



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Concluding observations on the combined sixth and seventh periodic reports of Senegal\*

#### I. Introduction

1. The Committee considered the combined sixth and seventh periodic reports of Senegal<sup>1</sup> at its 2764th and 2765th meetings,<sup>2</sup> held on 18 and 19 January 2024, and adopted the present concluding observations at its 2786th meeting, held on 2 February 2024.
2. The Committee welcomes the submission of the combined sixth and seventh periodic reports of the State party and the written replies to the list of issues,<sup>3</sup> which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses its appreciation for the constructive dialogue held with the multisectoral delegation of the State party.

#### II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the progress made by the State party on the various legislative, institutional and policy measures taken by the State party to implement the Convention, including the national action plan for the eradication of gender-based violence and the promotion of human rights (2017–2021), the Disadvantaged Children's Programme (2016–2020), the Daara Modernization Support Project (2018–2030), and the increase in budgetary resources to implement children's rights.

#### III. Main areas of concern and recommendations

4. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: birth registration and nationality (para. 18), harmful practices (para. 24), children with disabilities (para. 29), adolescent health (para. 32) and the administration of child justice (para. 43).

5. The Committee recommends that the State party ensure the realization of children's rights in accordance with the Convention and the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of

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\* Adopted by the Committee at its ninety-fifth session (15 January–2 February 2024).

<sup>1</sup> CRC/C/SEN/6-7.

<sup>2</sup> See CRC/C/SR.2764 and CRC/C/SR.2765.

<sup>3</sup> CRC/C/SEN/RQ/6-7.



children, child prostitution and child pornography throughout the process of implementing the 2030 Agenda for Sustainable Development. It urges the State party to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children.

## **A. General measures of implementation (arts. 1, 4, 42 and 44 (6))**

### **Legislation**

6. Concerned that the national legal framework is not in line with regional and international treaties on the protection of children's rights and about the delays in the adoption of legal reforms on children's rights, the Committee recommends that the State party:

(a) Expedite the adoption of the children's code and review its existing laws relating to children's rights, including the Family and Penal codes, as well as labour laws, proactively consulting civil society in its formulation, to ensure that the code's articles and other laws are in full compliance with the principles and provisions of the Convention and that there are legal sanctions for non-compliance with the provisions of the code and establish a timetable for adoption and effective implementation;

(b) Expedite the adoption of bills on human trafficking and migrant smuggling and impose harsher penalties on perpetrators;

(c) Ensure that the human, technical and financial resources for the implementation of legislation providing for the rights of children are adequate and sufficient.

### **Comprehensive policy and strategy**

7. The Committee recommends that the State party adopt a third action plan, for the period 2024–2028, for the implementation of the National Child Protection Strategy to follow the second action plan established for the period 2016–2018, taking into account the Committee's recommendations, including on structured budgets for social sectors, and specifying the implementation measures planned and the resources allocated to prevent and combat child abuse and neglect.

### **Coordination**

8. The Committee urges the State party to ensure that the National Intersectoral Child Protection Committee coordinates all activities relating to the implementation of the Convention at the cross-sectoral, national, regional and local levels and that it is provided with the necessary human, technical and financial resources for its effective operation.

### **Allocation of resources**

9. Acknowledging the increase in budget resources in the Ministry of Women, the Committee remains concerned that the share of public spending on social sectors has declined in recent years and that the resources allocated for children's rights are largely insufficient. Recalling its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee recommends that the State party:

(a) Allocate adequate budgetary resources at the national and local levels for the implementation of children's rights and, in particular, increase the budget of the social sectors to adequate levels and address disparities on the basis of indicators relating to children's rights;

(b) Allocate an additional share of the budget, on the basis of the significant increase in tax revenue and of the mining social fund, to support stakeholders in results-based planning and improve indicators concerning children;

- (c) Use the single national register and earmark resources for vulnerable groups of children, including girls, children in street situations, *talibés* and children with disabilities;
- (d) Strengthen the funding of the Disadvantaged Children's Programme;
- (e) Conduct a comprehensive assessment of the budget needs of children and set up a child-friendly budgeting process with clear allocations to children in the relevant sectors and agencies, with indicators and a monitoring system.

#### Data collection

10. Concerned about weak and uncoordinated data collection and the lack of control of the information system on violence against children and recalling its general comment No. 5 (2003) on general measures of implementation of the Convention, the Committee recommends that the State party:

- (a) Ensure that the data-collection system covers all areas of the Convention and the Optional Protocols thereto, with data disaggregated by age, sex, disability, geographical location, ethnic and national origin and socioeconomic background, including violence against boys;
- (b) Accelerate efforts to develop a national child protection information management system;
- (c) Strengthen the National Statistics and Demography Agency with respect to child rights.

