



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Ninety-fifth session

### Summary record of the 2765th meeting

Held at the Palais Wilson, Geneva, on Friday, 19 January 2024, at 10 a.m.

*Chair:* Ms. Skelton

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Consideration of reports of States parties (*continued*)

*Combined sixth and seventh periodic reports of Senegal (continued)*

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*The meeting was called to order at 10 a.m.*

**Consideration of reports of States parties** *(continued)*

*Combined sixth and seventh periodic reports of Senegal (continued)*  
([CRC/C/SEN/6-7](#); [CRC/C/SEN/Q/6-7](#); [CRC/C/SEN/RQ/6-7](#))

1. *At the invitation of the Chair, the delegation of Senegal joined the meeting.*
2. **A representative of Senegal** said that, under article 98 of the Constitution, ratified treaties took precedence over domestic laws as soon as they were published in the country's Official Gazette. In general, treaties on civil and political rights could be directly invoked before the courts, whereas treaties on economic, social and cultural rights were not usually self-executing and must be transposed into domestic law before they could be invoked before the courts.
3. In practice, it was not always possible to invoke certain international treaties before the courts. Criminal court judges, for instance, based their judgments on legislation that, unlike treaties that were not self-executing, unambiguously established the criminal nature of an act and provided guidance on punishments to be handed down in the event of a guilty verdict. Furthermore, treaties could not be invoked at all levels of the Senegalese court system. Higher-level courts such as the Supreme Court and the Constitutional Court had greater powers than courts of first instance and courts of appeal to interpret and apply the provisions of treaties in their rulings. Consequently, litigants wishing to invoke a treaty before the Senegalese courts must first formulate a valid claim and then determine which court had the competence to rule on their case.
4. The Convention had been invoked in a case in which the adoptive father of a young girl had, unbeknown to her adoptive mother, posted a photograph of the half-naked girl on the Internet and included it in a book that he had written. Her adoptive mother had brought a case against him to her local court of first instance, which had ordered her adoptive father to remove the images. The judge had been unable to invoke the Convention on that occasion, as the court had lacked the jurisdiction to interpret and apply its provisions. The girl's adoptive father had lodged an appeal against the ruling with the Supreme Court, which had invoked article 16 (1) of the Convention, stating that the girl's right to privacy had been violated.
5. **A representative of Senegal** said that, although the increased use of digital technologies had opened doors for children in Senegal, such technologies also posed a significant risk to their safety, privacy and well-being and left them vulnerable to abuse. The Government was working to address the changing landscape through legislation, awareness-raising activities and relevant initiatives, including a programme, supported by the United Nations Children's Fund (UNICEF), intended to narrow the digital gender divide by promoting the use of digital technologies by girls. A national action plan to protect children online, an ambitious plan aligned with the National Cybersecurity Strategy, had been launched in 2018. The Personal Data Protection Commission worked to raise awareness, in particular among parents and families, of the dangers of publishing images of children online and of the importance of limiting children's Internet usage. Act No. 2020-05 of 10 January 2020 had amended the Criminal Code in part to establish a penalty of up to 10 years' imprisonment for the publication of pornographic images of children.
6. **A representative of Senegal** said that a programme had been developed to help keep children safe online and, in particular, to protect them from online sexual exploitation and abuse. The Government's Child Protection Support Unit had formed a partnership with the Internet Watch Foundation to detect and remove images depicting child victims of sexual abuse found on the Internet. That partnership had resulted in the launch of a reporting mechanism in September 2019, the removal of several images and videos of child sexual abuse from the Internet and the development of a programme to strengthen protection of children online.
7. A number of awareness-raising activities had been carried out in several regions of the country, including a 2022 campaign on the risks facing children online and an initiative aimed at students and members of sporting and cultural associations. A workshop to build

stakeholder capacities to tackle the online sexual exploitation of children and other risks had been held in June 2022. Lastly, a workshop organized to analyse the legal and institutional framework for the protection of children online in Senegal had resulted in the drafting of a bill on the topic.

