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Third periodic report submitted by Senegal under articles 16 and 17 of the Covenant, due in 2003* **

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* The present document is being issued without formal editing.
** The annexes may be consulted in the secretariat files.



1. The State of Senegal ratified the International Covenant on Economic, Social and Cultural Rights (the Covenant) on 13 February 1978.
2. In accordance with the provisions of article 98 of the Constitution, the Covenant is part of the corpus of domestic law and has “higher authority than laws”.
3. Reports are submitted under article 16 of the Covenant. The preparation of this report was facilitated by contributions from all the governmental actors, non-governmental organizations (NGOs), civil society and partners. There were, however, difficulties gathering the statistical data and in describing the actual state of implementation of some rights.

I. Implementation of economic, social and cultural rights

A. General provisions of the Covenant (art. 1–5)

1. Right of self-determination

4. The Republic of Senegal is committed to fundamental cultural values that are the glue of national unity and is convinced of the wish of all citizens to build a common future through solidarity, work and patriotic commitment. The Senegalese people recognize inviolable and inalienable human rights as the basis of all human communities and of peace and justice in the world.
5. In its Constitution, Senegal states that it is committed to the Declaration of the Rights of Man and of the Citizen of 1789 and the international instruments of the United Nations and the African Union, including the Universal Declaration of Human Rights of 10 December 1948, the Convention on the Elimination of All Forms of Discrimination against Women of 18 December 1979, the Convention on the Rights of the Child of 20 November 1989, and the African Charter on Human and Peoples’ Rights of 27 June 1981.
6. The Constitution guarantees fundamental individual freedoms, economic and social rights and collective rights to all citizens. The Preamble proclaims respect for and guarantees the following rights:
 - Trade union rights
 - The rights and freedoms of the individual, the family and local authorities
 - Philosophical and religious freedoms
 - The right of ownership
 - Economic and social rights
7. Men and women have an equal right to possession and ownership of land under the conditions determined by the law.
8. The indigenous communities are consulted directly or indirectly in all decision-making processes concerning the rights enshrined in the Covenant. These consultations take place in the form of voting in elections to assemblies, and in the decision-making processes and opinions of local assemblies.

2. Technical assistance and international cooperation

9. As a member of the international community, the State of Senegal cooperates with several international and regional institutions, including the organs and affiliated bodies of the United Nations, the African Union, the Economic Community of West African States (ECOWAS), the World Bank and the International Monetary Fund. The national human rights institutions work closely with the Office of the High Commissioner for Human Rights, the Regional Office for West Africa of which is in Dakar.
10. At the bilateral level, the State of Senegal enjoys the technical and financial assistance of the overseas development agencies of France, Italy, Spain, Luxembourg and the United States, among others. It also enjoys the support of specialized United Nations

institutions, including the United Nations Children's Fund (UNICEF), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Food Programme (WFP) and the United Nations Population Fund (UNFPA).

11. Negotiations and relations between the State of Senegal and technical and financial partners are based on mutual respect and take into account the interests and inalienable rights of the Senegalese people. Senegal cooperates freely with all States and bodies. International cooperation is based on official bilateral and multilateral agreements. Where there is no agreement, it is based on courtesy and reciprocity respecting sovereignty.

3. Combatting gender-based discrimination and promoting equality between men and women (art. 3)

12. The development policies pursued by Senegal are conducive to the promotion and protection of women's rights and gender equality. It is a party to the principal international and regional instruments relevant to promoting and protecting women's rights.

13. To guarantee equality between men and women, the Constitution of Senegal reaffirms the principle of prohibiting all forms of discrimination, in particular those based on gender.

14. The Constitution gives women the right of access to land, the right to less burdensome living conditions, access to health and welfare, the right to have their own assets in the same way as their husbands, and the right to personal management of their property. It prohibits the forced marriage of girls who have not reached majority and of women and all forms of discrimination between men and women regarding employment and pay.

