral matter, Senegal has not established a joint committee. Proposals will be made to ensure that accessibility forms part of the mandate of the High Council for Equality of Opportunities for Persons with Disabilities, the founding text of which is under consideration.

Right to life (art. 10)*Paragraph 12*

19. The Senegalese Government has not introduced any specific security measures to protect persons with disabilities and persons with albinism in particular. Relevant sectors implement contingency plans through an inclusive approach. Senegal requests technical and financial assistance to address the matter specifically.

Situations of risk and humanitarian emergencies (art. 11)*Paragraph 13*

20. The efforts made to incorporate the Sendai Framework for Disaster Risk Reduction 2015–2030 remain limited owing to the lack of staff training on disaster risk reduction in relation to disability.

21. Senegal is currently rolling out a national contingency plan overseen by the Ministry of the Interior on the basis of a multisectoral approach. In implementation of the National Disability Action Plan for 2017–2021, the national contingency plan is being adjusted to ensure that persons with disabilities are better taken into account. The Senegalese Federation of Associations of Persons with Disabilities regularly participates in the annual review of the National Disability Action Plan. Senegal also endorsed the Charter on Inclusion of Persons with Disabilities in Humanitarian Action by letter No. 5119/MSAS/DGAS/DPPPH of 26 April 2017.

Equal recognition before the law (art. 12)*Paragraph 14*

22. The Family Code governs matters of incapacity. Article 273 of the Family Code stipulates that certain persons are deprived by law of the capacity to engage in legal transactions in order to protect them from the consequences of their lack of experience or their intellectual impairment.

23. However, article 274 of the same Code stipulates that, “in accordance with the present Code, persons deprived of their legal capacity may nevertheless perform acts relating to their status or the adoption of a matrimonial regime. They offer their services, choose their profession and join groups in accordance with the provisions governing each of those areas. They act alone, not bound by the rules of legal protection, in matters concerning everyday life and the protection of their property and rights.”

24. Incapacity associated with insanity or mental disorders must be certified by a specialist doctor.

Paragraph 15

25. Persons who have been deprived of their legal capacity can benefit from assistance measures for their protection, namely guardianship, wardship and legal administration.

Access to justice (art. 13)*Paragraph 16*

26. The efforts being made with respect to access to justice were strengthened by Decree No. 2018-1070 of 30 May 2018 on the organization of the Ministry of Justice. The Directorate of Local Justice and Promotion of Access to Law was established pursuant to this Decree.

27. As access to justice is one aspect of access to the law, the Directorate is responsible for judicial centres in several localities across the country. The guidance and reception offices at these judicial centres help to promote access to justice by providing information and legal assistance in addition to mediation and conciliation services.

28. A number of the procedures provided for under national law take into account the specificity and needs of older persons.

29. Pursuant to article 711 of the Code of Criminal Procedure, it is strictly prohibited to detain a person aged over 70 years in the context of debt-recovery proceedings. In the Criminal Code, older age is very often listed as an aggravating circumstance for offences.

30. Article 294 *in fine* of the Criminal Code provides that, “if the aforementioned acts of violence are committed against a woman or a person who is particularly vulnerable by reason of pregnancy, advanced age or a health condition resulting in a physical disability, the perpetrator shall be punished by 1 year’s imprisonment and a fine of 30,000 to 150,000 CFAF. A conditional sentence may not be imposed.”

31. The measures taken by the Government to guarantee free health care for older persons (the Sesame plan) are a policy of cost recovery and affordable access and a system to provide care for disadvantaged persons.

32. Article 320 *in fine* of the Criminal Code provides that a person who commits the offence of rape against an older person shall be sentenced to the maximum sentence for ordinary rape, that is, 10 years’ imprisonment.

33. The Sesame plan offers health-care coverage for older persons. The main measures taken under the plan to ensure the fullest possible community participation in the planning, organization, management and supervision of primary health care are:

- Promoting community participation in the health effort with the promulgation of an act and the publication of a decree on the terms of reference of a health committee on which neighbourhood delegates, women’s groups and youth associations are represented as part of a partnership for the joint management of health facilities
- Putting in place a system to monitor and conduct periodic evaluations of health training activities with the full participation of health committee members

34. Articles 326 and 394 of the Code of Criminal Procedure establish specific procedures for hearings of deaf and mute persons in conditions that guarantee their rights.

