

INFORMATION NOTE

2nd Universal Periodic Review of Senegal (21.10.2013)

Previous UPR of Senegal in: 5 October 2009 (4th session of the UPR)

17th session of the UPR – Human Rights Council

Summary of child related issues

Troika: Botswana, Spain, Republic of Moldova

I- Issues pertaining to juvenile justice and the rights of the child in general

1. Issue n°1: juvenile justice

Delegations	Recommendations	Responses by Senegal
Slovenia	Set up the juvenile justice system and train more judges for juvenile court.	Senegal has adopted a global strategy to eliminate discrimination against children, with a particular emphasis on juvenile justice, child labour and child trafficking.
Switzerland	Provide appropriate trainings on juvenile justice.	Bilateral dialogue with Switzerland on human rights places special emphasis on juvenile justice and training in this area.

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2. Issue n°2 : child trafficking, exploitation and labour

Delegations	Recommendations	Responses by Senegal
United Arab Emirates, UK, Egypt, Iraq, Nigeria, Palestine, Sudan, Uzbekistan	Protect the victims of trafficking by strengthening measures.	Child trafficking has become a priority: programmes and provisions to make sure that street children benefit from social reintegration. Subregional collaboration undertaken to monitor better the movement of children in border areas. National action plan for 2012-2013 to assist in the recovery and reintegration of victims. The State has included the issue of child trafficking in its Poverty Reduction Strategy and National Strategy for Economic and Social Development.
Botswana	A clear definition of trafficking must be specified in the criminal code, as well as the penalty for offenders.	<i>*not mentioned*</i>
Egypt, Palestine	Efforts to prosecute traffickers.	The National Unit to combat trafficking in persons is responsible for prosecuting the perpetrators.
UK, France, Maldives, Paraguay, Singapore, Turkey	Strengthen the measures against child begging (<i>economic exploitation concerns mainly "Talibés" children¹</i>); implement the recommendations of the CRC Committee in order to stop this practice.	We are combining different actions to take the children begging out of the street: law against child begging, and supporting the most vulnerable families to prevent them from sending their children to earn money.
USA, Germany, Zambia, Luxembourg, Russia	Take measures to eliminate child labour	In June 2013, the government drafted a roadmap (2013-2016) for eliminating the worst forms of child labour (domestic servitude included).
Austria, Germany, Maldives	To bring to court those responsible for child begging and child labour (harmonizing the criminal code)	The government has prosecuted people who had forced children to beg.
UK, Ecuador, Italy	Tackle early/forced marriage.	The State is encouraging later marriage and the elimination of early marriage through educational scholarships aimed at keeping girls in school.

¹ The « Talibés » children belong to the « Daara » community, and are sent to Koranic schools where they are only taught religion and no other subject; they are sometimes sent to the street to beg, to give the money collected to their teacher.

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Germany	Awareness raising programmes put in place on harmful consequences of child marriage.	In 2011 and 2012, awareness-raising forums and training sessions on early marriage were held in the 14 administrative regions of Senegal.
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3. Issue n°3: Education and health

Delegations	Recommendations	Responses by Senegal
Cuba, Vietnam, Zambia, Egypt, Ghana, India, Lebanon, Malaysia, Nicaragua, Nigeria, Rep. of Moldova, Sierra Leone, Singapore.	Strengthen the universal access to quality education; modernize the education system.	Focus on school building programmes and recruitment of teachers. School is now compulsory from 6 to 16 years old. The budget for education was increased. Result: participation rate has increased (preliminary school: 2.3% in 2000 to 9.8 % in 2010; elementary school: 67% in 2000 to 94% in 2010). More girls attend school: we have put in place policies to keep them in school. But we need to provide more grants for higher levels of studies.
Turkey, Togo, Paraguay, Germany, France, Austria	Modernize the “Darra” schools (provide better education for “Talibés” children).	A strategic paper is circulating currently in the Parliament to modernize the practices of Darra schools and ensure that children learn French as well as other subjects to help them integrate society after their studies (as geography, history etc).
Costa Rica	Notice has been circulating saying that pregnant girls must drop out of school: government must cancel this circular.	<i>*not mentioned*</i>
Germany	Ensure that children with disabilities be included in education.	The Government has also increased funding for the Special Social Work Training College and the Health and Social Work Training College in order to train specialists to work with persons with disabilities.
Ethiopia, Ghana, Indonesia, Oman, China	Increase child health services and reduce child under 5 mortality rate.	2013: implementation of a strategy to ensure free health care for children from 0 to 5 years. The Government is also seeking new funding strategies to provide populations with better access to health care by joining the World Bank health partnership.