15. To strengthen these rights and ensure that they are effective, the following laws have been adopted:

- Act No. 1982-019 of 22 January 1982 on the access of women to certain military and paramilitary corps (the armed forces, the customs service and civil aviation)
- Act No. 1999-05 of 29 January 1999 increasing the penalties for certain offences, such as rape, excision, indecent assault, incest and sexual harassment
- Act No. 2010-03 of 9 April 2010 on HIV/AIDS, addressing mother-child transmission
- Act No. 97-17 of 1 December 1997 on the Employment Code, taking into account the rights of pregnant women
- The Social Security Code, guaranteeing medical cover of the husband and children of employed women
- Act No. 2013-05 amending Act No. 61-10 of 7 March 1961 on Senegalese nationality allows the foreign husband of a Senegalese woman and their children to acquire Senegalese nationality
- Act No. 2008-01 of 8 January 2008 amending certain provisions of the Taxation Code by abolishing joint taxation of a couple and giving the wife complete autonomy regarding taxation
- Act No. 2010-11 of 28 May 2010 establishing absolute parity between men and women in all fully or partially elected institutions. Implementation of the Act is monitored by a national equality observatory
- Act No. 2015-15 of 16 July 2015 authorizing the President to ratify the International Labour Organization (ILO) Maternity Protection Convention (No. 183)
- Act No. 2016-32 of 8 November 2016 on the Mining Code
- Article 109 of the 2016 Mining Code requires the owners of mining securities and their subcontractors to promote equal employment opportunities between women and men in the occupational sphere and guarantees equal pay to men and women who are equally qualified

- Decree No. 2017-459 on the implementation of Act No. 32-2016 on the Mining Code
- Decree No. 2006-515/PR of 9 June 2006 on admission of women to the gendarmerie
- Decree No. 2017-313 of 15 February 2017 introducing gender units in ministry general secretariats
- Decrees No. 2006-1309 and 1310 of 23 November 2006 allowing female civil servants and female private sector employees, respectively, to provide medical cover for their husbands and children
- Prime Ministerial Circular No. 009159 of 26 March 2013 inviting sectoral ministries to include gender in their activities, which led to the establishment of 22 gender units in the civil service

16. Through the gender equity and equality directorate established in 2008, Senegal implements the National Equity and Equality Strategy adopted in 2006, which has made a significant contribution to the promotion of women, especially in rural areas. An Act on absolute parity between men and women in all fully or partially elected institutions was adopted on 28 May 2010. In addition to a monitoring mechanism known as the national equality observatory, compliance with this Act has already been the subject of judicial review through a decision of the Supreme Court of Senegal. In its judgment no. 2 of 8 January 2015, the administrative chamber of the Court ordered a rerun of the election of members of the office of the municipal council of Kaolack for failure to respect parity in the election of the 2nd deputy.

17. Moreover, Senegal has a national action plan to eradicate gender-based violence and promote human rights. This multisectoral document (2017–2021) is now being implemented, its initial results being regional action plans.

B. Specific rights under the Covenant (arts. 6 to 15)

1. Combatting unemployment (art. 6)

18. Article L.1 of the Employment Code repeats the constitutional provisions on the right to work in these terms: “The right to work is recognized to all citizens as a sacred right” and the State must “do everything possible to help them to find a job and to keep it once they have one. The State shall guarantee citizens equal opportunity and equal treatment in access to vocational training and employment, regardless of origin, race, gender and religion”.

19. Like other developing countries, Senegal faces an employment crisis that especially affects women, youth and graduates. In 2011, the country had 461,000 job seekers and 32 per cent of employed persons of working age were underemployed. Young people account for 36.5 per cent of the total working-age population and the youth unemployment rate is 12.7 per cent.

20. The authorities are relying on the development of the primary sector and agriculture to find solutions to this problem.

