



Convention on the Rights of the Child

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Summary record of the 2766th meeting

Held at the Palais Wilson, Geneva, on Friday, 19 January 2024, at 3 p.m.

Chair: Ms. Skelton

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The meeting was called to order at 3 p.m.

Consideration of reports of States parties (continued)

Report of Senegal on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/SEN/1; CRC/C/OPSC/SEN/Q/1 and CRC/C/OPSC/SEN/RQ/1)

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1. *At the invitation of the Chair, the delegation of Senegal joined the meeting.*
2. **Ms. Otani** (Country Rapporteur) said that she would like to know whether the authorities of the State party had studied the Committee's guidelines regarding the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and, if not, whether they intended to do so. She would be interested to learn how the Optional Protocol informed legislative reforms, the adoption of policies and strategies, the improvement of data-collection systems, the allocation of resources and awareness-raising efforts.
3. The delegation might explain what steps could be taken to ensure that information on offences under the Optional Protocol and the victims of those offences was included in data collected in the future. In the same connection, she wished to know whether there were any obstacles to collecting data on the offences under the Optional Protocol.
4. She wondered why the sale of children was defined as an offence separate from trafficking in the draft children's code – but not in the Criminal Code – and whether it might be possible to add it to the Criminal Code. It would be useful to learn whether the liability of legal persons had been established in relation to offences under the Optional Protocol.
5. She wished to know whether the National Intersectoral Child Protection Committee was responsible for coordinating the work of the agencies that implemented the Optional Protocol. It would be particularly interesting to learn what coordinated efforts were made to analyse and address interconnecting issues such as trafficking, the sale of children, children in street situations, forced begging, child labour, acts of paedophilia and child pornography.
6. She wondered what steps were taken to familiarize the relevant professionals, civil society organizations, parents, children and the public with the Optional Protocol and whether there would be a specific budget for its implementation. It would be useful to learn whether there were any measures to prevent offences prohibited under the Optional Protocol. Information on any measures to prevent illegal adoption and criminalize related acts would also be welcome.
7. She would like to know whether there were any plans to update the Tourism Charter or whether the Charter would be replaced by the draft tourism code. If it were to replace the Charter, she would like to know whether it contained provisions on the sexual exploitation of children or whether such provisions might be added. Similarly, it would be interesting to know whether the Global Code of Ethics for Tourism was available in the relevant national languages. She wondered, too, how effective the Child Protection Squad was in the context of travel and tourism and whether any agreements had been concluded with other countries for the prevention and investigation of tourism-related offences under the Optional Protocol.
8. It would be useful to learn whether the State party's authorities had studied the Committee's general comment No. 25 (2021) on children's rights in relation to the digital environment and ensured that the relevant professionals were familiar with it. She would like to know what measures had been taken to ensure that the business sector, including Internet service providers, respected children's rights, helped prevent abuse, provided remedies and reported incidents of abuse to law enforcement authorities. She also wondered whether there were any reporting mechanisms set up by the private or public sector that were accessible to child victims of online sexual exploitation and abuse. Was provision made – in legislation,

for example, or in the national action plan to protect children online – for support services, compensation and other remedies for child victims of such abuse?

9. **Ms. Alassane Moulaye** (Country Rapporteur) said that she would be interested to learn whether the State party had any plans to harmonize its legislation with the Optional Protocol on the sale of children, child prostitution and child pornography. She would like to know why the law criminalizing all forms of rape and acts of paedophilia, which had been adopted in January 2020, was not being applied effectively. In that connection, the delegation might indicate what, if any, measures were being taken to change attitudes and thus help ensure that children felt able to report crimes against them.

10. It would be useful to learn whether there was a comprehensive programme to inform the public about the Optional Protocol and what part community child protection mechanisms played in its implementation. She wondered what social protection measures had been taken to enable families and communities to shoulder their child protection responsibilities. She wished to know whether there were any legislative provisions that protected 16- to 17-year-olds from acts of paedophilia. She also wished to know whether there were any mechanisms to provide comprehensive care and ensure the social reintegration of child victims of offences under the Optional Protocol and whether the State party had engaged in any international cooperation in the context of the Optional Protocol or concluded agreements with other countries to combat the sale of children, child prostitution and child pornography.

