RESPONSE FROM SENEGAL-TRANSLATED

I. INTRODUCTION

After the interpellation of the African Committee of Experts on the Rights and Welfare of the Child concerning the admissibility of the Communication submitted by virtue of article 44 of the African Charter on the Rights and Welfare of the Child, filed by the complainants, mentioned above, the Senegalese authorities mention and communicate the responses below which result from the circumstances of the matter.

In this regard, the government of Senegal points out that it has always reserved a positive response for all requests for visit till date. Besides, the field of the protection of childhood remains a priority in the Senegalese politics. Senegal has even undertaken significant actions to give effect to the rights protected in the international instruments that it has ratified.

Senegal will continue to work in favour of the promotion and the protection of human rights, and is open to any form of cooperation in this field, particularly with mandate holders under special procedures. The Constitution imposes an obligation on the State and local communities to protect youth and to assist the parents in the education of their children.

The provisions of the Constitution have been translated from the ratification of almost all instruments, international, regional and sub-regional for the protection of the child, which develop the highest standards concerning the protection of children. The Constitution confers upon international law a superior authority than national laws (ref article 98) and directly inserts them in the constitutional lot.

Domestically, the legal framework for protection is relatively substantial and respectable with a lot of consideration on the rights of the child, especially in the various codes. In practice, several actors from different profiles, several ministries, projects and programs intervene in the protection and promotion of the rights of the child. In short, Senegal has various policies, strategies, national plan of actions for an exhaustive and inclusive protection of children (National Strategy on Social Protection (SNPE), National Strategy on Economic and Social Development (2013-2017)… These national policies comprise of various parts which concern the protection of children.

Recently, on 27 December 2013, following the holding of the interministerial Council, Senegal has, for the first time, validated and adopted a document of national policy which focuses on childhood: The National Strategy for the Protection of the Child. It is similar
to minimum standards concerning the protection of the child which are also being developed in a pilot phase in different departments.

II. The institutional and political framework in favour of the child

The government of Senegal has, since very early, taken note of the issue of child begging. This is why from 31 January to 1 February 2013 a workshop was held for the elaboration of the strategic plans of actions for the eradication of child begging. Following this, in view to come up with a definitive solution, an interministerial Council on the managing of child begging was held on Friday 8 February 2013, under the effective presidency of The Honourable Prime Minister.

Since the transversal character of the question of childhood necessitates the consultation of and negotiation between the various protagonists, the ad-hoc Committee which was set up has adopted and validated a number of recommendations which revolve around the three strategic options:

- The retreat of all child beggars from the streets, the temporary taking of care of them by public institutions, community centres and voluntary families, their integration with their family or country of origin; the implementation of measures relative to the educational aspects and to economic support for the family.

- Social Policy Communication for a positive and lasting change in behaviour which occurs by the effective application of the law; the strong will of political, religious, social, cultural actors, from the private sector and from the population with view of the eradication of child begging;

- The prevention, while particularly emphasising on the enforcement of existing initiatives by the community, to fixate the children in their villages of origin and the strengthening of public and community social services.

In the implementation of the procedure, the SNPE has permitted the creation of a mechanism of coordination which establishes a national committee for the protection of the child, an executive committee, regional committees for the protection of the child (CRPE) and departmental committees for the protection of the child (CDPE).

The SNPE predisposes the creation of a unifying political framework between the stakeholders for the control of childhood, facilitating the elaboration and the implementation of a national global protection device. Its vision rests on the principle that: “Senegal offers, through an integrated protection system, a political environment, institutional and legal protection against all forms of ill-treatment, negligence, abuse, exploitation and violence which children, their families and the community endure.”