35. All Senegalese persons, without physical distinction, are eligible to serve as judges, lawyers and court officials, except for in the military and paramilitary bodies. The members of the judiciary, the Bar and the corps of judicial officers include persons with disabilities.

36. The courses taught at legal training schools for judges and the National Prison Administration Training School cover the rights of persons with disabilities.

Liberty and security of person (art. 14)

Paragraphs 17 and 18

37. Homeless persons with chronic mental illnesses may be confined to psychiatric hospitals on the basis of orders issued by the administrative authorities.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

Paragraph 19

38. No specific measures have been taken to protect persons with albinism and persons with autism from torture and inhuman or degrading treatment.

39. However, the Government has permitted the establishment and operation of associations of persons with albinism and lends them its support.

Freedom from exploitation, violence and abuse (art. 16)*Paragraph 20*

40. Any person with a disability who is a victim of exploitation, violence or abuse may institute legal proceedings to protect his or her rights under domestic law.

Living independently and being included in the community (art. 19)*Paragraph 21*

41. National public policies provide for no specific measures in this regard, and personal freedom is a matter for the families of persons with disabilities. Specific measures are planned under the third phase of the 2017–2021 National Community-based Rehabilitation Programme in the form of individual rehabilitation plans for persons with disabilities.

42. Persons with disabilities receive individual budgetary support under the areas of action of the National Community-based Rehabilitation Programme relating to education, training, medicines, equipment and functional rehabilitation, emergency assistance and the award of annual family security grants worth 100,000 CFAF. However, the financial resources remain limited and do not meet the needs of the majority.

Personal mobility (art. 20)*Paragraph 22*

43. Under the National Community-based Rehabilitation Programme, the State provided 5,939 technical aids and essential products, including wheelchairs, glasses, crutches, white canes and sun creams, to persons with disabilities between 2012 and 2018.

Freedom of expression and opinion, and access to information (art. 21)*Paragraph 23*

44. Persons with disabilities enjoy the same rights as all other citizens with respect to freedom of expression and opinion and access to information.

Paragraph 24

45. The following measures are taken nationally to disseminate official information:

- Sign language interpretation on an ad hoc basis (but not on every media broadcast)
- Subtitling
- Audiovisual methods

Respect for home and the family (art. 23)*Paragraph 25*

46. There are no restrictions on the rights to marry, found a family and adopt children. However, in view of the diversity of disability, a detailed multi-category sociological study must be undertaken at the national level so as to formulate an evidence-based approach towards the issue.

Education (art. 24)*Paragraph 26*

47. The State is implementing the Programme for Improving Quality, Equity and Transparency of Education and Training, an inclusive programme overseen by the ministries responsible for education, training and higher education, with a view to ensuring inclusive education for persons with disabilities. The programme is monitored by the relevant authorities, but there are no penalties for non-compliance.

48. The steps taken in this regard come under the aforementioned Programme for Improving Quality, Equity and Transparency of Education and Training. However, no sectoral report has yet been drawn up to evaluate reasonable accommodation, budget allocations and the training of teaching staff.

Health (art. 25)

Paragraph 27

49. Following the launch of the equal opportunities card programme in 2015, the Head of State issued directives concerning the provision of health-care coverage for persons with disabilities through their enrolment in participatory health insurance schemes overseen by the Agency for Universal Health-Care Coverage. In accordance with these directives, 17,616 persons with disabilities have been enrolled in participatory health insurance schemes. Persons with albinism benefit from this measure. Other initiatives to provide free health care target children aged under 5 years, persons with disabilities, dialysis and caesarean sections. Individual monitoring is being conducted to collect specific data on persons with albinism.