11. Turning to the Optional Protocol on the involvement of children in armed conflict, she wondered why the State party had not brought its legislation into line with that Optional Protocol and why there were no bodies to coordinate and follow up on its implementation. She also wondered what would prevent armed groups in Casamance from using for other purposes the children they reportedly recruited to carry stolen goods and on what basis the State party had asserted that children were very rarely used in armed conflict in that part of its territory. She would like to know, too, whether there was a national strategy to raise awareness of the Optional Protocol.

12. She wished to know whether there was a mechanism for collecting data, disaggregated by sex, age, nationality and ethnic origin, on asylum-seeking, refugee, migrant, unaccompanied migrant and returned children from the Gambia and Guinea-Bissau in the State party who might have been recruited or used in hostilities in Casamance or elsewhere. In that connection, she wondered whether the State party might conclude a cooperation agreement with those two countries to obtain information on children involved in armed conflict and respond appropriately.

13. She wished to know whether the State party cooperated with civil society on the implementation of the Optional Protocol. In particular, she would like to know whether they worked together to prevent the recruitment of children by armed groups. She would also like to know why conditions, such as the reimbursement of training costs, were imposed on children who were studying at Prytanée military school and wished to leave before they completed their studies. Did that imply that the children were considered de facto members of the Senegalese Armed Forces?

14. **Ms. Otani** said that she wondered whether the State party could exercise jurisdiction over cases involving the recruitment and use of children in hostilities by armed forces outside its territory or request the extradition of the persons implicated in those offences. She also wondered how the offences of recruitment or use of children in armed conflict were defined under Act No. 2007-02 of 12 February 2007 and what the penalties for those offences were. The delegation might provide the text of that legislation to the Committee.

15. She wished to know whether the Programme to Revive Economic and Social Activity in Casamance made provision for the identification of child victims of recruitment or use by armed groups and special protection, recovery, rehabilitation and social reintegration measures. In the light of reports that people displaced by the armed conflict in Casamance were returning to the region, she would appreciate information on measures taken for the social reintegration of returning children. She would also welcome information on measures taken to identify and provide support for recovery and reintegration to any refugee, asylum-seeking and migrant children who had been recruited to take part in hostilities in neighbouring countries. The delegation was requested to provide information on the child

victims of anti-personnel mines, physical rehabilitation measures for those children and any measures to protect children from landmines.

The meeting was suspended at 3.40 p.m. and resumed at 4 p.m.

16. **A representative of Senegal** said that students at the Prytanée military school in Saint-Louis, who entered at the age of 12 or 13 and left at the end of their secondary education, were not members of the military. Only the highest-achieving graduates were invited to continue on and study at an academy of one of the branches of the military. Other students wishing to pursue a military career had to take a competitive examination. The provisions regarding reimbursement were intended to incentivize parents to encourage their children not to drop out during their first few months at the school.

17. The enlistment of persons under 20 was prohibited by decree. Each year, the Government published the range of birthdates of persons eligible for recruitment. Persons enlisting were required to present documents, such as birth certificates and national identity cards, that bore their birthdates and went through a series of checks, including checks by doctors, that made it impossible for someone under 20 to enlist. A violation of the prohibition on the enlistment of persons under 20 was punishable under the Criminal Code. The forced recruitment of prisoners of war was punishable, regardless of their age.

18. Statistics on the number of displaced children, including the number who were unaccompanied, were unavailable. The army provided various forms of support to facilitate the return of displaced persons, including by giving them access to military doctors and helping to rebuild villages. The Government had identified temporary structures that could be used as classrooms pending the construction of permanent schools.

19. The Directorate of Information and Public Relations of the Ministry of the Armed Forces worked to familiarize the public with the Optional Protocol on the involvement of children in armed conflict both in areas where service members were stationed in Senegal and in other countries where they were serving as peacekeepers. The Communications Division of the National Gendarmerie engaged in similar efforts.

20. **Mr. Alioune Ndiaye** (Senegal) said that the teachers at the Prytanée military school were civilians and that teaching positions there were highly sought after.

21. **A representative of Senegal** said that the sale of children, the use of children as security for debts, trafficking in children and the smuggling of children, all of which were prohibited under article 50 of the draft children's code, were clearly distinguishable offences. The sale of children involved the transfer of a child in exchange for remuneration or any other consideration, the use of a child as security involved handing over a child to a creditor to serve as collateral for a debt, trafficking in children involved the recruitment, transportation, transfer, harbouring or receipt of children for the purposes of exploitation, and the smuggling of children involved arranging, for direct or indirect financial or other material gain, for children to illegally enter a country of which they were neither nationals nor permanent residents.