#### Independent monitoring

11. The Committee recommends that the State party:

- (a) Strengthen the Senegalese Committee for Human Rights to discharge its mandate effectively, impartially and independently, including with regard to its funding, mandate and immunities, so as to ensure its full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and finalize the adoption of a new law;
- (b) Create a children's ombudsman function within the Senegalese Committee for Human Rights, with immunity and adequate resources, to receive, investigate and address complaints by children in a child-sensitive and child-friendly manner.

#### Children's rights and the business sector

12. Recalling its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights, the Committee recommends that the State party:

- (a) Adapt its legislative framework (civil, criminal and administrative) to ensure the monitoring and strengthen the legal accountability of business enterprises and their subsidiaries operating in or managed from the State party's territory, especially in the tourism, mining and fishing industries;
- (b) Require companies to undertake assessments and consultations and provide full public disclosure of the environmental, health-related and children's rights impacts of their business activities and their plans to address such impacts;
- (c) Ensure that businesses establish monitoring mechanisms for the investigation into and redress for children's rights violations, with a view to improving accountability and transparency.

## B. General principles (arts. 2, 3, 6 and 12)

### Non-discrimination

13. Taking note of targets 5.1 and 10.3 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Amend article 1 of its Constitution to add explicit guarantees of equality and non-discrimination regardless of language, political or other opinion, status of property ownership, disability and birth status;

(b) Guarantee access to justice in cases of discrimination and ensure the access of all children to health services and education without discrimination;

(c) Amend legislation to explicitly protect children with disabilities from discrimination in schools;

(d) Undertake systemic measures and develop a strategy to eliminate discrimination in law and in practice against vulnerable children, including girls, lesbian, gay, bisexual, transgender and intersex children, children from poor households, children with disabilities, children living in rural areas, children in street situations and *talibés*;

(e) Put measures into place to change discriminatory attitudes and practices and to end gender-based discrimination.

### Best interests of the child

14. Recalling its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party:

(a) Ensure that the right of the child to have his or her best interests taken as a primary consideration is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions and in all policies, programmes and projects that are relevant to and have an impact on children;

(b) Strengthen the capacity of all relevant professionals to assess and determine the best interests of the child and to give that principle due weight as a primary consideration.

### Right to life, survival and development

15. The Committee recommends that the State party address the underlying determinants of infant and child mortality, including social and economic deprivation and inequality and disparities in the south-eastern part of the State party and address the poverty and structural inequalities underlying the high rate of stunting.

### Respect for the views of the child

16. Recalling its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:

(a) Ensure that children's views are given due consideration, in accordance with article 12 of the Convention, in the family, at school, in the courts and in all relevant decisions concerning them through, inter alia, the adoption of appropriate legislation, the training of professionals, specific activities in schools, programmes and awareness-raising campaigns;

(b) Institutionalize the Children's Parliament through a consultative, inclusive and participatory process and ensure that it is provided with adequate human, technical and financial resources in order to facilitate children's effective engagement with national legislative processes on issues that affect them.

## C. Civil and political rights (arts. 7, 8 and 13–17)

### **Birth registration and nationality**

17. While welcoming the significant efforts to improve the civil registration system, the registration of students without birth certificates, including those in *daaras*, and the slight increase in birth registration, the Committee is concerned about:

- (a) The number of children without birth registration, which remains large;
- (b) The fees for late registration;
- (c) The difficulties faced by abandoned children in gaining access to the civil registry system;
- (d) The risk of statelessness.

18. Taking note of target 16.9 of the Sustainable Development Goals, the Committee strongly urges the State party:

(a) To ensure free birth registration at the local level for all children under the age of 5 years and extend that service throughout the country and ensure that childbirth registration procedures are made more accessible through the establishment of secure mechanisms at the community level, including in villages, neighbourhoods and municipalities, and the widespread computerization of birth registration;

(b) To adopt appropriate legislative and administrative measures to systematize the regular issuance of birth certificates and identity documents to refugee children and *talibés*, ensuring they are incorporated into the national civil registration modernization programme;

(c) To strengthen birth registration programmes, such as the Investing in the Early Years for Human Development in Senegal Project;

(d) To continue nationwide roll-out initiatives, such as the birth registration corners in health centres and the mechanisms for identifying and registering students without birth certificates;

(e) To take steps to inform the public and strengthen mass communication to promote the declaration of births, especially in rural areas, and carry out campaigns to issue supplementary judgments and set reasonable deadlines for the transcription and withdrawal of civil status documents;

(f) To abolish all birth registration fees;

(g) To implement the Act on the Status of Refugees and Stateless Persons of 14 April 2022 to prevent the statelessness of the children of foreign parents unable to confer their nationality on their children born abroad;

(h) To introduce a safeguard in its nationality law and extend the granting of nationality at birth to children, irrespective of their age, on the territory, ensuring that any child born or found on its territory who would otherwise be stateless can acquire Senegalese nationality.