The SNPE has 2 strategic objectives:

- Implement a national system which integrates protection;
The SNPE is completed by a national plan of actions, comprising of those which have priorities and the proposal of measures/concrete programmes, in view of consolidating and/or creating a system of protection which comprises of the child. Its realisation is accompanied by a mechanism of planning, coordination, follow-up and monitoring done by different protagonists. In the same line, several actions are in progress:
- Renewal of the National Parliament for Children;
- Mapping of daaras;
- Implementation of the framework plan against child labour;
- Training of CRPE and CDPE in the regions and departments;
- Setting-up of a network of voluntary elders who can be protectors of children;
- Validation of the Code of the Child;
- Validation of the study on the factors rendering children vulnerable children in Senegal;
- Elaboration and validation of the initial and follow-up reports on the optional protocol to the CDE.

The Ministry responsible for questions related to childhood is developing numerous initiatives in its favour, mainly through the ‘Direction des Droits, de la Protection de l’Enfance et des Groupes Vulnérables’ (DDPEGV), which is mainly responsible for the coordination of the implementation of the programme of protection and promotion of the rights of the child and for defining a legal framework favourable to its implementation. The DDPEGVC promote the harmonisation of the national legislation with the ratified international instruments, while also exercising guardianship over the National Parliament of children, who shall soon be institutionalised, for an improved functionality.

The Ministry of Justice coordinates numerous initiatives relative to juvenile justice, through the ‘Direction de l’Education Surveillée et de la Protection Sociale’ (DESPS), as well as its divisions over the national territory (Centres de Sauvegarde, Centres Polyvalents et Centres d’Adaptation Sociale), which support children in conflict with the law and children in danger. This is also the case for the services of the ‘Action Educative en Milieu Ouvert’ (AEMO), the Children Tribunal and penitentiary institutions (Fort B in Dakar).

The Project for the Fight against the Worst Forms of Child Labour, which is seconded in its action plan by the BIT/IPEC resides at the Ministry of Labour.

The Trilingual Project of the Direction of alphabetisation and of National Languages, at the level of the Ministry of National Education: ‘Le Projet Trilinguisme de la Direction de l’Alphabetisation et des Langues Nationales’, provides for intervention in the daaras in
order to offer the opportunity to the talibés of mastering three(3) languages (French, Arabic and a national language translated in Arabic characters), in addition to a vocation skills training.

The Ministry of Interior has a specialised police force called the Minors Brigade which has as mission the protection of morally threatened children, to identify them and to ensure their reinsertion, in collaboration with the other structures.

The Ministry of Health is developing numerous initiatives for the development of the welfare of children, including ‘l’Ecole Nationale des Travailleurs Sociaux Spécialisés’ (ENTSS), which has, since 2005 introduced a training module on the rights of the child.

The Support Cell to the Protection of the Child which is located at the Presidency, support different initiatives from state and civil society structures.

In the same vein, the Partnership for the Removal and Reinsertion of Street Children is conducting a national mobilisation effort for the removal and reinsertion of street children.

**Civil Society**

The interventions by local actors (local NGOs and Community-Based Organisations) can be divided into three main categories: assistance, advocacy and prevention. Moreover, communities and families play a primary role in the protection of children, in order to develop a common understanding of the existing structures, to create a public consensus and to guide the taking of decisions at the national level.

**International Partners**

Various international partners support the government for the protection of children: UNICEF, Project IPEC/BIT, the World Bank, IMO etc. We can also mention international NGOs: World Vision, ‘Aide et Action’, ‘Plan Sénégal’, Save the Children among others. In addition, international cooperation such as Italian, French, Spanish and Swiss cooperation.

**III. Judicial framework against the sale and violence on children**

**A. LAWS AND REGULATIONS**

*At the international level:* All the relevant conventions relative to the protection of children are adopted:

- The International Convention on the Right of the Child and its Protocols;
- The African Charter on the Rights and Welfare of the Child;
- The conventions of the ILO on the elimination of the worst forms of child labour, namely the conventions 138 and 182.

*At the local level:*
All the forms of violence, namely physical, mental and sexual violence, injuries due to mistreatments, negligence or exploitation are explicitly forbidden by the law, as well as corporal punishments inflicted to children, all contexts combined, including in homes.

The 2001 Constitution mentions in its Preamble the engagement of Senegal towards pertinent international instruments. In the same vein, the provisions also mark the willingness of the fight against all these forms of violence:

- **The Code of Criminal Procedures** considerably support the best interests of the child.