21. The Senegal Emerging Plan is accompanied by a priority action plan 2014–2018, which aims to create 500,000 jobs. This plan is a digest of several sectoral policies, plans and inclusive and complementary programmes and projects, including:

- The national employment policy 2019, approved in 2015 and accompanied by an operational action plan for youth employment, with the support of ECOWAS and in partnership with the Spanish international development agency
- The national migration policy, approved in 2018 by all stakeholders and now in the process of adoption by the Cabinet
- The national educational and occupational guidance policy, approved in 2018
- The decent work country programme 2018–2023, approved in 2018, with two main components geared towards social protection and job creation

- The national health and safety at work policy adopted by the Cabinet in March 2017
 - The National Equity and Equality Strategy
22. Several Acts, plans and bodies have been established to implement the Plan for an Emerging Senegal, including:
- The Social Policy Act No. 2010-15 of 6 July 2010
 - The Vocational and Technical Training Policy Act
 - The decree establishing the National Intersectoral Technical Committee on Employment and Training
23. The national employment policy, approved in 2015, is based on six main strategies:
- Developing specific public programmes to create decent jobs
 - Developing employment programmes at local level
 - Improving and developing linkages between training and employment
 - Improving the organization of the labour market and social dialogue
 - Strengthening the capacities of the Ministry of Employment
24. To this end the State established the National Youth Employment Agency by Decree No. 2014-29 of 9 January 2014. It embodies the wish for consistency in the governance of youth employment through:
- Putting in place an integrated information and monitoring system on target groups in the labour market
 - Strengthening the employability of young persons and target groups
 - Access by young persons and target groups to employment
25. In agriculture, the Community Agricultural Estates Programme was put in place in response to youth employment issues. Its aim is to help to reduce social insecurity in rural areas by promoting agricultural entrepreneurship among youth and women. This means parcelling out large amounts of land and providing it with the relevant infrastructure to enable beneficiaries to produce continuously. The major innovation is the development of an approach combining crops and animal husbandry throughout the value chain and involving related jobs in order to create far more employment and wealth.
26. The National Agricultural Integration and Development Agency was established to promote the development of modern, diversified agriculture based on control of water and providing sustainable employment for young people. It is responsible for:
- The creation and exploitation of modern, integrated farms.
 - Fighting youth unemployment, poverty, the flight from the land and illegal emigration.
 - Supporting private initiatives in the agricultural, forestry and pastoral sectors by assisting small farmers and parcelling out community agricultural estates in order to facilitate promoter access to rural land that has been parcelled out and secured.
 - Overseeing the owners of diversified projects and programmes developing modern, diversified farms, and promoting and modernizing small integrated family farms.
27. Other institutions, such as the Ministry of Employment, the Ministry of Women, the Family and Gender, and the Rapid Entrepreneurship Delegation, which has a credit line devoted exclusively to women and youth, promote youth employment through:
- The Project to Support the Promotion of Youth and Women's Employment 2014–2019, which aims to create 15,000 jobs for women and youth. The objective is to foster the emergence of micro, small and medium enterprises.
 - The Community Security Assistance Agency, established by Decree No. 2013-1063 of 5 August 2013, has recruited 10,000 women and men throughout the country.

- The Integrated Economic and Social Development Programme 2012–2015, which contributes to the socioeconomic empowerment of women and youth through employment and income-generating opportunities. Of 451 projects submitted, 355 have been financed to the tune of a total of 309,046,016 CFA francs (CFAF).
- The Programme to Strengthen Economic and Social Processes 2012–2017, with a budget of CFAF 1 billion, has made it possible to finance 194 small and medium enterprises and to create more than 394 direct jobs, 303 of them for girls.
- The Support Programme for the Economic and Social Development of Senegal 2016–2018, with €17.8 million, aims to contribute to poverty reduction and to foster the creation of job opportunities for women and youth.
- The Support Programme for Development of Entrepreneurship among Women and Youth 2014–2018, with a budget of CFAF 18 billion, fosters the emergence of small and medium enterprises by women and youth.