### **Access to appropriate information and right to privacy**

19. Recalling its general comment No. 25 (2021) on children's rights in relation to the digital environment, the Committee recommends that the State party:

(a) Ensure that laws on access to information and the digital environment, including the federal data protection law, ensure respect for children's right to privacy, protect children from harmful content and materials and online risks and provide for mechanisms to prosecute violations;

(b) Enhance the digital literacy and skills of children, teachers and families and protect children from information and material harmful to their well-being.

**D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39 of the Convention and the Optional Protocol on the sale of children, child prostitution and child pornography)**

**Corporal punishment**

20. Concerned about the level of physical violence against children in various settings, including in schools, particularly in *daaras*, and recalling its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment and previous recommendations, the Committee urges the State party:

(a) To explicitly prohibit corporal punishment by law in all settings, including in the home, *daaras*, early childhood care, day-care facilities and alternative care settings, and repeal all provisions allowing the use of corporal punishment by adults, including article 285 of the Family Code ;

(b) Promote positive, non-violent and participatory forms of child-rearing and discipline;

(c) Intensify awareness-raising campaigns for parents and professionals working with and for children to promote attitudinal change.

**Abuse and neglect**

21. Concerned about the thousands of *talibés* who continue to live in squalid conditions, deprived of adequate food and medical care, subject to beatings, sexual abuse and imprisonment, and in the light of its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, the Committee urges the State party:

(a) To ensure the allocation of adequate human, technical and financial resources for the implementation of the National Child Protection Strategy to the Directorate for the Promotion of Child Rights and Child Protection and to the Child Protection Department of the Ministry of Women, the Family and Child Protection to enable it to implement long-term programmes for addressing the root causes of violence and abuse;

(b) To formulate a comprehensive strategy for preventing and combating all forms of violence against children, addressing, among others, sexual violence, abuse and the exploitation of refugee children and *talibés*;

(c) To establish a confidential national database on all cases of violence against children and undertake a comprehensive assessment of the extent, causes and nature of such violence;

(d) To put into place accessible, confidential and child-friendly mechanisms to facilitate and promote the mandatory reporting of violence against children, including child sexual abuse;

(e) To ensure that all cases of the abuse of children, including sexual abuse, are promptly reported and investigated, applying a child-friendly and multisectoral approach with the aim of avoiding the revictimization of the child, that perpetrators are prosecuted and duly sanctioned and that reparations are provided to victims, as appropriate;

(f) To ensure child-friendly rehabilitation services, including trauma-focused therapy;

(g) To establish community-based and family-based programmes aimed at preventing and tackling child abuse and neglect, including domestic violence;

(h) To ensure that judges, lawyers, prosecutors, the police and other relevant professionals are trained on standardized, gender- and child-sensitive procedures for dealing with victims.

### Sexual exploitation and abuse, including gender-based violence

22. Concerned about the high levels of sexual and gender-based violence faced by girls, including sexual exploitation, harassment and abuse by teachers and other school officials, and taking note of targets 5.2, 16.1 and 16.2 of the Sustainable Development Goals, the Committee recommends that the State party:

- (a) Ensure that all children subjected to any form of sexual exploitation are treated as victims and not subjected to criminal sanctions;
- (b) Implement the next national plan for the eradication of gender-based violence and the promotion of human rights, including a dedicated national budget line and human and technical resources, and ensure that allegations of crimes relating to gender-based violence are independently and thoroughly investigated, that perpetrators are brought to justice and that victims receive appropriate assistance;
- (c) Ensure the provision of support services for child victims of sexual abuse based on child rights and trauma care and with multisectoral and multi-agency participation and also ensure that such services are available, including for children living in rural and remote areas;
- (d) Consider as a standard procedure the acceptance of audiovisual recordings of the child victim's testimony as evidence, followed by cross-examination without delay in child-friendly facilities;
- (e) Include training modules in police academies on detecting, investigating and dealing with sexual violence;
- (f) Enforce the law and ensure *marabouts* found guilty of violence are held accountable for the abuse and mistreatment of children in *daaras*;
- (g) Conduct awareness-raising activities to address child sexual abuse and to combat the stigmatization of victims of sexual exploitation and abuse, including incest, for professionals working with and for children and the wider public.