- **The Penal Code**; Art. 245 to 247 repressing child begging;
  - Articles 298 and 299 criminalise wounds and blows and assault on a child who is below 15 years.
  - Art. 339 criminalises the non-declaration to the civil status office.
  - Art. 350 criminalises neglect;
  - The 79-1165 Decree of 20 December 1975 prohibits punishment and physical abuse in schools and education centres which are not conventional.
  - The 2004-38 law of 28 December 2004 has abolished death penalty and applies to all children without exception, even to foreign and migrant children.
  - Some laws, comprising of the 2005-06 law of 10 May against trafficking in persons and similar practices, condemn forced begging.

- **The Family Code**;

- **The Work Code**.

**B. Managing forced child begging**

The eradication of child begging has always been a source of constant problem for Senegalese authorities. Several procedures demonstrate the political will to eradicate this social evil which comprise of several provisions of the law, decrees, including the Decree No 64-088 of 6 February 1964 (JO No3664-page.283) which prohibits child begging in all its forms.

- The law of July 1975, inserted in the Penal Code in articles 245 and following which prohibits begging;

- The 2005-06 law of 29 April 2005 which criminalises trafficking of vulnerable people and assimilates forced begging to trafficking. This law recognises associations which give children the opportunity to be officially part in civil matters concerning trafficking of children, notably in its article 17.
C. Problems to solve

- Establish a reliable reference on the issue of begging, through a system of information;

- Harmonise the legal dispositions relating to the protection of children against begging and take necessary measures to effectively apply the laws; while adopting or revising the texts, it is imperative to assure the circulation and knowledge, in particular to concerned protagonists, first of all to the agents who are responsible for the application of the law.

- To implement that, the state should reinforce the means of its services concerning the repression and control, so that they can execute their mandates effectively;

- Take into consideration the multi-sectorial aspect of child begging, by reinforcing the contributive participation of different protagonists in that sector;

- Accentuate the efforts to control trans-border movements which are associated with child begging, through a thorough control of children on the move.

- To put in place a follow up plan which is effective in monitoring and evaluation;

D. Strategic directions to eradicate child begging

The main aim of the strategic plan is to eradicate until 2015, child begging in Dakar and in other regions in Senegal. All the child beggars who are in the streets will benefit from retreat and control measures, as well as individual or group escort.

This determination has allowed the implementation of the strategic framework structured in the reduction of the phenomenon of street children, with the inclusion of various projects in the documents which have priority concerning the development of the country (National Strategy for Social Protection, Document on Economic and Social Politics 2011-2016) and the mobilisation of national resources and those of partners (World Bank, Japan, UNICEF, USAID, Islamic Development Bank).

In the same set of ideas, there is a coordination mechanism in place (partnership for the retreat and reinsertion of street children), which can pool up resources and the experiences. This has also permitted the drafting of a map of the areas and villages which provide with most street children, a strategy of communication which aims at preventing the arguments a Muslim religious on child begging.

E. Priority actions and expected results

Action 1 : Communication campaign on the decision of the government:
- Vulgarise the laws, conventions, charters et protocols (CDE, CADBE, Conventions 138 and 182 of the International Labour Organisation on the worst forms of child labour, law on trafficking of persons etc);
- Information missions vis-à-vis all the religious and customary authorities;
- Consultation with the associations of Quranic masters;
- Consultation with the embassies and consulates of neighbouring concerned countries;
- Information of Deputies and elected locals;
- Information and sensibilisation of the communicators and protagonists of the media;
- Holding of CRD in all the identified regions which are providers and which welcome child beggars;
- Media campaign to mobilise public opinion;
- A rapid and massive census for child beggars to localise their dwelling place, their guardians and to inform them through their district heads and prefectures, of the decision of the government;
- Implementation of the plan for the application of the law which is the result of consultation with institutions responsible for the application of the law;
- Mobilization of financial public and private resources for the implementation of a social fund to support child beggars who have been removed from the streets;
- Identify the structures and the offers for home services;
- Reinforce the capacities of the structure of the home services (financial, personnels and equipment).

