



Convention on the Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-third session

SUMMARY RECORD OF THE 1174th MEETING (Chamber B)

Held at the Palais Wilson, Geneva
on Monday, 18 September 2006, at 10 a.m.

Chairperson: Mrs. ALUOCH

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The meeting was called to order at 10.25 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES (agenda item 4) (*continued*)

Second periodic report of Senegal ((CRC/C/SEN/2); list of items to be dealt with (CRC/C/SEN/Q/2); written replies by the State party to the list of items to be dealt with (CRC/C/SEN/Q/2/Add.1))

1. *At the invitation of the Chairperson, the Senegalese delegation took places at the Committee table.*

2. Mr. LO (Senegal) said that Senegal, which had adopted a new Constitution in 2001, had set up a High Commission for Human Rights and the Promotion of Peace and was implementing various programmes for the protection of children.

3. In the field of education, one of the priority projects at preschool level was the “Toddlers’ Hut” – an infrastructure based on a holistic vision of the child’s psychomotor, intellectual and social development – which was due to be extended to the country’s 14,000 villages so as to provide children with health, nutrition, education and new technology services.

4. The Government had raised the share of the overall State budget devoted to education to 40 per cent, thus placing Senegal, according to UNESCO, at the top of the scale worldwide with regard to education funding in 2005. This major budgetary effort had had a significant impact: the rate of access to preschool education had risen from 8 per cent in 2000 to 20 per cent in 2005, while the gross primary cycle attendance rate had risen from 60 per cent to 82.5 per cent over the same period and the rate of girls in full-time education had increased from 67.6 per cent in 2001 to 80.6 per cent in 2005, coming close to the rate for boys (84.4 per cent). Such efforts in the framework of the Ten-Year Education and Training Programme should enable universal education to be achieved in 2010.

5. The share of the overall State budget devoted to health had reached 10 per cent, exceeding OMS standards and enabling various child-related programmes to be implemented, including: the Expanded Programme on Immunization; the Integrated Management of Childhood Illness Strategy; the Epidemics Control Strategy; the Nutrition Enhancement Programme; the National Anti-Malaria Programme; and the National Anti-HIV/AIDS Programme, containing a specific provision for orphans and children made vulnerable by HIV/AIDS.

6. Dissemination of immunization programmes, dietary supplementation with iron and vitamin A, iodization of salt, promotion of exclusive maternal breastfeeding, nutritional monitoring and education had enabled the infant and juvenile mortality rate to drop from 142.5 per thousand to 121 per thousand between 2000 and 2005 and the infant mortality rate from 63.5 per thousand to 61 per thousand over the same period. Underweight and stunted growth had decreased respectively from 90.1 per cent to 18.4 per cent and from 21.1 per cent to 19 per cent between 1992 and 2000.

7. Senegal had ratified numerous conventions and promulgated laws protecting children against violations of their rights and their physical integrity. The adoption in 2005 of the Law Combating Trafficking in Human Beings and Similar Practices and the Protection of Victims constituted a significant step forward. That text was in

the process of being reviewed by the Commission on Reform of the Criminal Code. In addition, in September 2003, Senegal had hosted in Dakar the West African Peer Review on the Situation of Children in the Subregion.

8. Senegal was carrying out programmes to combat marginalization and exclusion and to protect children from all social scourges. The Directorate for the Protection of Children's Rights, set up in 2002, had the task of promoting children's rights. The Family Life Education project in the *daaras* (Koranic schools) contributed to giving guidance to their pupils (*talibés*) to ensure them a better quality of life in several regions.

9. The project for combating the worst forms of child labour had been implemented in nine departments of the country in order to protect children who were at risk, to improve the situation of children affected by the worst forms of labour and of exclusion, and to reinforce the process of decentralization with regard to special protection of children. Senegal was collaborating in the International Labour Organization (ILO) IPEC project, aimed particularly at children who were victims of exploitation through begging or domestic work from an early age or who were doing dangerous work in the agriculture or fishery sectors. A listening, information and guidance centre for children in difficult situations had been set up in 2003 for children who were victims of trafficking and/or slave-trading and to combat vagrancy, marginalization and exclusion of children.