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New Zealand	Provide free, accessible health care for children up to 6 years old by 2015.	Initiative for free health care for 0-5 years old children will be broadened next year. But it will be difficult to provide it for children of more than 5.
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4. Issue n°4: Violence and poverty

Delegations	Recommendations	Responses by Senegal
Algeria, Angola, Argentina, Brazil, Ecuador, Gabon, Rwanda	Eradicate the practice of excision (FGM).	Government has taken steps: excision now criminalized; awareness raising campaigns; alternatives provided to for people who carry out this task; regional cooperation developed with neighbouring countries.
South Sudan, Burkina Faso	Raise awareness on FGM.	We have drafted a 2 nd national action plan to speed up the process of eradication by 2015. 11 regional commissions have been set up and human rights training programmes are available across the country.
Burkina Faso	Prosecute and punish the persons continuing the practice of FGM.	Increased resources for this strategy.
Canada, Greece, Netherlands	Criminalize rape and raise awareness on this issue.	Rape is a crime (5-10 years imprisonment and 10 years if the victim is under 13 years old).
Luxembourg, Palestine, Tunisia	Criminalize violence against women and girls; protect victims of violence.	In 2011 and 2012, awareness-raising forums and training sessions on violence against women. Senegal has mobilized significant resources to promote the National Plan to Eliminate Ill-treatment. In 2010 and 2011, intensive communication campaigns involving the media and opinion leaders raised awareness among parents and health, police, judicial and education workers about prevention of violence against children.
Egypt	Access to safe drinking water, sanitation and food.	National family welfare grant programme launched in October 2013 to meet the most fundamental needs.

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5. Issue n°5: Convention on the Rights of the Child and other legislation

Delegations	Recommendations	Responses by Senegal
Belgium, Cape Verde, Indonesia, Thailand, Togo.	Adopt a single children's rights code.	The children's code has been drafted already, and adopted by the cabinet; it is currently circulating in the Parliament.
Mexico	Standardize the definition of the child to align national legislation with international law.	
Rep. of Moldova	Adopt the law on children's ombudsman	We will soon appoint someone to the post of ombudsperson (probably beginning 2014).
Palestine	Ratify the OP3.	<i>*not mentioned*</i>

II- Other relevant issues with positive feedbacks by the States present at the review:

- Nationality code amended (21 June 2013): children can now have the nationality of their mother.
- Fight against impunity: a special tribunal was set up to judge the former President of Chad Hissène Habré
- Conditions of detention: national observatory of places of deprivation of liberty since March 2009; new prisons built to fight against overcrowding; programmes for rehabilitation put in place; each prison has an infirmary for ill detainees.
- National observatory on gender parity established in March 2011.

III- Adoption of the report :

- 152 recommendations were made; 119 are going to be implemented and 19 will be considered and response provided not later than at the 25th session of the HRC. 14 recommendations were not supported by Senegal.
- Recommendations adopted pertaining to children's rights:
 - Adopt a children's code [122.1] – [122.7]
 - Continue to enhance its institutions in the field of child protection and stop their exploitation [122.28]

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- Effectively enforce the national law criminalizing those who organize begging and trafficking of children and establish a high level focal point responsible to coordinate child protection efforts [122.31]
- Deploy the necessary legal, financial and human resources to achieve as soon as possible the objectives of the roadmap of 5 June 2013 for the elimination of the worst forms of child labour [122.32]
- Incorporate clear definitions of “sale of children” and “trafficking in children” in the Criminal Code and Anti-trafficking Act respectively, and specify the penalties for offenders, under the Criminal Code, in accordance with the Palermo Protocol [122.33]
- Standardize the legal definition of the child in order to harmonize the national legislation with international law and facilitate its implementation [123.3]
- Continue to collaborate with neighbouring countries to seek ways of providing assistance to children at risk [123.5]
- Continue determinedly its effective measures to achieve the Millennium Development Goals, including the fight against poverty, male/female equality and access to education without discrimination [123.7]
- Continue to provide educational and training facilities for persons with disabilities; double its efforts to reduce child labour and provide care for vulnerable children in schools and on the streets [123.13]
- Mobilize sufficient resources for the implementation of the Child Survival Action Plan launched on 7 July 2013 [123.14]
- Develop a policy for child protection ensuring a better system of guarantees of the rights of the child [123.15]
- Continue on the path of strengthening the protection of children, particularly by continuing the fight against child begging, accelerating the modernization program of the daaras and facilitating access to justice for minors [123.16]
- Continue to commit itself to implementing a poverty reduction strategy and improving maternal and infant care [123.18]
- Continue its efforts in the fight against maternal mortality, to facilitate women's access to health, and for the enrolment and retention of girls at school and in vocational training centers [123.19]
- Continue taking measures to protect social rights, including the rights of children, women and persons with disabilities [123.20]
- Take the necessary measures in terms of the criminal law to punish acts of all forms of violence against women and girls [123.41]
- Address the violation of women’s rights, domestic violence and the use of child labour [123.43]
- Eradicate FGM [123.44] – [123.52]
- Strengthen measures to protect children through adequate investigations; timely prosecutions; sufficient penalties in cases of child trafficking; and implementation of legislation prohibiting the use of children for begging for the purposes of economic exploitation; in line with its obligations