22. The forcible transfer of children from one area to another was an offence under the Criminal Code. Article 72 of the Code did not distinguish between children and adults and prohibited any enlistment not compatible with established laws and regulations. Article 82 provided for the punishment of the leaders of armed groups, including groups that recruited children.

23. An independent commission comprising doctors, psychologists and representatives of a number of government ministries had been set up under the Directorate for Correctional Education and Social Protection, the competent central authority in matters of intercountry adoption, to match children available for adoption with families seeking to adopt. The rules regarding adoption were set out in the Family Code. After an investigation by the Directorate, there was first a one-year placement of a child available for adoption with his or her prospective adoptive parents and then a court ruling to finalize the adoption. At each stage of the process, the corresponding court decision – the order for the one-year placement or the final ruling – was sent to the public prosecutor, who forwarded it to the civil registration office for entry in the register of births.

24. The country's cybercrime law, which had been adopted in 2008 and amended in 2017, had established a number of offences and a commission for the protection of personal data. The Child Protection Support Unit under the ministry responsible for the family had set up a platform for reporting the online abuse of children. Senegal was a party to both the Council of Europe Convention on Cybercrime and the African Union Convention on Cyber Security and Personal Data Protection. Procedures were in place to have content removed from the Internet or preserved as evidence. Judges could authorize telephone- or Internet-based wiretapping for evidence-gathering purposes. The police and gendarmerie each had a cybercrime unit.

25. Under the definition of paedophilia, the victim must be under 16. The sexual abuse of 16- and 17-year-olds could be punished under other Criminal Code provisions, including those on indecent assault or rape. The Directorate for Legal and Social Protection operated a multipurpose centre for girls in Thiaroye that, in coordination with the juvenile courts, provided protection and assistance to victims of sexual abuse. Girls stayed there for two to three years and then, with the necessary psychosocial and sociomedical support, returned to their families. The temporary custody orders granted to government agencies by the juvenile courts allowed them to provide follow-up care to the victims.

26. The obligation under article 32 of the Code of Criminal Procedure for any civil servant to inform the public prosecutor of any offence of which he or she had knowledge extended to doctors, teachers and any other civil servants in contact with minors. The civil servant was also required to provide the prosecutor with all the relevant documents.

27. **A representative of Senegal** said that conduct that was defined as an offence and penalized under, for example, the draft children's code would be treated as an offence to the same extent as if it had been set out in the Criminal Code.

28. **Mr. Alioune Ndiaye** (Senegal) said that the Directorate for Promoting Children's Rights and Child Protection, which addressed child protection issues as a whole, worked regularly with the Directorate for Legal and Social Protection, which focused on children in conflict with the law. Act No. 2020-05 of 10 January 2020 on the Criminalization of All Forms of Rape and Acts of Paedophilia set out heavy penalties for rape. Failure to report a crime was punishable under the Criminal Code.

29. **Ms. Otani** said that she wondered whether she had understood correctly that the State party's definition of child pornography omitted the second part of the definition contained in article 2 (c) of the Optional Protocol on the sale of children, child prostitution and child pornography, which stated that child pornography meant not only any representation of a child engaged in real or simulated explicit sexual activities but also any representation of the sexual parts of a child for primarily sexual purposes.

30. **Ms. Correa** said that she would like to understand the nature of the crimes of sexual exploitation referred to in paragraph 3 of the State party's replies to the list of issues in relation to its report submitted under article 12 (1) of the Optional Protocol. She was curious to know what had been done to establish offices, organizations, programmes or projects with a specific focus on child victims of sexual exploitation. She would be grateful for a breakdown of crimes involving forced begging, rape and acts of paedophilia, which were often discussed together in the State party's reports, and an indication of the measures in place to identify victims of those crimes. It would be helpful to know how the authorities ensured that girls employed in domestic work were not at risk of becoming victims of sexual exploitation and how labour inspections were conducted.

31. **A representative of Senegal** said that the Government was systematically working, in collaboration with civil society, to raise community awareness of child protection issues and that violence, the sale of children and trafficking in children were the themes of its awareness campaigns. The campaigns involved encouraging communities, families and even children to report crimes affecting children; care of victims was also a part of the holistic package of child protection measures.