10. Senegal had undertaken other major initiatives aimed at enhancing child protection, particularly: the adoption of a National Framework Plan for the Eradication of Child Labour; the promotion of child registration at birth, the rate of which had increased from 60.9 per cent to 78.5 per cent; combating excision and early marriage for girls, in the context of criminal reform; the awareness-raising campaign for the elimination of all forms of violence against children launched by the Ministry of Women, Family and Social Development on 16 June 2006, which was the Day of the African Child; the joint initiative, shortly to be the subject of a presidential council, whereby the Government, along with several development partners and civil society, aimed to achieve withdrawal of children from the streets; integration of children's rights into school curriculums and into training for judicial officers.

11. However, various factors hindered the implementation of the Convention, particularly: certain harmful conditions and beliefs; poor geographical coverage of several programmes; delay in setting up an observatory on women's and children's rights; lack of technical capabilities of the various participants; low level of referral to courts for enforcement of current legislation; and the inadequacy of resources allocated to protecting children's rights.

12. Statistical investigations into begging, the worst forms of child labour and other scourges, had been launched in an attempt to eradicate those phenomena and a national conference on child begging was currently being prepared. Numerous capacity-building initiatives were in progress.

13. Mr. FILALI noted with satisfaction that, since the previous report of Senegal had been considered in 1995, the country had ratified the two Optional Protocols to the Convention, as well as ILO Conventions Nos. 138 and 182 and the African Charter on the Rights and Welfare of the Child. The delegation should, however, specify whether Senegal had ratified the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption.

14. Senegal had welcomed and sought to bring its legislation into compliance with the Convention on the Rights of the Child. It had, in particular: set the minimum age for admission to employment at 15; prohibited female circumcision through a law passed in 1999; and adopted the 2005 Law Combating Trafficking in Human Beings and Similar Practices and Protecting Victims.

15. Several factors, however, seemed likely to hinder implementation of the Convention, in particular risks of internal conflict, the size of the foreign debt and the prevalence in Senegal of certain customs and cultural practices which continued to prevent children, especially girls, from fully exercising their rights. In this connection, despite legislation prohibiting it, female genital mutilation continued to be practised in secret.

16. Senegal had not supplied information regarding improvements that might have occurred for the *talibés*, pupils in Koranic schools; clarification on that subject would be welcomed.

17. Despite the efforts at reform and awareness-raising that had been made by the State party, the difference in the minimum age for marriage between girls and boys remained a problem. It was astonishing that a 12-year-old girl, a victim of early marriage, had been condemned to 6 months' imprisonment and a fine, for marital desertion, when article 300 of the Criminal Code prohibited marriage for girls under 13. It would be useful to know whether such a situation could be blamed on inadequate training of legal staff or cultural resistance to application of the Convention.

18. Legislation on education seemed ambitious but the allocation of resources did not always match that ambition. National institutions were short of specialized staff. The Convention was not adequately publicized and the Committee's concluding remarks were not disseminated widely enough to inform the public about its work. It was imperative for the delegation to express itself on this subject.

19. Foremost among the flaws in Senegalese legislation were the regional disparities in its implementation, as well as the lack of provisions relating to delinquency of girls and to combating exploitation of them. It would be interesting to know whether Senegalese judges were familiar with the Convention and whether they drew inspiration from it.

20. The delegation should also indicate whether the High Commission for Human Rights included a children's rights department.

21. Several forms of discrimination persisted in Senegal, particularly between legitimate and illegitimate children, the latter neither being entitled to find out their father's identity nor having the same inheritance rights; and against child AIDS sufferers and pregnant girls, who were refused access to schools.

22. The principle of children's participation, enshrined in article 12 of the Convention, did not seem to be broadly accepted by the Senegalese authorities and society. It was essential to know what the State party intended to do to raise awareness in the population about the problems of exploitation of children and their mistreatment, including corporal punishment, which often survived as a matter of tradition.

23. Mr. LIWSKI welcomed the substantial increase in credit allocated to health and education in recent years but understood that budgetary resources came largely from international cooperation and that a high percentage of the budget was applied to refunding debt. He therefore had doubts about the long-term viability of that

budget strategy and requested clarification as to the distribution of funding, as the more vulnerable rural areas seemed to be at a disadvantage compared to the towns.