### Harmful practices

23. Recalling its previous recommendations, the Committee is seriously concerned that:

- (a) A high number of girls are subject to female genital mutilation;
- (b) Little has changed in practice in recent decades regarding female genital mutilation;
- (c) The Family Code still allows marriage for girls at the age of 16 years;
- (d) Article 300 of the Penal Code only punishes marriage with a minor under the age of 13 years;
- (e) The State party has not taken specific and effective measures, including sanctions, to raise the age of marriage to 18 years for boys and girls and to eliminate child marriage.

24. Taking note of the National Strategy for the Acceleration of the Eradication of Female Genital Mutilation 2022–2030 and the associated national action plan for the period 2022–2026, recalling the joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, and taking note of target 5.3 of the Sustainable Development Goals, the Committee urges the State party:

- (a) To take active measures to put an end to harmful practices against children in the State party, particularly female genital mutilation, and strictly apply laws and establish protection mechanisms to protect girls;
- (b) To allocate resources for the implementation of national strategies and action plans, including the national action plan for the period 2022–2026, with the goal of preventing, reporting and responding to cases of female genital mutilation;

(c) To deploy cross-border cooperation mechanisms to better address female genital mutilation;

(d) To significantly strengthen awareness-raising campaigns condemning female genital mutilation;

(e) To take all measures necessary to eliminate child marriage, including by developing awareness-raising campaigns and programmes on the harmful effects of early marriage on the physical and mental health and well-being of girls, targeting households, local authorities, religious leaders, judges and prosecutors;

(f) To establish protection schemes for victims of child and forced marriage who file a complaint.

**E. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))**

**Family environment**

25. The Committee recommends that the State party strengthen its efforts:

(a) To ensure the recognition of the principle that both parents have common responsibilities for the upbringing and development of the child, in accordance with article 18 (1) of the Convention;

(b) To revise the Family Code to ensure that all provisions that discriminate against women and have a negative impact on the rights of children are repealed.

**Children deprived of a family environment**

26. While welcoming the initiative by the Ministry of Justice under the auspices of its Directorate of Judicial and Social Protection to put into place a legal framework for alternative care and drawing the State party's attention to the Guidelines for the Alternative Care of Children, the Committee recommends that the State party:

(a) Take additional measures, without delay, to adopt a strategy and action plan for deinstitutionalization, ensuring that it has adequate human, technical and financial resources for its implementation and includes the systemic transformation of the childcare, welfare and protection systems;

(b) Undertake a nationwide assessment on the number, location and nature of alternative care centres in the State party to provide adequate regulation and devise any other relevant interventions;

(c) Put into place a legal framework for alternative care and finalize the reform of the law for the effective establishment of foster families;

(d) Ensure sufficient alternative family-based and community-based care options for children who cannot stay with their families, including by regularly reviewing placement measures and facilitating the reunification of children with their families when possible;

(e) Gather up-to-date information about alternative care placements, particularly informal fostering, with a view to preventing and addressing any child protection concerns;

(f) Provide accessible channels for reporting, monitoring and remedying the maltreatment of children;

(g) Strengthen the capacity of professionals working with families and children, in particular family judges, law enforcement personnel, social workers and service providers, to ensure family-based alternative care responses and to enhance their awareness of the rights and needs of children deprived of a family environment.



**Adoption**

**27. While welcoming the guide to intercountry adoption, the Committee recommends that the State party provide the central authority in charge of international adoption with adequate human, logistical and financial resources and appoint a reference judge at the High Court in charge of international adoption.**

**F. Children with disabilities (art. 23)**

28. While welcoming the State party resolution in favour of education for all and the efforts made in terms of inclusive education, the Committee is concerned about:

- (a) The discrimination against children with disabilities inherent in policies, institutions and the design of the built environment;
- (b) The limited availability of appropriate infrastructure and teachers trained in special education, even though children with disabilities make up one third of all schoolchildren;
- (c) The lack of a system for the early diagnosis of children with disabilities;
- (d) The absence of a mechanism for investigating cases and forms of inhuman and degrading treatment of children with disabilities;
- (e) The lack of provision of sign language interpretation and of facilities for students with mental or motor disabilities, particularly visual disabilities;
- (f) The stigmatization that makes children with disabilities victims of bullying or marginalization, including exploitation by parents through begging.