32. The Government had recently launched a new project to amend the Criminal Code and Code of Criminal Procedure in order to strengthen protection, ensure that emerging phenomena were covered and bring the country's definition of the sale of children into line

with that of the Optional Protocol. The relevant bill would shortly be sent to the Council of Ministers.

33. There were a number of mechanisms to support reporting offences under the Optional Protocol. One such platform was Wallu Allo 116, a hotline used for reporting cases of abuse and exploitation. However, the sale of children was rarely observed or reported. As soon as reports were made, legal proceedings ensued, and penalties were imposed if the reports were corroborated. There were serious penalties for violations of children's rights, particularly the sale or rape of children, and the maximum sentence was often handed down.

34. There were ongoing efforts to support online protection and combat online child sexual exploitation, including through regional action with the African Union, and there were plans to conduct a study in collaboration with the United Nations Children's Fund (UNICEF) on online exploitation of children. A multisectoral approach to the issue, incorporating prevention, the training of stakeholders, the strengthening of reporting mechanisms and integrated care, would be taken starting in 2024.

35. **Ms. Todorova** said that she would welcome some specific examples of recent campaigns against sexual exploitation and the sale of children. She would also like to know more about the platforms used for the awareness-raising campaigns, their key messages, the actors involved and the methods they used. It would also be helpful if the delegation could provide examples of the platforms for reporting offences and indicate how many cases involving violations of children's rights had been reported.

36. **Ms. Ayoubi Idrissi** said that she wished to understand what steps were taken to ensure that community awareness campaigns reached the most vulnerable individuals – namely, children in street situations, children in conflict with the law and working children. It would be helpful to know whether the Optional Protocols were taught in schools and whether teachers were familiar with them. She would also like to know what measures were taken to ensure that children felt able to speak up about sensitive issues without fear of reprisal.

37. She wondered whether the Optional Protocol on the sale of children, child prostitution and child pornography could be considered a basis for extradition in cases where there was no extradition agreement between Senegal and another State. Lastly, she wondered whether there was a statute of limitations in Senegal and how it affected the time frames for reporting offences under the Optional Protocol, including the time available to child victims to report crimes once they turned 18.

38. **Ms. Beloff** said that she would like to know whether information was disseminated in relation to convictions for crimes against children, including those involving sexual abuse, to make the public aware that the perpetrators were being held responsible.

39. **Ms. Otani** asked what measures were in place to prevent the dissemination of child pornography and remove it from online platforms.

40. **The Chair** said that it would be helpful to understand whether the phenomenon whereby children inadvertently created child pornography by taking explicit images of themselves existed in Senegal and, if so, how the authorities intended to address that issue.

41. **A representative of Senegal** said that the awareness-raising campaigns were linked to a major objective of the National Child Protection Strategy, varied by theme, were conducted in multiple national languages and were intended to encourage positive behavioural change. The latest campaign, which was still under way, was led by the ministry responsible for family affairs and was focused on online child protection. It involved three workshops delivered to train community actors in online child protection and familiarize them with the dangers of child sexual exploitation, as well as the advantages that the Internet offered children in terms of education and access to information. The expectation was that those actors would then spread the message further. Another campaign had involved training of first-line law enforcement responders on the protection of children, particularly in relation to sexual exploitation and the sale of children. A panel discussion on online child protection, children's rights and the digital environment had been held in June 2023, and there had been school visits to raise awareness of child protection in December 2023.

42. Training on children's rights, juvenile justice and related issues, including online protection, was systematically provided in Senegalese professional schools and included in the training curricula for magistrates, specialized educators and education inspectors. There was also a teacher training programme on child protection, inclusive education and combating sexual abuse that covered standard operating procedures informed by technical expertise provided by the United Nations Office on Drugs and Crime. The country participated in the international days observed by the United Nations, including those on human rights and the elimination of violence against women.

43. In one recent year, the Wallu Allo 116 hotline had received 14,967 calls relating to 1,863 reported cases of violence and 75 cases of sexual abuse. All cases had been followed up and referred to the judiciary. There had been no cases involving the sale of children, although the necessary measures were in place within the legal system to address the sale of children when it occurred.