24. He wished to know what measures Senegal was taking, in accordance with article 37 of the Convention, to protect children against acts of torture and cruel, inhuman or degrading treatment or punishment, particularly in the event of detention.

25. Mr. PARFITT asked for clarification of the jurisdiction of the various national entities dealing with human rights. He particularly wished to know whether some of these were able to receive complaints from children whose rights had been violated. Noting with concern that the entities in question were attached to the President of the Republic, he asked what degree of autonomy they possessed. Finally, the delegation should indicate whether the numerous non-governmental organizations (NGOs) working for human rights in Senegal were involved in drawing up the policies and laws relating to children's rights.

26. Mrs. SMITH asked for further information on the programme for decentralizing resources and skills that was currently being implemented because some regions and municipalities seemed to have limited financial and human resources at their disposal for fulfilling their commitments for protection and defence of human and children's rights.

27. Noting, in paragraph 95 of the report, that children born outside marriage were entitled to the same rights as children born within marriage if the courts were apprised of the matter that infringed their rights, she asked what the situation was for children born outside marriage when no case had been brought before the courts.

28. She wished to know whether there was a law to enforce respect of the child's right to be heard, particularly at school, in the hospital and in the courts and whether there was a provision specifying that the child's best interests should be taken into account in all circumstances.

29. Mr. ZERMATTEN asked about the situation of the conflict in Casamance which, despite the signing of a peace agreement, had led to large-scale displacement of families and children. He wished to know what measures had been taken by the State to aid displaced persons and renovate schools and health centres in areas affected by the conflict.

30. It would be interesting to know the results of the national birth registration plan and what action had been taken on a Children's Code, mentioned by the State party in its report.

31. It was worrying that corporal punishment, which was prohibited at school, continued to be practised in the family unit, as Senegal still recognized a 'right to corrective measures' by persons having the care or custody of the child.

32. It would be useful to know whether the Directorate for the Protection of Children's Rights came under the remit solely of the Ministry of the Family or of several ministries, which would allow for better monitoring of the initiatives taken for promoting and defending children's rights.

33. The CHAIRPERSON asked whether the fact that the Convention had only been cited by a judge once, in January 2004, according to the written replies, could be ascribed to judges' reticence or to their ignorance of the provisions of the Convention.

34. Noting that, according to paragraph 162 (e) of the report, girls' delinquency was not sufficiently covered by national legislation and few studies had been devoted to it, the Chairperson asked why the State party emphasized girls' delinquency more than that of boys.

The meeting was suspended at 11.27 a.m. and resumed at 11.37 a.m.

35. Mr. LO (Senegal) said that the fact that the State's budget had more than doubled between 2000 and 2006 owed more to efforts in collecting taxes and charges and to broadening the fiscal base than to international sponsors. Senegal had entered upon a viable and durable process of fiscal consolidation. The Government had become decentralized in the framework of the National Programme for Local Development and had transferred skills and resources to local communities. These were managing their investment budgets for education and health themselves, were taking an active part in the protection and defence of children's rights and were largely autonomous with regard to management. They produced their own budgets, with the State's support regarding their investment, and could enter into partnerships and take out loans outside the country.

36. Mrs. SMITH asked how local communities could set their own priorities if the funds allocated to them in the framework of decentralization were earmarked for a specific use.

37. Mr. LO (Senegal) explained that funds were earmarked in accordance with the problems of each region. That did not prevent communities from setting their priorities at the local level.

38. Senegal had made great efforts to reduce its foreign debt and several countries had cancelled its debt on condition that the corresponding sums were reinvested in the social sector. In 2006, the Ministry of Women, Family and Social Development had thereby received exceptional funding, enabling it to better protect the rights of the child, and in particular to combat one of the worst forms of child labour: begging.

39. The situation had distinctly improved in Casamance since the December 2004 peace agreements. Refugees were beginning to return from Gambia and Guinea Bissau. The State was rebuilding their villages, schools and health centres. It should be pointed out that, even during the 22 years of conflict, school attendance rate in Casamance had remained the highest in the country.

40. Mr. FILALI asked whether investment was being made in Casamance, particularly in sectors concerning children, and what measures had been taken to improve the purchasing power of the inhabitants there.