28. Since 2014, the Senegalese labour market has undergone several changes connected with the implementation of the six strategies described above. Employment statistics show that 50,000 jobs per year on average have been created in the private sector, not counting the direct impact of government action in terms of financing youth projects and labour-intensive activities by building infrastructure. The Operational Youth Employment Action Plan approved in March 2018 sets out the sectoral breakdown of this figure.

29. Regarding persons with disabilities, the equal opportunities card allows them to enjoy rights concerning access to employment and every other advantage likely to contribute to their promotion and protection in the framework of a multisectoral approach. For example, the civil service has a 15 per cent quota reserved for persons with disabilities, who are also recruited by the national transport company Dakar Dem Dik.

30. The State has taken the following social protection measures for the informal sector:

- Encouraged registration of companies through facilitated procedures.
- Technical assistance in the form of advice.
- Promotion of dialogue with representative unions.

31. Social protection and risk management are crucial for bringing about inclusive growth and reducing poverty and Senegal therefore implemented the National Social Protection Strategy, whose overall objective was to strengthen and equitably extend social protection instruments by 2015 by raising the rate of health insurance coverage from 20 per cent to 50 per cent and putting in place a social protection system covering disaster-related risks and the risks run in the informal and craft sector.

32. Workers are protected from unfair dismissal by article L.56 of the Employment Code.

33. In relation to technical and vocational training programmes, the Vocational and Technical Training Financing Fund, established by Decree No. 2014-1264 of 7 October 2014, was set up by the Government of Senegal in the context of reform of the funding mechanism for vocational and technical training.

34. In addition, higher vocational education institutes and a Senegalese Programme for Youth Entrepreneurship have been established to boost the number of entrepreneurs.

35. In the framework of implementation of the National Disability Action Plan and follow-up of implementation of the Social Policy Act No. 2010-15 of 6 July 2010 regarding the promotion and protection of the rights of persons with disabilities, the Ministry of Vocational Training, Apprenticeship and Crafts introduced circular letter no. 4322/MFPAA/SG/DFPT/ms of 23 December 2016 on incentives targeting several establishments for the vocational training of persons with disabilities. That had the following results in 2017:

- 49 persons with disabilities trained in various trades and crafts
- 93 persons with disabilities enrolled

- 606 vocational training grants to young persons with disabilities between 2012 and 2017 in the context of phase two of the National Community-Based Rehabilitation Programme, in all regions at a cost of CFAF 188.7 million
- Continuing training of social workers specialized in disability at the National Specialized Social Workers School

2. Just and favourable conditions of work (art. 7)

36. The principle of equal treatment is laid down in article 25 of the Constitution, while article 1 guarantees equal opportunities and treatment without discrimination.

37. The guaranteed minimum interprofessional wage (SMIG) has existed in Senegalese legislation for several years. On 30 April 2018, in order to guarantee workers better pay, the social partners concluded a memorandum of understanding and asked the competent authority, in accordance with article L. 109 of the Employment Code, to fix by decree the said guaranteed minimum interprofessional wages as follows:

- An hourly SMIG rate for workers in occupations subject to the legal working week of 40 hours:
 - CFAF 302.890 from 1 June 2018
 - CFAF 317.313 from 1 January 2019
 - CFAF 333.808 from 1 December 2019
- A flat hourly SMIG rate for workers in agricultural and similar enterprises: CFAF 213.392 from 1 June 2018. The draft decree is in the process of adoption.