8. **A representative of Senegal** said that the Emerging Senegal Plan had been launched in 2013 to create a society grounded in solidarity and the rule of law. The Plan supported the creation of a workforce that could build a competitive, sustainable economy by ensuring that the fruits of economic growth were distributed more equitably and that local communities were well-educated and engaged. Wide-reaching national consultations had been held to discuss how to achieve those objectives. The Programme for the Improvement of Quality, Equity and Transparency 2013–2025 had then been updated, taking into account commitments made by the Government at the local, continental and international levels. The Programme for the Improvement of Quality, Equity and Transparency in the Education and Training Sector 2018–2030, which was the result of that process, constituted the framework for the implementation of national education policy. The coordination of efforts made within the framework of the Programme and the 14 sectoral programmes developed in line with the Programme posed no particular problems.

9. Primary school education in Senegal was free, and secondary school fees had fallen by 50 per cent. Responsibility for education was devolved to local authorities, which received education endowment funds from the central Government and provided families with school kits. School fees had no impact on enrolment and did not prevent children from attending classes. Grants were awarded to the poorest children, especially girls, and a percentage of the funds raised through activities carried out by parents' associations was donated to schools to support children in need. In addition, the Government had provided grants to private schools that had received less revenue from school fees as a consequence of the coronavirus disease (COVID-19) pandemic. Vulnerable children at risk of dropping out of school were identified and provided with support, including for school fee payments.

10. The Government had supported the construction of classrooms and bathrooms and installation of water points at 100 *daaras*, Qur'anic schools, and had recruited 100 trained Qur'anic teachers to work at modern *daaras* in the public sector. Over 1 billion CFA francs (CFAF) had been invested in nutrition, health and canteen programmes at the Qur'anic schools and to support *borom daara* – the operators of the schools – and other staff. Nearly CFAF 2 billion had been allocated to a further 527 Qur'anic schools, and CFAF 600 million in pandemic support funds had been earmarked for 1,043 such schools. A pilot project, which had had promising results, had been carried out to enhance the quality and equity of basic education by modernizing Qur'anic educational practices. The World Bank had authorized additional funding so that the pilot could be implemented in another 428 Qur'anic schools, and the Government planned to include a further 600 such schools in the project. A *daara* inspectorate had also been established.

11. The *borom daara* had called for wider consultations on the bill on the status of the Qur'anic schools, an issue that had also been discussed at a meeting organized by Amnesty International and attended by representatives of the Government, civil society and *daara* stakeholders. Adoption of that bill would entail reform of the entire education system; it was therefore crucial to have the consent, guidance and support of all education sector stakeholders. Other public initiatives to support the Qur'anic schools included capacity-building – including in the context of child protection – the allocation of 20 per cent of education endowment funds to such schools and the establishment of vocational training courses for students leaving the schools. In addition, programmes to help *borom daara* to obtain access to land, including for agricultural activities, had been launched, the Qur'anic schools had been included in social safety net programmes, the *Daara* Modernization Support Project had been expanded to two more regions and a national consultation framework for the development of Qur'anic schools had been developed. An international Qur'an recitation competition had been organized, and the development of a certification process for Qur'anic schools was set to begin in 2024.

12. She would be interested to know where it had been reported that the bulk of the education budget was set aside for the payment of salaries. There had been various studies that showed that education in Senegal was funded primarily by the State and by private

households. The sector was also supported by large-scale projects in collaboration with international partners such as the Global Partnership for Education, the French Development Agency and the World Bank. The Government had recently raised teacher pay by more than it had been raised in decades, and it always ensured that teachers received their wages in full. Teachers were also entitled to a tax-free housing allowance.

13. A system had been set up to keep children in school by helping them to overcome institutional, economic, pedagogical and cultural obstacles. Various laws and decrees had been adopted to that end, including, most recently, a government order ensuring that pregnant girls could continue their education during their pregnancy and after giving birth. Under new building regulations, learning environments must be adapted to the specific needs of girls and children with disabilities. Activities were also organized to raise awareness among schoolchildren of the dangers that early marriage and early pregnancy posed to their education.

14. A reporting and monitoring mechanism had been put in place to combat violence in schools. Incidents could be reported by submitting a form or on an online platform, and statistics generated by the mechanism were monitored on an annual basis. All education establishments, including the Qur'anic schools, had to nominate a teacher or other staff member to take charge of child protection issues, and a communication campaign on violence in schools had been launched in November 2023.