41. Mr. LO (Senegal) explained that the Government had set up the Economic and Social Activities Re-launch Project for Casamance, which implemented a programme comprising such elements as mine clearance, rebuilding villages and subsistence capacity-building for the inhabitants. Furthermore, Casamance was a beneficiary of the three anti-poverty programmes that were in progress in Senegal.

42. The implementation of the Convention was coordinated by the Directorate for the Protection and Promotion of the Rights of the Child. That department was under the remit of the Ministry of Women, Family and Social Development, but its activities concerned several other ministries. The National Committee on the Child, a multidisciplinary body of representatives of the Government and of civil society,

coordinated and encouraged activities for the benefit of children. There was also the High Commission for Human Rights, which was empowered to receive complaints, the Ombudsman, whose remit was to deal with conflicts between the administration and individuals, the Inter-ministerial Committee on Human Rights, a multidisciplinary advisory body, and the Senegalese Human Rights Committee, composed of Government officials, members of Parliament and representatives of civil society, which also received complaints. Finally, the Government was in the process of setting up the National Observatory of Women's and Children's Rights, an independent supervisory and monitoring structure which would be represented in all regions.

43. Mrs. NDIAYE DIAKHATE (Senegal) pointed out, in relation to the 12-year-old girl condemned to six months' imprisonment for marital desertion, that, three days after placing her in detention, the Court of Appeal had released her on bail, pending consideration of her appeal on the merits. It was an unprecedented case since, in principle, a minor could not be convicted and the age of criminal liability was 13 years. It was not inconceivable that the sentencing judge might in turn be disciplined. Early marriage was not illegal but consummation of the marriage before the age of 13 was prohibited by article 300 of the Criminal Code. Early marriage was prohibited by the 2001 Constitution but it remained to be established as a criminal offence. Senegal recognized that its legislation provided for a large number of different minimum ages, and was endeavouring to harmonize legislation to maintain only the age of 18.

44. All judges were aware of the Convention on the Rights of the Child because a special module was devoted to it in their training curriculum. The Convention had been invoked before the courts on several occasions; if the State party had cited only one example, it was because that one had novelty value: it was a case of contraband and although detention was compulsory for offences of that kind, the judge opposed such a sentence through reference to the Convention.

45. Article 245 of the Criminal Code prohibited begging unless it was practised by somebody accompanying a blind person or by parents with their children. Nevertheless, it was planned to abolish those exceptions.

46. Mrs. KHATTAB asked for clarification of the difference between street children and *talibés*.

47. Mrs. DIOP (Senegal) explained that *talibés* were children who studied in *daaras* – Koranic schools – but who were often obliged by their marabout to beg in the streets. In the perspective of combating child begging, they were not regarded as *talibés* but as beggars, in order to avoid any religious connotation. Child begging was constantly getting worse because the Senegalese gave willingly. That was why the State was attempting to set up a new model of *daara* by providing material assistance to marabouts who undertook not to send children into the streets. Another project was dedicated to introducing trilingual instruction (mother tongue, French and Arabic) and vocational training into these establishments. Furthermore, the 2005 law on child trafficking, which provided for heavy penalties for anyone compelling a child to beg, would be implemented after a national conference on street children had been held, with the participation of all the parties concerned.

48. Mr. ZERMATTEN asked whether the *daaras* were private or public institutions and what influence the State could exert over marabouts.

49. Mrs. DIOP (Senegal) replied that there were some informal *daaras* which received support from the Ministry of Women, Family and Social Development if their marabouts agreed to cooperate, and that the State was attempting to establish modern *daaras* under its control.

50. Mrs. SMITH asked whether the Government had a right of inspection regarding the instruction given in the modern *daaras* under the control of the Ministry of Education.

51. Mr. FILALI wished to know why Senegal was not dealing with the problem of the *talibés* as recommended by the Senegalese researcher, Saliou Saar, the author of a study on child beggars. Indeed, the Koranic masters who exploited children not only sent them to beg but also, for example, made them work in the fields. They were powerful, but the structures themselves, and the order they had established, ought to be attacked.

52. Mr. LO (Senegal) said that, as the *daaras* were most often private, informal establishments, the children attending them were not taken into account in the statistics, which explained why Senegal's school attendance rate was only 80.2 per cent.