F. **Protection of children from hard, dangerous or forced labour**

In accordance with Convention No 138 of the ILO, the national Senegalese law protects children from hard and dangerous or forced labour: the law No 97-17 of 1 December 1997, which includes the Employment Code, in its article L145, provides that children cannot be employed in any enterprise, even as apprentices before the age of 15 years, in conformity with Convention No 138 of the ILO. Article L 146 allows the employment inspector to have a child examined by a doctor to verify if the labour to which the girls and the boys are subjected do not exceed their strength.

- Order No 00349 of 6 June 2003 fixes and prohibits the worst forms of child labour.
- Order No 00350 of 6 June 2003 fixes the nature of dangerous works which are prohibited for children and young children.
- Order No 00351 of 6 June 2003 fixes the categories of enterprises and labour prohibited to children and young adults as well as the age limit to which the prohibition applies.

G. **On the worst forms of child labour**
On 27 February 2004, an order was published which concerned the creation of a Coordination Unit concerning the fight against child labour, under the wings of the Ministry of Employment, the missions of which are as follows:

- **The elaboration and adaptation of laws and regulations, their popularisation and follow up of their application;**

- **The facilitation in the conception, development and implementation of plans of actions of different stakeholders in the area;**

- **The promotion and implementation of the national inter-sectorial committee for the coordination for the fight against the worst forms of child labour.**

A national master plan for the prevention and elimination of child labour was technically validated in November 2012 and implemented.

**H. Other initiatives by the government in the management of child begging**

Since 2010, the support unit for childhood protection (CAPE) has organised, in collaboration with ‘l’Action pour la Solidarité Islamique’, an international conference on the issue of daaras. This conference was on the occasion of the implementation of the plans of actions which were adopted during the first international conference of international humanitarian islamic NGOs of member countries of the ‘Organisation Communiste Internationaliste’, which was held in Senegal in March 2008. The objective was to solicit reflection on the modes of reorganization of Quranic school due to the noted insufficiency in their functioning and the alarming increase of street children.

This conference has allowed states and different protagonists in the fight against the exploitation of the young begging *talibés* to have a documentation of good quality produced by academics and Islam experts.

a. **Concerning the inspection of daaras**

At the level of the National Ministry of Education, the main initiatives concern the creation of the inspection of daaras, the construction of modern daaras and the assignment of teachers in these daaras. The inspection is responsible for the application of the policies of modernisation of daaras and their integration in the educational system. Technical validation of several laws concerning the status of daaras has been realised since in 2013.

All the related texts have been proposed to the national assembly for their political validation.

Moreover, concerning the regulation, a framework agreement on the promotion of daaras has been signed between the Minister of Education and the National Coalition for Quranic Schools in Senegal. The recognised daaras will be under administrative,
financial and pedagogical control of the competent department of the state. This regulation assures a better protection of the children.

The state has also implemented several projects to ameliorate the welcoming and the life of children who go to Quranic Schools commonly known as daaras. The modernisation project of daaras has as objective the assurance that young *talibés* can have good quality religious education and to confer upon them basic abilities as has been provided for in the fundamental cycle. This project, which is an adjunct to formal education diversifying the education offer, should also contribute to the realisation of the objective of universal schooling until 2015.

Other steps were taken by the Ministries of Education; of Family, of Health and their partners (USAID/EDB, ENDA, GRAF, UNICEF), to frame the partnership between the formal educational sector and the daaras, as well as for the rehabilitation and the equipment of more than hundred daaras: computer equipments and connection to the internet in about 20 daaras; the amelioration of the environment for schooling in 90 daaras through the project ‘Introduction du trilinguisme’.

The project ‘Education à la vie familiale dans les daaras’ (EVF-Daaras) of the Ministry of Family has contributed to the improvement of living and learning conditions in the daaras. In this regard, tolls have been developed in French and Arabic such as: the education curriculum to family life, the teacher’s guide and the religious argument. Through this project, programs of training of the Quranic masters in EVF in a manner compatible with the rights of the child were held.