Work and employment (art. 27)

Paragraph 28

50. Pursuant to article 29 of the Social Framework Act on disability, a decree establishing a quota to reserve 15 per cent of jobs in the public and private sectors for persons with disabilities is currently under consideration. Between 2012 and 2017, the National Community-based Rehabilitation Programme promoted self-employment among persons with disabilities by funding 844 individual and group economic projects. Monitoring must be carried out to capitalize on all the inclusive initiatives for the promotion of employment under the National Disability Action Plan.

Paragraph 29

51. As noted in the reply to paragraph 28, regulations on the employment of persons with disabilities are being prepared for adoption.

Paragraph 30

52. Pursuant to article 29 of the Social Framework Act on disability, consideration is currently being given to a decree establishing a quota to reserve 15 per cent of positions in the public and private sectors for persons with disabilities. Between 2012 and 2017, the National Community-based Rehabilitation Programme promoted the self-employment of persons with disabilities by funding 844 individual and group economic projects. Monitoring must be carried out to capitalize on all the inclusive initiatives for the promotion of employment under the National Disability Action Plan.

53. As noted in the reply to paragraph 28, regulations on the employment of persons with disabilities are being prepared for adoption.

54. Through the Information Technology Agency, the State has set up a sheltered workshop known as the Centre for Persons with Disabilities in Work, which employs 12 persons with disabilities.

Adequate standard of living and social protection (art. 28)

Paragraph 31

55. In order to benefit from social protection measures, applicants for the equal opportunities card must demonstrate that they meet the conditions set out in article 6 of Decree No. 2012-1038 by supplying the following documents:

- A handwritten application addressed to the Minister of Health and Social Action
- Two passport photographs

- A medical certificate of disability issued by a registered doctor
- A photocopy of an identity card or copy of a birth certificate
- A residence certificate

Participation in political and public life (art. 29)

Paragraph 32

56. Through the Ministry of Health, the Government is working with its financial partner Sightsavers and the Senegalese Federation of Persons with Disabilities to implement the second phase of a social inclusion project on the political and civic participation of persons with disabilities for the period 2017–2021. Its main activities are the following:

- Political leadership training
- Accessibility assessments of polling stations
- A compendium of the commitments made by political parties
- Campaigning for an inclusive electoral process and programme

Participation in cultural life, recreation, leisure and sport (art. 30)

Paragraph 33

57. In accordance with the Social Framework Act, a decree on the access of persons with disabilities to recreation and sports and cultural institutions is in the process of being adopted. Some NGOs, such as Special Olympics Senegal, supplement the Government's efforts by carrying out activities to include children with intellectual disabilities in sports. Other sports initiatives are undertaken by the Handisport Foundation, which is a member of the Senegalese Federation of Associations of Persons with Disabilities.

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

Paragraph 34

58. The State, through the National Agency for Statistics and Demography, used the Washington Group Short Set of Questions on Disability in the 2013 general population census, which estimated the proportion of the general population with a disability at 5.9 per cent.

International cooperation (art. 32)

Paragraph 35

59. Persons with disabilities in West Africa formed the West African Federation of Persons with Disabilities in order to access cooperation funds and influence policy decisions in other States. In Senegal, the West African Federation of Persons with Disabilities is the main recipient of funding under the second phase of a social inclusion project financed by the NGO Sightsavers under a tripartite convention signed with the Ministry of Health and Social Action.

60. Senegal and Namibia were selected by the African Union to pilot the implementation of the second phase of the African Union Disability Architecture for the period 2018–2019. It is expected that, as an outcome of the project, the pilot countries will sign the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa.

National implementation and monitoring (art. 33)

Paragraph 36

61. The chair of the Senegalese Human Rights Committee is appointed by decree for a non-renewable five-year term and takes all necessary measures to ensure the institution's effective functioning. The chair has authority over the Committee's financial and administrative staff and represents the Committee within the limits of the powers conferred upon him or her by the relevant law and the Committee's rules of procedure.

62. It is indeed true that no reference is made to persons with disabilities in Act No. 97. The Senegalese Human Rights Committee includes civil society representatives and does not prohibit the appointment of a member solely on the basis of a physical disability, provided that the person in question has been nominated by the body that he or she represents.