**29. Recalling its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party:**

- (a) **To adopt a human rights-based approach to disability and to set up a comprehensive strategy for the inclusion of children with disabilities, including harmonizing national legislation with the human rights model of disability, implementing a decree on special education and expediting the adoption and implementation of a national strategy for inclusive education;**
- (b) **To ensure that all children with disabilities have access to inclusive education in mainstream schools, including schools equipped with trained teachers, accessible infrastructure and teaching materials adapted to the needs of children with disabilities and integrated classes with trained, specialized teachers and professionals providing individual support and all due attention to children with learning difficulties;**
- (c) **To organize the collection of data on children with disabilities, including on those who are out of school and the causes of their situation, and to develop an efficient system for diagnosing disability, which is necessary for putting into place appropriate policies and programmes for children with disabilities;**
- (d) **To establish a mechanism for reporting and handling cases of ill-treatment of children with disabilities;**
- (e) **To take effective and prompt measures to combat the stigmatization of children with disabilities, including by undertaking awareness-raising campaigns aimed at government officials, the public and families to combat the stigmatization of and prejudice against children with disabilities and promote a positive image of children with disabilities as rights holders.**

**G. Health (arts. 6, 24 and 33)****Health and health services**

30. While welcoming the universal health coverage system, the National Family Security Grants Programme and the significant decrease in infant and child mortality,

the Committee is concerned about the low technical standards and the lack of qualified staff and facilities. Recalling its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, the Committee recommends that the State party:

(a) Reduce regional disparities in access to quality health care for mothers and children, increase budget allocation and improve the geographical distribution of medical facilities to ensure that children living in remote areas have access to health care;

(b) Enhance its efforts to reduce infant and child mortality, addressing child malnutrition and child abuse and exploitation, and to promote child and maternal health, taking note of target 3.2 of the Sustainable Development Goals on ending the preventable deaths of children under 5 years of age;

(c) Strengthen national protection projects and programmes for the benefit of children, including the Investing in the Early Years for Human Development in Senegal Project, and the Coverage of Significant Medical Expenses for Vulnerable Groups Programme;

(d) Strengthen the Strategic Plan on Community Health 2020–2024 and measures to prevent and protect children from sexual violence and child marriage;

(e) Ensure that all children have access to vaccines, relaunch vaccination campaigns, diminish anaemia levels and ensure that medicines and essential supplies are provided according to needs and demand;

(f) Implement and apply the technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age of the Office of the United Nations High Commissioner for Human Rights;

(g) Allocate adequate resources to the National Nutrition Development Council and strengthen child health and nutrition programmes, such as the Investing in Maternal, Child and Adolescent Health Project and the National Nutrition Development Policy, to ensure appropriate nutrition and access to mental health care for all children;

(h) Sign the decree on the marketing of breast milk substitutes and fully implement the International Code of Marketing of Breast-milk Substitutes and develop a national programme for the protection, promotion and support of breastfeeding through comprehensive campaigns, provide appropriate support to mothers through counselling structures in hospitals, clinics and the community and implement the baby-friendly hospital initiative throughout the country.

#### **Adolescent health**

31. The Committee is concerned about:

(a) The high number of teenage pregnancies;

(b) That abortion remains a crime punishable under articles 305 and 305 bis of the Penal Code and that medical abortion in cases of rape is prohibited;

(c) The incidence of drug use by children.

32. Recalling previous recommendations and its general comments No. 4 (2003) and No. 20 (2016), the Committee recommends that the State party:

(a) Adopt a comprehensive sexual and reproductive health policy for adolescents and ensure that sexual and reproductive health education is part of the mandatory school curriculum and targeted at adolescent girls and boys, with special attention to preventing early pregnancy and sexually transmitted infections;

(b) Ensure that all children and adolescents, including those who are out of school and those in rural areas, receive confidential and child-friendly sexual and

reproductive health information and services, including access to contraceptives and family planning services and products;

(c) Develop and implement a policy to protect the rights of pregnant teenagers and adolescent mothers and their children and to combat discrimination against them;

(d) Decriminalize abortion in all circumstances, especially among girl victims of incest and rape, and ensure access to safe abortion and post-abortion care services for adolescent girls, making sure that their views are always heard and given due consideration as a part of the decision-making process;

(e) Ensure access to child and adolescent mental health care and strengthen maternal, child and adolescent health programmes, such as the new National Health and Social Development Plan 2019–2028;

(f) Address the incidence of drug use by children and adolescents, including the consumption of alcoholic beverages in schools in small bags or pods called “jakarta”, by, inter alia, providing children and adolescents with accurate and objective information and life-skills education on preventing substance abuse, covering tobacco, alcohol, amphetamines, cannabis, cocaine, ecstasy, heroin, hallucinogens and methadone, and develop accessible and youth-friendly drug dependence treatment services.