In 2011, more than a hundred of Quranic masters were hence formed. This project had to extend these trainings to constitute a massive critique of Quranic masters, who are not sensitised about the rights of the child and are now capable of contributing in a decisive manner to the abolishment of exploitation of children by forcing them to beg.

The mapping of daaras is in the process of being finalised. The program of construction of 2300 modern daaras, the identification and the choice of areas are equally stabilised. A big part of this project, which is funded by Terre des Hommes and UNICEF concentrate on the relocation of the daaras in their village of origin. The “PARRER” supported the inspection of the daaras for the pilot project of the harmonised curriculum and has validated the competent structures of the National Ministry of Education, the Quranic Masters and experts on Islamic education.

The harmonised curriculum is a reference tool for the regulation of the sector of Quranic education, the management of the opening and functioning of the Quranic schools.

It favours the maintenance and the creation of an offer which is adopted to a high demand for education, with high respect for the rights of the child.
Finally, different state entities which directly or indirectly work in the area of childhood have densified the volume and the frequency of activities of communication, to influence the behaviour of leaders and communities vis-à-vis the situation of street children and talibés. A religious commentary has been developed. The principal religious leaders have made public declarations which condemn forced child begging, and similarly, several campaigns which target the parents have been implemented.

On the initiative of PARRE, the national media have transmitted communications, for the effective application of article 3 of law 06-2005, which criminalises forced child begging. This campaign was concretised with a major programme of display on the main streets of the capital, in average about more than 100 posters of 12m2; conduct of field reports and records published in the press.

Under a more global perspective of the prevention of begging, with the support of PARRER, enquiries were realised in about 200 villages at the level of 04 dominating regions of child beggars, following which there were support to families at risk, the elaboration and implementation of a plan of communication to discourage the separation of children from their families, as well as their fostering to itinerant Quranic masters. Furthermore, 184 village protection committees have been set up for the protection of the child in these provider regions.

b. **Coordination and implementation**

A follow-up group comprising of several sectors is set up, it concerns an executive committee: Ministry of Women, of the Family and Childhood, Ministry of Justice, Ministry of Public Function, Ministry of Education, Ministry of Interior, Ministry of Armed Forced, Ministry of Foreign Affairs, Delegation to the Social Protection and National Solidarity, the CAPE, ‘La Cellule Nationale de Lutte contre la Traite des Personnes’, l’UNICEF, the CONAFE, Save the Children, World Vision, « le Collectif des Maîtres Coraniques ».

I. **Political measures**

1) **REPRESSION / PROCEEDINGS**

*In view of implementing the international recommendations (UN), regionals and sub-regional recommendations, all forms of violations will be denounced, by virtue of the principle of legality, if they are qualified as crimes or misdemeanours.*

According to the statistics from the ‘Tribunal Régional Hors Classe de Dakar’, cases of trafficking submitted to them were treated in a very judicious manner. For example, in 2010:

- **08 cases of child trafficking;**
10 traffickers were arrested;
08 traffickers were sentenced

J. SOCIAL MEASURES.

1. Concerning the Prevention/Protection:

As a reminder, please find below the short term orientation approved by the Committee which applies to state and non-state entities:
● Ensure an effective socio-economic protection to destitute families and street children.

● Include the families of child beggars in the programme of familial funding and the extension of the social protection to vulnerable groups.

● Take into consideration the transborder dimension of the phenomenon: control the entry and exit of children;

During this operation, the aim is to furnish to child victims services which are as follows:

- Put them in shelter.
- Verify if the marabout has an authorisation of guardianship, otherwise denounce them.
- Inspect and control the daara and/or the dorm in question, and if necessary, have it closed.

Children should, if there is no familial solution, be placed in daaras, centres, even all institutions which are eligible to take their guardianship in a legitimate manner. For foreign children, implicate their embassy and consulates in the organisation and their transfer to their respective countries.