15. Identifying the number of children in education was not a straightforward task, since many children were schooled at informal establishments. Some of those establishments, such as the Qur'anic schools, were now considered part of the national education framework. They were therefore subject to public inspection and supported by the Ministry of Education. The Government had also taken a number of steps, including the creation of the Vocational and Technical Training Fund, to support young people in their professional training.

16. The Ministry of Education had announced that education must be made fully inclusive by ensuring that existing educational facilities were accessible to all children and adolescents, including those with disabilities. New building standards, under which schools were required to have ramps, accessible toilets for children with disabilities and facilities for menstrual hygiene management for girls with disabilities, had consequently been introduced. The "Let's Teach" (Faire l'École) project had been launched to promote inclusive education, and community groups such as mothers' associations had been mobilized to promote the enrolment of children with disabilities. However, children with more severe disabilities continued to receive their education at dedicated establishments. They included schools for blind children, deaf and hard-of-hearing children and children with severe motor disabilities.

17. **A representative of Senegal** said that families with children under the age of 6 received support from a number of institutions. They included members of the groups of women known as neighbourhood godmothers, family counsellors, the National Agency for Early Childhood and Preschool Reception Centres, the Directorate for Maternal and Child Health and the National Nutrition Development Council. Around 56 per cent of mothers exclusively breastfed their babies for the first six months, and roughly 64 per cent of children had received all their recommended doses of vaccines.

18. The President had quickly taken steps to offer compensation to the families that had lost babies as a result of the fire at the hospital in Tivaouane in May 2022. He had also tasked the General State Inspectorate with carrying out an inspection of the hospital, focusing in particular on its buildings and equipment, its safety provisions, its processes and human resources and its neonatal services. The construction of a new hospital in Tivaouane had been announced in late June 2022. Six measures relating to the quality of health-care establishments, from the performance of medical staff to the overall efficiency of the economic model for hospitals, had also been adopted by the Council of Ministers at its first meeting following the tragedy. Since then, several new hospitals with well-equipped neonatal and paediatric departments had been inaugurated.

19. The National Agency for Early Childhood and Preschool Reception Centres had been created to implement the national policy on comprehensive childhood development. It managed a series of preschool reception centres, public nursery schools and community day-care centres where children benefited from good care and hygiene practices. The principle of

inclusion had been integrated into the State's early childhood development services, although there were also dedicated establishments for children with severe disabilities.

20. **A representative of Senegal** said that, since 2012, the Government had provided free health care for women and girls suffering from obstetric fistulae. Furthermore, the Ministry for Women, the Family and Child Protection had established a dedicated centre for women and girls affected by the condition, which provided them with accommodation and care throughout their treatment. The Ministry conducted awareness-raising on the subject of obstetric fistulae around the country, particularly in the most remote areas, and public information messages were broadcast after television and radio news bulletins to raise public awareness of the centre and its activities.

21. **A representative of Senegal** said that the National Intersectoral Child Protection Committee was responsible for coordinating the activities of the government agencies dealing with child protection issues. It was supported by the National Executive Secretariat for Child Protection, which was chaired by the Minister for Women, the Family and Child Protection. Separate commissions, including commissions on promotion, care and prevention, and monitoring and evaluation, had been set up at the ministerial level to oversee the implementation of the National Child Protection Strategy. The commissions met periodically to monitor the overall implementation of the Strategy, while multisectoral steering committees, on which government agencies, civil society and international partners were represented, had been put in place to assess progress on specific projects and programmes.

22. The implementation of the Strategy had been further strengthened by the establishment of departmental child protection committees in each of the country's 46 departments. The committees, whose members included neighbourhood delegates and representatives of local non-governmental organizations (NGOs) and grass-roots organizations, were chaired by a prefect, who represented the Government. Over 3,000 municipal child protection committees had also been set up. The question of how to strengthen the municipal committees would be addressed under the third action plan for the National Child Protection Strategy. There were also over 2,000 village child protection committees chaired by village chiefs.