#### HIV/AIDS

33. Noting efforts by the State party to reduce the prevalence rate of HIV/AIDS, concerned about low antiretroviral treatment coverage among children, recalling its general comment No. 3 (2003) and taking note of target 3.3 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Sustain the measures in place to prevent mother-to-child transmission of HIV/AIDS and develop a road map to ensure the implementation of effective preventive measures;

(b) Improve access to quality, age-appropriate HIV/AIDS, sexual and reproductive health services;

(c) Review laws and policies on HIV/AIDS and harmonize them with those on sexual and reproductive health for adolescents, with a view to ensuring that adolescents have access to confidential HIV testing and counselling services, without the need for parental consent, and that professionals providing such services fully respect the rights of adolescents to privacy and non-discrimination.

## H. Standard of living (arts. 18 (3), 26 and 27 (1)–(3))

### Standard of living

34. Welcoming progress towards Sustainable Development Goal 6 in recent years and access to water services but concerned about open defecation practices in rural areas, the Committee recommends that the State party:

(a) Finalize and implement national legislation and policies, with a view to increasing access to sufficient safe drinking water and providing adequate sanitation;

(b) Prioritize the provision of environmental sanitation and access to and the availability and affordability of food;

(c) Ensure that children and their families living in poverty receive adequate financial support and free, accessible services, without discrimination;

(d) Ensure that the policies, projects and practices on development and the governance of land, particularly by industrial mining companies, including those that may entail relocation, are in line with the relevant international standards, including

the basic principles and guidelines on development-based evictions and displacement<sup>4</sup> and the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security;

(e) Take the measures necessary to reduce homelessness, particularly of children begging on the streets, and to progressively guarantee all children stable access to adequate housing that provides physical safety, adequate space and protection against threats to health and structural hazards, including cold, damp, heat and pollution, and accessibility for children with disabilities.

## **I. Children's rights and the environment (arts. 2, 3, 6, 12, 13, 15, 17, 19, 24 and 26–31)**

35. Concerned about environmental pollution and the situation of the children living near mining sites who suffer from respiratory infections, recalling its general comment No. 26 (2023) and target 13.3 of the Sustainable Development Goals and taking note of the environmental protection legislation of the State party, the Committee recommends that the State party:

(a) Draw up a national action plan, with the active participation of children, on the environment and climate change, with particular attention to the risks of flooding, drought, soil erosion and the spread of disease, aimed at, inter alia, ensuring access to water and food security for children in particularly vulnerable situations;

(b) Take measures to prevent the effects of polluted air, drinking water and soil and electromagnetic pollution on children's health as a basis for designing a well-resourced strategy to remedy the situation and regulate the maximum concentrations of air and water pollutants;

(c) Ensure that mining companies strictly comply with environmental standards by implementing air-quality mitigation measures enacted before and during mining operations and formally ban the use of prohibited toxic products;

(d) Ensure that health professionals receive training in the diagnosis and treatment of health impacts relating to environmental harm.

## **J. Education, leisure and cultural activities (arts. 28–31)**

**Education, including vocational training and guidance**

36. While welcoming the expansion of its educational offerings, the Committee recommends that the State party:

(a) Ensure that all children complete free, equitable and quality primary education as well as secondary education that leads to relevant and effective learning outcomes;

(b) Strengthen the quality of education, including by reforming its school curricula, ensuring the availability of qualified teachers, with particular emphasis on rural areas, providing high-quality pre-service and in-service training for teachers and ensuring that schools are fully and safely accessible to all and equipped with educational technologies and adequate infrastructure, including access to water, health, nutrition and menstrual hygiene for girls;

(c) Regulate the cost of private education and the quality of its teaching and working conditions;

(d) Strengthen the national framework for identifying and managing children in situations of risk and monitoring mechanisms, including the Vulnerability to School Dropout Observatories and the Alert and Monitoring Units against Violence in Schools;

<sup>4</sup> See [A/HRC/4/18](#), annex I.

