

Universal Periodic Review Senegal

👤 ABSENCE OF A CHILD RIGHTS ACT IN SENEGAL

The Committee on the Rights of the Child's Concluding Observations of 1995 and 2006 called on the Government of Senegal to accelerate the adoption of the Child Rights Act. The need for a clear framework to implement children's rights is also reflected in UPR recommendations of Mexico and Turkey (recommendations 22) calling on the Government of Senegal to implement the national plan of action on children.



The adoption of Child Rights Act that has been in preparation since 2004 will facilitate and strengthen the implementation and monitoring of children's rights in Senegal and address some of the pressing concerns identified by child rights actors including:

- Fragmentation of laws related to children's rights through different acts (criminal code, procedural code, family code, civil and commercial code)
- Need to harmonise national legislation with international instruments on children's rights ratified by Senegal

This incoherence is reflected in laws relating to the **minimum age for marriage and for employment**:

- Article 111 allows girls to get married at 16 years and boys at 20 years. This article is not in conformity with Article 21.2 of the African Charter on the Rights and Welfare of the Child and Article 6.b of the Protocol of the African Charter on Human and Peoples Rights on the Rights of Women in Africa, that prohibit child marriage below 18 years.
- Article 125 of the Labour Code allows child labour from 15 years old whereas legal provisions on compulsory education concern children aged between 6 and 16 years old.

Recommendations:

Adopt a Child Rights Act by 2014 to ensure a unique and coherent framework on children's rights taking into account legal, social and cultural aspects relating to the social protection of children.

Questions

What is the government doing to ensure the completion of the Child Rights Act and what is the timeline?

How is the government planning to engage parliamentarians, communities, civil society and children in the process?

IMPLEMENTATION OF THE 2005 LAW FORBIDDING CHILD EXPLOITATION THROUGH FORCED BEGGING

Forced begging is a growing scourge which requires heightened attention by the national and international actors. Begging children are trapped in a cycle of economic exploitation and violence.

The ambiguities in the legal framework are an obstacle to the effective implementation of laws on child begging. Article 29 of the African Charter on the Rights and Welfare of the Child prohibits the use of children in all forms of begging while articles 241 to 247 of the Penal Code ease the prohibition on child begging by providing for exceptions on religious or cultural grounds. Similarly UPR recommendations n° 97.24 and 97.25 from 2009 call for measures to protect children from exploitation and trafficking.

Child begging is reaching worrying proportions. A 2010 report published by Human Rights Watch found that 50 000 children are forced to beg on the streets in Senegal, including « Talibés children » who study in traditional Koranic schools and children living on the streets. More than 7 600 children are based in the region of Dakar¹. These children are left to themselves, denied care and protection and usually stand at crossroads, traffic lights and public spaces (markets, mosques and banks, etc.) Most are aged between 5 and 15 and face various threats, including human trafficking, sexual abuse and other forms of violence and even death. One example is the terrible accident where nine children died after a koranic school caught fire in March 2013 due to the poor conditions and the lack of regulation of these schools.

Recommendations:

- Take legal, institutional and communicational measures to protect children from begging with the view to eradicating the practice and enforce the 2005 law prohibiting child begging.
- Review the law 2005-06 on human trafficking and adopt measures to regulate koranic schools and shelters in line with minimum standards of protection across the country and to support families based on the best interests of the child.

Questions

- Has the law been reviewed in the light of the social and cultural practices which limit the effective implementation of the law against child begging?
- What are the proposed measures to ensure the effective and sustained implementation of this law?
- What measures or provisions have been taken by the government to raise awareness of the law amongst the communities?
- What preventive measures have been taken by the government to respond to the needs of these children across the country?

¹Human Rights Watch, (2010): « Sur le dos des enfants » Mendicité forcée et autres traitements à l'encontre des Talibés au Sénégal

MOBILISATION AND ALLOCATION OF ADEQUATE RESSOURCES FOR CHILDREN

Realising the rights of children requires the allocation of adequate resources as set out in article 4 of the CRC. Efforts have been made in investing in social sectors (health and education). Nonetheless more needs to be done in the area of child protection for which the budget set out in the national strategy for economic and social development falls short of the needs of children in this area. This is not in line with the CRC Committee's Concluding Observation made to Senegal in 2006 urging the State to increase and prioritise resources for children at the local and national level.

In addition the share of resources devoted to the protection of children within social sectors is hard to identify within the current budget nomenclature. For example, in the overall budget for education (40% of the national budget), it is difficult to assess how much resources are spent to tackle violence against children in schools. .

Recommendations:

- Define specific budget lines within local and national budgets for child-focused programmes.
- Increase budget allocations for children and strengthen transparency in the budget planning process and spending decisions.

Questions

- What is the share of the national budget going to child-focused programmes?
- What is the mechanism put in place to ensure participation and monitoring of the budgetary process and compliance with standards?
- How does the state intend to strengthen the participation mechanism to monitor planning and budget allocated for children?

👶 FREE HEALTHCARE FOR CHILDREN UNDER FIVE

Ensuring free healthcare for children under five, in response to their greater vulnerability, is still a challenge in Senegal. Initiatives to attain the MDGs are underway in the health sector. Progress has been made in reducing infant and child mortality from 121 ‰ to 72 ‰ between 2005 and 2011. However on current trends Senegal is not on track to achieve MDG4 on child mortality. The Accelerated Strategy for Child Survival and Development is still in the test phase and aims at tackling endemic and disabling diseases, with components of prevention and care of affected children.

The costs of medical consultations, hospitalization and prescription place additional burdens on poor families. In many regions, paediatric services lack medical infrastructure, medicines and sufficient qualified staff. The risk of mortality for children under five is high, particularly in poor families and rural areas are twice as much affected than in urban areas. The nutritional status of children is poor with high malnutrition rates in certain regions. Orphan children affected by HIV/AIDS are facing great challenges in terms of access to healthcare and social support. The lack of information and education strategies to raise awareness on HIV/AIDS further increase the stigma experienced by these children.

Recommendations:

- Ensure access and free quality healthcare for all children under five across the country by 2015.
- Provide subsidies to cover consultations, medicines and hospitalisation costs for children under five.

Question

- What is the government doing to ensure free access to healthcare for children under five?

***Appeal:** Obtain your support to encourage the government of Senegal to take concrete measures for the protection and promotion of our rights*