53. In the framework of the fight against begging and against those who sent children to beg, the State supplied provisions, clothing and medicines, among other things, to the model *daaras* that did not send children into the streets.

54. Mrs. VUCKOVIC asked why the Koranic masters who exploited children were not prosecuted and punished.

55. Mr. LO (Senegal) said that Law No. 2005-02 had been adopted to punish persons who exploited children through begging, child labour or other ventures. It emerged that child beggars did not all come from the *daaras*. Some came from countries bordering Senegal. That was what had motivated the President to set up a reception centre for street children, called the Ginddi Centre, which had collaborated for three years with other youth agencies to round up street children and try to return them to their families or place them in vocational training centres. Senegal had signed agreements with those street children's countries of origin to arrange their return home. These actions had been carried out with the support of UNICEF, ILO, Plan Senegal and other partners.

56. The Ministry of Women, Family and Social Development had pleaded with the Head of State for the eradication of early marriages, which were a source of problems, especially obstetrical fistula, against which a campaign was in progress. The President had given instructions for a severe crackdown on early marriages, and a draft text was being drawn up. Thanks to this measure, families or girls affected could appeal to the Ministry, which would send officials to prevent such marriages.

57. Mr. FILALI expected that it would be necessary to place girls threatened with early marriage under the direct protection of the Public Prosecutor.

58. He wished to know whether children could appeal directly to the President.

59. In view of the apparent absence of a mechanism for collecting data on health and welfare, as well as indicators of the child health situation, the delegation should indicate whether such measures were envisaged and whether the high mortality rate for women in rural areas could be attributed to childbirth methods.

60. The practice of genital mutilation was still prevalent in the regions of Matam, Kolda and Tambacounda and information was needed on measures being taken to crack down on the persons carrying it out.
61. The delegation should, moreover, specify what the situation was regarding detection of AIDS, the number of children affected, and how they were cared for.
62. While education was compulsory up to the age of 16, children with special educational needs, including displaced children, were not sufficiently catered for. Comments on this would be welcome. The delegation should also indicate whether the problem of children who had suffered from the Mauritania-Senegal conflict of 1989 was finally resolved.
63. Further information was needed on measures envisaged to remedy the inadequate number of vocational training colleges, the lack of leisure infrastructure, the scarcity of quality teaching and shortcomings in teacher training.
64. Statistics on disabled children and data concerning their care would be welcome.
65. It would also be useful to know what Senegal was doing to protect girls employed as domestic servants, who started working at the age of 6, did not attend school, were often victims of rape, had early pregnancies and suffered moral abuse. Furthermore, no information on sexual tourism had been supplied.
66. The delegation ought to indicate whether education and rehabilitation for children in detention were provided in penal establishments and whether those children were separated from adult prisoners.
67. It was also important to know what measures were being taken to raise young people's awareness of the harmful effects of drugs, given that poverty often led to drug addiction.
68. Mrs. VUCKOVIC was surprised that Senegalese legislation stipulated that the perpetrator of rape or of sexual abuse on a child under 13 years of age was not eligible for a pardon; this gave the impression that the perpetrator of such crimes on a child over 13 years of age was likely to be eligible for one. Clarification of this point would be appreciated.
69. The delegation should specify the meaning of the expression "children in moral danger", used in the written replies.
70. It would also be useful to specify whether the sale of alcohol to children under the age of 18 was prohibited, and what measures the Government was taking with regard to this.
71. Mr. LIWSKI asked what was being done in relation to institutional violence.
72. He wished to know whether statistical data was collected concerning the situation of the *talibés* and how their situation was evolving in the various regions. He also asked about the outcome of the Nutrition Enhancement Programme.
73. The delegation should provide information on how the local committees functioned, how they were composed, and their degree of autonomy in respect of budgets connected to decentralization; and it should indicate whether they had the means to pay for certain services.

74. It seemed that not all children had access to the Expanded Programme on Immunisation, which was worrying. Furthermore, information was needed as to: progress regarding the National Strategy on Reproductive Health; whether a mental health programme was included in the framework of decentralization of local services; and whether adolescents were invited to participate in developing programmes that concerned them, particularly with regard to mental health and reproductive health.

The meeting rose at 1 p.m.