(e) Continue the ongoing awareness-raising campaigns to combat gender-based violence in schools, improve the enrolment of girls and their retention and take immediate and effective measures to combat trafficking in persons, forced begging, sexual abuse and the harassment of children in schools;

(f) Map *daaras*, accelerate their formalization at both the preschool and elementary levels, expedite the adoption of the bill on the status of *daaras* and increase the resources allocated to the Daara Modernization Support Project so that all children receive quality general public education in addition to the specific education provided by the *daaras* to the children who attend them;

(g) Develop and promote quality vocational training to enhance the skills of children and adolescents, especially to those who drop out of school and to those who attended *daaras*;

(h) Allocate sufficient financial resources for the development and expansion of early childhood education, paying particular attention to ensuring access to preschool education for children living in poverty, children in rural areas and children with disabilities.

#### Rest, play, leisure, recreation and cultural and artistic activities

37. Recalling its general comment No 17 (2013), the Committee recommends that the State party strengthen its efforts to guarantee the right of the child to rest and leisure and to engage in play and recreational activities, including by adopting and implementing play and leisure policies with sufficient and sustainable resources, with a focus on children with disabilities and children in marginalized and disadvantaged situations.

### K. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40 of the Convention and the Optional Protocol on the involvement of children in armed conflict)

#### Asylum-seeking, refugee and migrant children

38. Welcoming the generally favourable environment to refugees and asylum-seekers, who have access to documentation, education, employment and basic social services, recalling joint general comments No. 3 and No. 4 of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families/No. 22 and No. 23 of the Committee on the Rights of the Child (2017) on the human rights of children in the context of international migration, the Committee recommends that the State party:

(a) Ensure that the best interests of the child are a primary consideration in all decisions in relation to asylum-seeking or refugee children and expedite the adoption of the migration policy;

(b) Do not detain unaccompanied children and process cases involving unaccompanied asylum-seeking and refugee children in a positive, humane and expeditious manner and identify sustainable solutions;

(c) Facilitate access to the asylum system for children in need of international protection, in line with articles 6, 22 and 37 of the Convention and general comment No. 6 (2005);

(d) Adopt appropriate legislative and administrative measures to promote and facilitate mass naturalization within a reasonable timeframe for refugee children and their parents who meet the requirements of Act. No. 2013-05 of 8 July 2013 on determining Senegalese nationality;

(e) Develop comprehensive referral and case management frameworks for services to children, including in the fields of physical and mental health, education and

**the police and justice sectors, including the provision of free legal aid, particularly for unaccompanied and separated children;**

**(f) Remove the articles of the Code of Criminal Procedure that are applied to asylum-seeking, refugee and migrant children.**

#### Economic exploitation, including child labour

39. Recalling its previous recommendations and taking note of target 8.7 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Prohibit and eliminate worst forms of child labour where child workers are exposed to environmental risk factors, in particular in mining and quarrying;

(b) Put measures into place to prevent child labour and child trafficking, raise public awareness of child labour and its exploitative character and human, political and economic consequences and strengthen efforts to ensure that no child engages in hazardous work;

(c) Ensure that labour inspectorates are provided with the necessary resources to carry out their oversight activities;

(d) Ensure that children withdrawn from worst forms of child labour receive the treatment necessary and compensation for any harm incurred;

(e) Expedite the adoption of the new section L.145 of the Labour Code and implement administrative norms already adopted;

(f) Ensure respect for the provisions on child labour in the formal and informal sectors, including in the context of the practice of *confiage*, in order to fully guarantee the protection of children;

(g) Amend the relevant laws to expressly prohibit all forms of exploitation of children for begging, including article 245 of the Criminal Code;

(h) Ensure that perpetrators of the exploitation of *talibés* are prosecuted and, if convicted, receive commensurate penalties;

(i) Consider ratifying the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization.

#### Children in street situations

40. Welcoming initiatives that support children in street situations, drawing attention to its general comment No. 21 (2017) on children in street situations and concerned about the situation of *talibé* beggars, the Committee recommends that the State party:

(a) Assess the number of children living and working in the streets, and update studies on the root causes of their situations;

(b) Stop the practice of profiling, unify databases and coordinate initiatives;

(c) Follow up on children removed from street situations and ensure the conviction of any perpetrators exploiting children in street situations;

(d) Implement social protection programmes targeting forced begging, particularly for families most likely to send children to *daaras* far from their community for economic reasons.