In this direction, the implication of local authorities and that of the population is solicited to point out to daaras which put into danger the life of the children, with the aim of helping the children.

2. **Concerning the reinforcing of the capacity of the protagonists**

There has been the organisation of a training concerning identification, protection and the psychosocial support of child victims of trafficking or neglect, comprising of more than 30 service providers from different field of profession. This training has also taken into account the legal framework of the fight against trafficking, the development, the implementation, the follow up of projects and the teaching of first aid techniques.
K. SOCIAL PROGRAMS

1. *Programmes and projects which open shelters and service centres for children who have been abused and who are vulnerable, especially the talibés who are victims of trafficking*

Concerning the improvement of services available to the children, the government of Senegal, through the elaboration of the National Strategy for the Protection of the Child, has engaged in the promotion of the development of the synergy in intervention approaches. In this regard, about 24 intervention frames have been put in place to facilitate the synergy for the children. In effect, 24 Department Committees for the Protection of the Child (CDPE) have been implemented at the level of 24 departments across the country.

These CDPE have as principal mission the federation of the intervention of different protagonists, under the implementation of the services destined to children. Similarly, integration schemes were conceptualised which comprise of the guardianship of the child, to materialise the holistic approach based on the consideration of the best interests of the child.

2. *Establishment of more complete programmes to combat more preoccupying forms of child labour, comprising of forced begging, commercial sexual exploitation, domestic work and dangerous work in agriculture, mining and forestry*

The implementation of the Programme on the Fight against the Vulnerability of Children is included in a policy concerning the support of the most vulnerable groups, especially by the provision of services through the reinforcement of the capacities of the stakeholders and the allocation of monetary resources to poor households, to favour their access to basic social services and protection. This programme aims essentially to contribute to disadvantaged communities, more specifically the families, to face the problems linked to the abuse and exploitation of children. Furthermore, the programme of eradication of begging which is in execution, constitute an important step in the fight against this practice, but mainly the trafficking of children in a global manner.

3. *Help to families to ensure the scholarisation of all children, especially by amplifying the programmes which aim to combat problems which impede both formal and informal education*

The aid from the state equally includes that from its different organs, such as local authorities which are called upon, through their own means, to support the implementation at the level of their territory. The implementation of the programs
oriented towards the social nets is a considerable step in the fight for the improvement of the living conditions of the families.

The program of allocation of a family stipend which is being implemented, with about 250,000 beneficiaries exempted until 2017, purports to create conditions where children from vulnerable families can flourish, more particularly in the field of education and health.

**L. CONCLUSIONS**

Senegal has elaborated a strategic plan for the communication and social mobilisation for a durable change in behaviours. To this effect, a religious plan has been elaborated against the abuse of children. This plan, which has obtained the consent of all the protagonists, was distributed in all the regions of Senegal from August to September 2011.

Meetings have been organised with all the dioceses of Senegal to have the point of view of the Church on the abuse of children, with the view of involving them. Departmental plans of actions have been elaborated and implemented for a change in the behaviour of the communities.

Since October 2010, Senegal has been developing a media plan in partnership with the ‘Radio Television Senegalaise’ (RTS), the newspaper ‘le soleil’, the Senegalese Press Agency. This media plan has allowed the organisation of coverage of Radio-TVs and the diffusion of periodic press reports on the abuse against children in all its forms.

On the occasion of the Day for the African Child (16 June), which is now an annual ritual, Senegal organised concomitantly a national week for the child, during which activities of sensitisation and pleadings in favour of street children were organised in all regions of the country. Messages are diffused through the making of t-shirts, posters, banners, radio and television programs, interviews, trailers, theatrical sketches, commercials and documentaries on abuse.

Finally, Senegal which is the home to hospitality by excellence and which welcomes a very high rate of international migration of children who come from neighbouring countries is also fighting against the trafficking of children by signing bilateral agreements with the concerned countries.

The governmental authorities condemn the phenomenon of the exploitation of children through begging and reaffirm their entire willingness to implement national and international measures, aiming at responding to the needs of the protection of street children, so that their vulnerability can be considerably reduced.