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under international treaties and instruments [123.54]

- Take measures to effectively eliminate forced child labour, including forced begging by talibé children, pursuant to the recommendations of ILO supervisory bodies [123.55]
- Continue efforts to support at the national level, children on the street in order to achieve the objectives set by the Senegalese Government in this area by the end of 2015 [123.56]
- Protect talibés children from exploitation [123.57], [123.58], [123.69]
- Continue efforts in combating child destitution and provide care for all street children [123.59]
- Continue to strengthen its domestic legislation and policies to better protect children against abuses and exploitation [123.60]
- Intensify its endeavours to eradicate assault, battery and abduction of children. This can be achieved by the government increasing its campaign through raising awareness about the dangers of these practices to affected families [123.61]
- Protect children against trafficking [123.62], [123.63], [123.67]
- Bring the perpetrators of trafficking of children to justice [123.70]
- Tighten its legislation on rape, pedophilia and incest and conduct awareness campaigns on this matter in schools and in local communities [123.71]
- Enact legislation that penalizes cases of rape, abuse and incest, to raise awareness on these issues, and to actively pursue the punishment of those guilty of those crimes [123.72]
- Ensure that children with disabilities are protected from all forms of violence and receive suitable inclusive education and training [123.73]
- **Continue its efforts for an adequate training in the field of juvenile justice [123.75]**
- **Set up a juvenile justice system and train more judges for juvenile courts [123.76]**
- Eliminate forced and premature marriage [123.79] – [123.82]
- Continue its efforts to provide free health care for children and combat child malnutrition by facilitating access to food [123.93]
- Accelerate efforts providing maternal and child health services, as well as to significantly reduce under five child mortality rates [123.94]
- Sustain initiatives taken to enhance universal health care including reducing maternal and child mortality [123.95]
- Undertake to provide free and accessible health care for children up to the age of 6 years by 2015 [123.97]
- Enhance programs and initiatives to broaden health care coverage of mothers and children [123.99]

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- Implement the strategy to ensure free health care for children aged from 0 to 5 [123.101]
 - Continue taking measures to improve the education system and universal access to quality education [123.103]
 - Work out a binding set of rules with Islamic religious leaders for the establishment and running of daraas in order to secure the right to education of the Talibé [123.104]
 - Continue efforts to realize the right to education and pay special attention to the access of children and adolescents aged to attend middle and secondary education [123.105]
 - Continue to pursue all efforts to modernize the legal framework of the education system by enshrining therein the right to basic education [123.106]
 - Further work on primary education enrolment [123.107]
 - Continue its initiatives to enhance access to universal basic education for ten years for both boys and girls [123.108]
 - Take measures to further improve access to education especially to women and children [123.109]
 - Continue the serious efforts already underway to strengthen the right to education, particularly providing for increased access to education at the elementary level for girls [123.110]
 - Continue its efforts in strengthening the education system including to consider and implement the recommendations made by the Special Rapporteur on the Right to Education to further promote the right to education for all in Senegal [123.111]
 - Ensure the swift implementation of the strategic plan concerning the education and protection of children who are not in school and implement the recommendations of the Committee on the Rights of the Child in order to stop the practice of child beggars [123.112]
 - Consider and follow up on the recommendations that the Special Rapporteur on the Right to Education has made during his visit in 2010 in order to strengthen national strategies and education programs currently being implemented [123.113]
 - Consolidate the gains made in granting children access to education by maintaining the emphasis on the construction of schools and recruitment of teachers [123.114]
 - Continue its efforts regarding economic and social rights of the population, including modernizing the education system by enshrining the right to basic education in law [123.115]
 - Continue, in cooperation with UNESCO and other relevant international organisations, to promote universal access to education and improve the quality of its education system [123.116]
 - Accelerate the modernization programme of the religious schools [123.117]
 - Continue its efforts to strengthen gender equality, especially in education, while ensuring the enrolment and retention of girls in school [123.118]
- Recommendations not accepted: decriminalization of homosexuality [125.1 – 125.14].

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