#### Sale, trafficking in persons and abduction

41. Welcoming the establishment of the National Unit to Combat Trafficking in Persons and taking note of target 8.7 of the Sustainable Development Goals, the Committee recommends that the State party:

**(a) Ensure the implementation and enforcement of Act No. 2005-6 on trafficking in persons and the protection of child victims;**

(b) Put an end to the exploitation of children by *marabouts* in Qur'anic schools (*daaras*) and present the bill on the status of *daaras* to the National Assembly;

(c) Investigate all cases of trafficking in children, including child begging, the sexual exploitation of children in tourism, the domestic servitude of girls and the exploitation of children in mining areas, and bring perpetrators to justice;

(d) Ensure the effective provision of referral and support services to children who are victims of trafficking in persons;

(e) Conduct awareness-raising activities in order to make both parents and children aware of the dangers of trafficking in persons.

#### Administration of child justice

42. While welcoming the adoption of the National Strategy for Child Protection, the revision of the Penal Code and the Code of Criminal Procedure and the strengthening of access to child-friendly justice, with finalized reform proposals, the Committee is concerned about the lack of:

- (a) Suitable premises for holding hearings;
- (b) Harmonization of the texts relating to child justice;
- (c) Training for judges in child interviewing techniques;
- (d) Care for child victims;
- (e) Financial resources for socio-educational activities.

43. Recalling its general comment No. 24 (2019), the Committee urges the State party to bring its child justice system fully into line with the Convention and other relevant standards. In particular, the Committee urges the State party:

(a) To consider raising the legal age of criminal responsibility to at least 14 years;

(b) To expedite the adoption of the revised versions of the Criminal Code and the Code of Criminal Procedure and the adoption of the juvenile justice act;

(c) To expeditiously establish specialized procedures in all regions, with adequate human, technical and financial resources, and specialized judges for children and ensure that such specialized judges receive appropriate education and training;

(d) To ensure the provision of qualified and independent legal aid to children alleged as, accused of or recognized as having infringed criminal law at an early stage of the procedure and throughout the legal proceedings;

(e) To continue efforts to promote non-judicial measures, such as diversion, mediation and psychosocial support, for children alleged as, accused of or recognized as having infringed criminal law and, wherever possible, the use of non-custodial sentences for children, such as probation or community service;

(f) To ensure that the detention of children is used as a measure of last resort and for the shortest possible period of time and is reviewed on a regular basis, with a view to its withdrawal;

(g) To ensure, for the few situations in which the deprivation of liberty is justified as a measure of last resort, that children are not detained together with adults and that detention conditions are in compliance with international standards, including with regard to access to education and health services, in all of the State party's departments.

#### Children in armed conflict

44. The Committee recommends that the State party appoint a focal point to address outstanding paternity and child maintenance claims concerning military and police personnel deployed in United Nations peace operations.

## **L. Ratification of the Optional Protocols to the Convention**

45. The Committee recommends that the State party ratify the Optional Protocol on a communications procedure.

## **M. Ratification of international human rights instruments**

46. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the following core human rights instruments:

(a) Optional Protocol to the Convention on the Rights of Persons with Disabilities;

(b) Optional Protocol to the International Covenant on Economic, Social and Cultural Rights

(c) Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

## **N. Cooperation with regional bodies**

47. The Committee recommends that the State party continue to cooperate with the African Committee of Experts on the Rights and Welfare of the Child of the African Union on the implementation of the Convention and other human rights instruments, both in the State party and in other States members of the African Union.

# **IV. Implementation and reporting**

## **A. Follow-up and dissemination**

48. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented and that a child-friendly version is disseminated to, and made widely accessible for, children, including those in the most disadvantaged situations. The Committee also recommends that the combined sixth and seventh periodic reports, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.

## **B. National mechanism for reporting and follow-up**

49. The Committee recommends that the State party strengthen the National Consultative Council for Human Rights under the Ministry of Justice and ensure that it has the mandate and adequate human, technical and financial resources to coordinate and engage with, and prepare reports to, international and regional human rights mechanisms and to coordinate and track national follow-up to, and the implementation of, treaty obligations and the recommendations and decisions emanating from such mechanisms. The Committee emphasizes that the National Consultative Council for Human Rights should be adequately and continuously supported by dedicated staff and should have the capacity to consult systematically with civil society.

## **C. Next report**

50. The Committee will establish and communicate the due date of the combined eighth and ninth periodic reports of the State party in due course, in line with the envisaged predictable reporting calendar based on an eight-year review cycle, and following the adoption of a list of issues and questions prior to reporting, if applicable,



**for the State party. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines and should not exceed 21,200 words. In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the Committee cannot be guaranteed.**

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