23. The Government worked very closely with its civil society and international partners in the field of child protection. Those partners provided technical support and were often represented on the committees that had been set up to oversee the implementation of the National Child Protection Strategy. Civil society organizations played an important role in efforts to raise awareness of children's rights. The delegation appearing before the Committee on the Rights of the Child included, in what was a token of the strength of the Government's relationship with its partners, representatives of UNICEF and the NGO alliance Coalition Nationale des Associations et ONG en Faveur de l'Enfant.

24. All forms of violence against children were prohibited. The country's President had held a special ceremony, to which he had invited civil society groups, women's groups and other stakeholders, to promulgate Act No. 2020-05, under which provisions of the Criminal Code relating to rape and acts of paedophilia had been amended. The Government had since taken a series of measures to raise awareness of the new legislation, including by translating the Act into 14 national languages, and thus to ensure that the people of the country were aware of their right to submit complaints and report violent acts.

25. The Government had opened a number of initial reception centres for the emergency care of child victims of sexual abuse, violence and mistreatment. Plans had also been made to open a national centre for the care of victims of gender-based violence, where women and girls would receive a range of services including emergency medical care, psychosocial care and legal assistance. The Assistance and Guidance Centre for Children in Street Situations had been assigned the mission to take children off the streets, lead the search for their parents and provide emergency care and reintegration services.

26. One of the outcomes of the National Child Protection Strategy had been the establishment of an integrated system for identifying child victims of violence and referring them to the appropriate providers of support and assistance. A set of minimum standards for child protection had been adopted, including definitions of a vulnerable child, a child at risk

and a child victim, as well as a description of the roles played by the stakeholders of the child protection system at the local level. Those standards had been formally approved by the Economic Community of West African States. The Government was now working with UNICEF to develop a set of guidelines defining the responsibilities of the institutions involved in child protection at the national level. It also intended to create a central mechanism that would ultimately replace the existing platforms on which issues such as violence against girls and child trafficking were reported.

27. Child labour was prohibited under the Labour Code. Inspectors from the Ministry of Labour visited mines, fisheries and agricultural sites all over the country to check on compliance with labour laws, especially the provisions concerning work in hazardous conditions. However, a distinction had to be drawn between exploitation and acquiring skills that fostered socialization. Learning an occupation by working alongside their parents helped children. The protection afforded by the Labour Code and labour inspections was bolstered by the Mining Code, which was informed by the United Nations Guiding Principles on Business and Human Rights. The Labour Code required businesses to respect human rights, including the rights of the child. Firms that exploited children could lose their business licences.

28. Prospective spouses were free to choose between polygamy and monogamy, since both were allowed under the Family Code, a set of legal provisions that synthesized Islamic and modern law and therefore promoted social cohesion and harmony. Whichever form of marriage they chose, parents were duty-bound to protect their children. The best interests of the child were a primary consideration in any divorce proceedings.

29. **Ms. Aho** (Coordinator, Country Task Force) said that she wished to know what programmes existed to prevent juvenile drug addiction and to treat young addicts. She wondered, too, whether some children still inhaled nitrous oxide and, if so, what prevention strategies were in place. She would be grateful for a description of any steps taken to care for HIV-positive children under the plan for the elimination of mother-to-child transmission of HIV. In addition, she wished to know what measures were taken to treat childhood cancer and whether abortion was banned.

30. She would welcome an update on the situation of the psychiatric hospital in Kenia, a neighbourhood in Ziguinchor. She wished to know, too, whether there were any specialist mental health services for children in Senegal.

31. **Ms. Beloff** (Country Task Force) said that she would like to know why some provisions of the Convention were apparently not deemed directly applicable in Senegal. In particular, she wondered what steps the State party took to ensure that juvenile offenders could exercise their rights under articles 37 and 40 of the Convention. She failed to understand how polygamy, child marriage or female genital mutilation, which were realities in Senegal, could be regarded as compatible with the Convention.

32. **Mr. Mezmur** (Country Task Force) said that he wished to know what plans there were to ensure that coordination mechanisms functioned properly in all parts of the country. He would welcome information on any plans to ensure that the more than 35 per cent of school-age children who were currently not attending school were given an education. He wished to know, too, whether an inclusive education policy or strategy existed. The delegation might also outline the challenges that the State party had to overcome to achieve higher preschool attendance rates. The Committee would be interested to hear what progress had been made with the *Daara* Modernization Support Project and whether there was a time frame for its completion.