44. **A representative of Senegal** said that the Optional Protocol was not in itself a sufficient basis for extradition. Under Act No. 71-77 of 28 December 1971, the Extradition Act, it was necessary for an extradition treaty to be in place between Senegal and the State concerned.

45. The statute of limitations for offences in Senegal was 10 years. Under the Code of Criminal Procedure, however, the term of limitation could be extended in the face of any de facto or legal obstacle to instituting proceedings. The perpetrators of crimes were in all cases brought before the competent courts, and the accused, presumed innocent, had the right to defend themselves in adversarial proceedings.

46. Judges could order the seizure of electronic devices that might contain images of child abuse to preserve them for evidentiary purposes. The 190 children accused of offences such as rape who had been brought before the juvenile courts in 2023 had been treated as children at risk. Such children were supervised by specialist educators and could be placed in the care of their parents and monitored by social services or placed in a child protection institution; in both cases, follow-up behavioural reports were produced every three months.

47. **A representative of Senegal** said that measures taken to protect children online were based on a framework that covered the key online protection concepts. Emphasis was placed on the use of keywords in awareness-raising campaigns targeted at children in the media. Diversified campaigns of that nature – including initiatives to encourage peer awareness-raising – were conducted to reach as many children as possible, including the most vulnerable. More specific systems established for reporting abuse included a system set up by the Commission for the Protection of Personal Data, another established by the Ministry of Education and yet another, Rapidpro, administered by civil society organizations. Those systems made it possible to report abuse anonymously.

48. The Commission for the Protection of Personal Data worked under a referral procedure with a special cybersecurity unit and the courts to rapidly remove images of the exploitation or abuse of children from the Internet; victims of such abuse, who might feel unable to return to school, were provided with psychosocial support at the earliest opportunity. Sporting, cultural, women's and other community-level organizations had been involved in efforts to protect children. Social dialogue on exploitation and abuse of children, which took into account the need to reach the most vulnerable groups of people, had been organized throughout Senegal with the support of UNICEF.

49. **Mr. Van Keirsbilck** said that he wished to know what measures the State party had taken to prevent and respond to incidents such as the cases of sexual abuse or exploitation of a child that Senegalese military and police personnel participating in United Nations peacekeeping operations had been responsible for in the period 2015–2023. He also wished to know what had been done to resolve the currently unsettled paternity claims that had resulted from those incidents. In addition, he would welcome a comment on efforts to recognize the victims of such offences as such, to provide them with representation in legal proceedings and to ensure that they received appropriate compensation. It would be useful to know whether the State party had appointed a focal point to follow up on complaints of that nature and to address related paternity claims.

50. **Ms. Otani** said that the delegation might clarify whether the recruitment of any persons, regardless of age, by non-State armed groups was an offence and, if so, on what legal basis it could be prosecuted and punished.

51. **A representative of Senegal** said that offences against children committed by Senegalese members of United Nations peacekeeping operations were reported to the diplomatic representation of Senegal and referred to the Senegalese Armed Forces or law enforcement bodies, following which the accused individual was immediately removed from his or her United Nations unit, repatriated and made the subject of an inquiry. If found guilty, perpetrators were immediately subject to disciplinary sanctions and were barred from future participation in peacekeeping operations; such consequences significantly restricted their earning potential. Where such an offence had resulted in a pregnancy, paternity testing was done and, if the paternity of the perpetrator was established, the Government acted through the United Nations to ensure that restitution was made; such a finding could also have an impact on the disciplinary measures that were taken. Focal points for such cases were appointed by the Senegalese Armed Forces and law enforcement bodies.

52. A predeployment training period of at least three months for personnel selected to participate in United Nations peacekeeping operations included instruction regarding sexual abuse that was delivered both by the Senegalese authorities and by United Nations officials. That instruction was repeated during mandatory induction training on location. Following the firm response of his Government to the incidents reported, there had been virtually no further such cases in recent years.

53. **Mr. Alioune Ndiaye** (Senegal) said that recommendations would be made to amend the Criminal Code to help prevent the recruitment of children into the Senegalese Armed Forces.

54. **Ms. Otani** said that the submission by Senegal of its reports under the Optional Protocol on the sale of children, child prostitution and child pornography and the Optional Protocol on the involvement of children in armed conflict set an example for other States parties to follow.

The meeting rose at 5.50 p.m.