



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND  
www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: ohchr-registry@un.org

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Excellency,

In our capacity as Chair and co-Rapporteurs for follow up to concluding observations of the Committee on Economic, Social and Cultural Rights, respectively, we have the honour to refer to the examination of the third periodic report of Senegal at the Committee's sixty-sixth session held in 2019. In the concluding observations,<sup>1</sup> the Committee requested Senegal to provide, within 24 months, written information on the steps undertaken to implement the recommendations contained in paragraphs 13, 27 and 44 of the concluding observations.

The Committee welcomes the follow-up report<sup>2</sup> received in December 2021 under its follow-up procedure. The Committee examined the report at its seventy-second session, held from 26 September to 14 October 2022, and wishes to communicate the following assessment:

**Paragraph 13: Non-discrimination – Overall assessment – No Progress.**

**Paragraph 13(a) and (b) – prohibited grounds of discrimination.** The State's party follow-up report in respect to this recommendation indicates that Senegal has embarked on a process of amending its Criminal Code and Code of Criminal Procedure, encompassing a number of areas not sufficiently covered by its current legislation. It further indicates that the definition of discrimination and the issue of criminalisation would form part of these intended reforms, which should be adopted very soon.

However, the Committee notes that there are no purported amendments of the legislation that effectively prohibit discrimination, nor criminalise any direct or indirect form of discrimination on grounds of descent and colour, sexual orientation, gender identity, disability, residence status and other status.

His Excellency  
Mr. Coly Seck  
Permanent Mission of the Republic of Senegal  
to the United Nations Office and other international organizations in Geneva  
Email: [mission.senegal.gva@bluewin.ch](mailto:mission.senegal.gva@bluewin.ch)

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<sup>1</sup> E/C.12/SEN/CO/3

<sup>2</sup> E/C.12/SEN/FCO/3

**Paragraph 13(c) – Sexual orientation.** The State party’s follow up report in relation to this recommendation indicates that Senegal considers the matter of sexual orientation to be a social issue, which the State will address in line with the realities in the country. It further adds that all citizens and residents of Senegal enjoy equal protection under criminal law, regardless of sexual orientation. However, the Committee notes that there is no information on steps taken or contemplated to decriminalise consensual homosexual relations and to repeal article 319(3) of the Criminal Code, along with all the other legal provisions that are discriminatory with regard to sexual orientation or gender identity. There is also no indication of any measures taken to provide effective remedies to victims of discrimination.

Therefore, the Committee accordingly assesses that there has been no progress in regards to these recommendations to address discriminatory provisions in Senegalese law in that respect.

**Paragraph 27: Forced begging and exploitation of children – Assessment: No progress.** The Committee welcomes a series of initiatives implemented to combat the practice of forced child begging, such as the emergency project to protect children from Covid-19 called “Zero children on the streets,” as well as the 2021-2023 programme to help children get off the streets and reintegrate them into society, part of the Adjusted and Accelerated Priority Action Plan under the Emerging Senegal Plan. The State’s party follow up report further indicates that initiatives have been taken to review the existing legislation on combating trafficking in persons and equivalent practices (Act No. 2005-06 of 10 May 2005) aimed at strengthening the law with respect to victim support.

However, the Committee notes that there are serious issues of law enforcement against those responsible for forced begging and exploitation, in particular with regard to the investigation, prosecution and conviction of those who violate the existing laws regarding Talibé children. The Committee notes with concern the absence of concrete measures to, effectively, enforce the domestic legislation, which criminalises forced begging and child exploitation. The Committee is also concerned about the lack of measures to implement the recommendations made, in this regard, by the Committee on the Rights of the Child (CRC/C/SEN/CO/3-5, paras. 68 and 70), the Committee against Torture (CAT/C/SEN/CO/4, para. 32), and the Committee for the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW/C/SEN/CO/2- 3).

The Committee is also concerned that there is no indication of any legislative action to allow associations to sue for damages, in criminal proceedings, in cases of child exploitation, which would help to combat impunity in such cases.

The Committee accordingly assesses that there has been no progress in response to the Committee’s recommendations under paragraph 27 and requests the State Party to provide, in its next periodic report, detailed information on measures taken to implement the recommendations and the progress made thereby.

**Paragraph 44: Sexual abuse in Schools – Overall Assessment: No progress**

**Paragraph 44(a) – Adopt a national policy to combat sexual exploitation in Schools.** The State’s party follow up report on this recommendation indicates that the Ministry of Education has developed an approach aimed at strengthening the child

protection system in each educational institution, as well as a package of measures to make schools, and other institutions, truly safe and protective places.

However, the Committee notes with concern that no steps have been taken to adopt a national policy to combat sexual exploitation in schools.

**Paragraph 44(b): Amendment of Criminal Code.** The State's party follow up report on this recommendation indicates that Article 321 of the Criminal Code provides that the commission of sexual abuse by a person responsible for the victim's education or by a public official constitutes aggravating circumstances. However, there is no information as to the extent and scope of application of said article in dealing with the different forms of sexual abuse, harassment and luring of girls into sexual relations, in view of their particularly vulnerable age and position as students.

**Paragraph 44(c): Binding Code of Conduct.** The State's party follow up report on this recommendation indicates that, currently, a Code of Conduct is being developed, after the Ministry of Education has called on educational establishments to develop school rules. However, the Committee notes with concern that no steps have been taken to adopt a Code of Conduct (i) which is binding on principals, teachers and education officials and (ii) which is to be displayed in all schools.

**Paragraph 44(d): Establish a confidential complaint and reporting mechanism in Schools.** The Committee welcomes the national framework adopted by the Ministry of Education for identifying and managing situations at risk affecting students. The Committee notes the information provided in the State's party follow up report regarding the current system in place for the reporting and monitoring of cases. However, the Committee notes with concern that there is no information on any measures in place to ensure that all schools have functioning, independent and confidential reporting mechanisms with a clear guidance on the procedures available to report all forms of sexual violence against girls in the school environment.

**Paragraph 44(e): Conduct of investigations into all reported cases of sexual abuse.** The State's party follow up report on this recommendation indicates that there are interim measures of protection taken before any official, who has been found guilty by the judicial authority, is dismissed from work. However, the Committee notes with concern that there is no indication of measures to ensure that the legislation relating to sexual exploitation and abuse of girls at school is vigorously enforced, and that all reported cases of sexual abuse are referred to the police and appropriately investigated, in order to prosecute and punish the perpetrators of such abuse, as appropriate.

The Committee is also concerned about the lack of available statistics on the number of reported cases in which perpetrators have been prosecuted and convicted.

The Committee notes with appreciation the information provided by the State party on some measures taken to identify and to manage situations of risk and for reporting cases of sexual abuse in schools. However, the Committee is of the view that there has been no effective implementation of its recommendations under this paragraph to adopt (i) a national policy to combat sexual exploitation in schools, (ii) a binding code of conduct for teachers displayed in schools, and (iii) establishing a confidential and independent complaint mechanism to report sexual abuse of girls in schools. The

Committee thus assesses that there has been no progress in relation to this recommendation and requests the State Party to provide in its next periodic report detailed information on measures taken to implement the recommendations and the progress made thereby.

The Committee looks forward to continuing its constructive dialogue with the State party, with a view to providing it with guidance in its efforts to ensure the effective implementation of the Covenant.

Please accept, Excellency, the assurance of our highest consideration.



Asraf Caunhye

Co-Rapporteurs for follow-up

Committee on Economic, Social and Cultural  
Rights



Mikel Mancisidor



Mohamed Ezzeldin Abdel-Moneim

Chair

Committee on Economic, Social and  
Cultural Rights