33. **Ms. Ayoubi Idrissi** said that she wished to know what shortcomings existed in the integrated care of children who were victims of violence. It was clear from articles 133 and 134 of the Family Code that the husband was the only person who could decide whether a marriage was to be polygamous or monogamous.

34. **Ms. Al Barwani** said that it would be helpful to know why, in view of the huge discrepancy between school enrolment and school attendance, Act No. 2004-37 of 15 December 2004, the Education Act, was not being enforced. As some of the costs of secondary schooling had to be borne by families, she wished to know how many children

received financial support. She wondered whether the Government planned to maintain the dual system of Qur'anic and ordinary schools or whether, in the long term, it intended to merge the two systems so that it could control the level, quality and standards of all education.

35. **Ms. Zara** said that she would appreciate a description of the process for placing children, a significant percentage of whom did not live with either biological parent, in foster care. In that connection, she wondered what the authorities did to monitor the quality of that care and how they responded to cases of ill-treatment.

*The meeting was suspended at 11.50 a.m. and resumed at 12.10 p.m.*

36. **A representative of Senegal** said that the prevention and elimination of mother-to-child transmission of HIV was a central element of the Government's response to combating HIV/AIDS. HIV screening normally took place as soon as a pregnant woman consulted a doctor. More than 537,000, or 98 per cent, of expectant mothers who had attended health facilities had been screened in 2022. Those who had tested positive had received antiretroviral therapy. Ninety-four per cent of babies born to HIV-positive mothers had been given prophylactic antiretroviral treatment within 72 hours of birth. Eighty-four per cent of those infants had been tested for HIV before 8 weeks; of the 1,085 tests administered, 38 had come back positive, resulting in a positivity rate of 3.5 per cent. All of the infants who had tested positive had received immediate treatment. According to a 2022 report by the National Council on HIV/AIDS, there were 3,605 children living with HIV. The Government had put in place a plan to accelerate the elimination of HIV with a view to ensuring that there were no babies born with HIV by 2025.

37. At the local level, the women known as neighbourhood godmothers provided community-based reproductive health services, including specific support to HIV-positive mothers. The National Council on HIV/AIDS and the Ministry of Health and Social Action worked closely with actors at the community level to support persons living with HIV.

38. Both the Ministry of Youth and the Ministry of Health and Social Action were engaged in efforts to prevent and treat substance abuse. The teenage counselling centres provided support to young people and conducted awareness-raising activities to prevent drug addiction. The Ministry of Youth had established a programme to combat drug addiction, as part of which officials from the Ministry had received training from the United Nations Office on Drugs and Crime in 2018. Addiction treatment centres had been established at the National University Hospital of Fann, in Dakar, and the Jacques Chirac Centre in Thiaroye. In addition, the social rehabilitation centre recently opened in Darou Mousty provided services to young people with substance abuse problems.

39. Ensuring access to reproductive health care for young people was a priority. The Ministry of Health and Social Action had established a national cooperation framework on reproductive health that brought together all relevant institutional and community stakeholders. A range of communication tools, including guides prepared in partnership with UNICEF, was in place to raise awareness among children, young people and their parents. All persons working in the field of social action and child protection had received training on the subject.

40. In addition, the Ministry had established a mental health division, which in turn had set up two offices to deal specifically with children's mental health. Capacity-building activities were organized for mental health-care service providers. The Government was taking a variety of measures to ensure the provision of psychosocial support to children, including those who had been victims of violence.

41. **A representative of Senegal** said that *confiage*, informal fostering, was a traditional practice that had always existed and served to strengthen intrafamily relations. Work was under way, with the support of UNICEF, to codify the practice by establishing a formal alternative care system, in accordance with the Guidelines for the Alternative Care of Children. Under the new system, foster families would receive State support, apply for accreditation and be subject to inspections. The legal framework for family *confiage* would be based on provisions of the Family Code and the Code of Civil Procedure, notably with respect to delegation of parental authority and child custody. In addition to foster families,

there were 140 official institutions for the care of children in Senegal that would also be incorporated into the new alternative care system.

42. Senegal had been one of the first African countries to put in place a social work and specialized education system. Many social workers from other African countries had thus been trained in Dakar. Specialized educators were now trained at the Judicial Training Centre rather than the National School for Specialized Social Workers. The next cohort of 40 specialized educators, who underwent three years of training, was due to graduate in May 2024. Their training covered all issues related to child protection and also prepared them to conduct school inspections.

43. There were 16 juvenile courts throughout the country, one in each court of major jurisdiction. Minors could be tried only by the juvenile courts, except in cases involving minor offences, which were heard by the district courts. Those courts could not order custodial penalties. Articles 52 and 53 of the Criminal Code established that minors could receive only half the sentence applicable to an adult for the same offence. Under article 576 of the Code of Criminal Procedure, minors over the age of 13 could be placed in pretrial detention only as a last resort. Children under the age of 13 could not be deprived of their liberty in any circumstances. The Directorate of Judicial and Social Protection took the necessary measures for the protection of children who were victims of violence in detention centres. The perpetrators of such violence were reported and prosecuted.

44. **A representative of Senegal** said that, in accordance with article 4 of the Convention, the Government transposed the principles of the Convention into national law. Accordingly, the domestic provisions reflecting the principles of the Convention could be invoked before the courts. There were no specific criteria for the application of the Convention by the courts, as decisions were made on a case-by-case basis. The Supreme Court had directly applied a provision of the Convention to settle a dispute.

45. **Mr. Alioune Ndiaye** (Senegal) said that the Convention formed part of the country's constitutional body of law and could thus be invoked before the courts by any citizen.

46. **A representative of Senegal** said that there was no difficulty coordinating the steps taken within the framework of the Programme for the Improvement of Quality, Equity and Transparency in the Education and Training Sector 2018–2030. Decentralized coordination was carried out by the educational inspectorates at the district level; they operated well and reported regularly to the Ministry of Education. Coordination of the education system was therefore running smoothly. In 2022, the gross enrolment rate at the primary level had stood at 83 per cent. The national education report contained other official statistics on the education system. Particular importance was attached to ensuring inclusive education, and there were already many inclusive schools in the country that took account of the needs of all children.

47. Under the *Daara* Modernization Support Project, 64 Qur'anic schools had been constructed, as planned. Mechanisms were in place to support children who were victims of violence. An awareness-raising campaign on violence in schools had been launched in November 2023. The Government was committed to ensuring that all children had 10 years of compulsory schooling, from the ages of 6 to 16, and had supported various alternative educational options, including Franco-Arab schools, to that end.

48. **A representative of Senegal** said that the Government's objective was to ensure that all children up to the age of 5 had access to high-quality, comprehensive early childhood development services that were respectful of their rights and afforded them a healthy, stimulating and protective environment. Services took account of all aspects of children's development, including early learning, health and nutrition. The aim was to achieve a gross preschool enrolment rate of almost 65 per cent by 2030.

49. **Mr. Alioune Ndiaye** (Senegal) said that the Government took its international obligations seriously and was making a sustained effort to implement the Convention. While considerable progress had been made, the Government was committed to pursuing its efforts, particularly in the areas of health, education and justice.

50. Polygamy did not pose any problems in Senegal and was, in fact, a practice that worked well. It was simply an option that was available to spouses and that had many



advantages. Child marriage did not exist in Senegal; girls were more concerned with schoolwork than with getting married.

51. When it came to abortion, it was necessary to reconcile the rights of the mother and the unborn child. Religious beliefs in Senegal proscribed ending the life of a child, whatever the reason. Awareness-raising was being carried out at the village level in relation to the bill on the voluntary termination of pregnancy, and in-depth discussions had taken place on the subject. When a new law was likely to clash with customs or tradition, measures were taken to explain it properly so that it would be accepted by the general public.

52. **Ms. Aho** said that the Committee was grateful for the fruitful dialogue with the delegation. Many challenges remained to be met if the children of Senegal were to fully enjoy their rights. The Committee encouraged the State party to pursue its efforts, particularly in reducing infant and child mortality, preventing early pregnancy and clandestine abortions and adopting the Children's Code and the *daara* modernization law. In all of its actions, the State party should take account of the impact of climate change, including on water resources and coastal erosion.

*The meeting rose at 12.55 p.m.*