38. There have been various wage increases in the private sector:

- On 24 January 2002, pay grades in the different sectors of activity were increased as follows: grade 1 by 8 per cent; grade 2 by 6 per cent; grades 3 to 6 by 5 per cent; and grade 7 and above by 4 per cent
- On 11 August 2009, a memorandum of understanding was signed on a general increase in pay in the private sector of between 4 and 8 per cent, as follows: grades 1 to 3, 8 per cent; grades 4 and 5, 7 per cent; grades 6 and 7, 6 per cent; supervisors and grade 8, 5 per cent; and executives, 4 per cent
- Decree No. 4315/MFPTEOP/DTSS of 31 December 2009 extended the provisions of the memorandum of understanding to all workers and all employers in the private sector conducting their activities in Senegal
- Repeal of Decrees No. 00987/MFPET/DTSS of 2 April 2002 and No. 01036 of 9 April 2002, setting the wages of workers in agricultural and similar occupations and the minimum wages of domestic workers respectively, and replacement by Decrees No. 04316 and No. 04317 of 31 December 2012

39. In addition, the Government states that female workers have enjoyed the same tax advantages as men under the same conditions since the adoption of Act No. 2008-01 of 8 January 2008 amending certain provisions of the General Tax Code.

40. Conditions and rates for overtime for daytime or night work, on working days and on Sundays, public holidays and paid holiday are set out in article L.86 of the Employment Code.

41. Regarding non-discrimination at work and equal pay for men and women, article L.105 of the Employment Code expressly states that: “Where working conditions, skills and yield are equal, the wage shall be equal for all workers whatever their origin, gender, age or status. No wage shall be payable in the event of absence except in the cases provided for in the regulations and collective agreements and in agreements between the parties”.

42. Article 109 of the new Mining Code provides that: “Owners of mining securities and their subcontractors shall, among others: promote equal employment opportunities between women and men in the occupational sphere and guarantees equal pay to men and women who are equally qualified”.

43. Sexual harassment in general is punished severely under article 319 bis of the Criminal Code by a prison sentence of from six months to three years and a fine of CFAF 50,000 to CFAF 500,000. If the victim of the offence is under 16 years old, the maximum prison sentence is imposed.

44. Health and safety at work is guaranteed by article L.171 of the Employment Code.

45. Under article 2 of Decree No. 2006-1255 of 15 November 2006, labour inspectors and their legal representatives are responsible for monitoring application of legislation and regulations on health and safety at work. They must provide the social partners with practical advice to enable them to comply with legal and regulatory requirements and transmit reports on contraventions of employment legislation to the State Prosecutor.

3. The right to organize

46. In Senegal, the right to organize and the right to associate are recognized to all occupational groups without distinction. This recognition is comprehensive, general and guaranteed by the Constitution, article 7 of the Employment Code and other regulations issued with a view to its application.

47. Since constitutional provisions have a legal force superior to those of the Employment Code, this Code can neither restrict nor limit exercise of the right to organize.

3.1 Right to form a union

48. Article L.8 of the Employment Code lays down only the administrative procedures enabling union leaders to form a union legally. This formality does not in any way restrict exercise of the right to organize. Nonetheless, as the guarantor of public order and the public interest, the State is responsible for seeing that those who form a trade union are of good moral character and are not in conflict with the laws of the country.

49. In practice, recognition of a trade union follows a precise procedure involving various authorities, including the Ministry of Interior. The Ministry issues the receipt serving as recognition of the existence of a union on the basis of:

- A report by the inspector of labour and social security to whom the articles of association and the list of the leading members of the union have been submitted
- The conclusions of the State Prosecutor who has checked the lawfulness of the articles of association and the legal situation of the members who run the union
- The opinion of the Minister for Employment

50. The procedure put in place for the formation of trades unions is fully justified. Legally, the checks that take place on union leaders cover:

- The exercise of identical, related or similar occupations
- Submission of the list of members administering or leading the union
- Checking the legal situation of the administrators or leaders of the union (enjoyment of civil rights, no conviction removing the right to vote, legal residence in Senegal)

51. The competent administrative authority can only refuse registration on legal grounds. Such grounds may, for example, be that the articles of association do not comply with the legal requirements, the unlawfulness of the purpose of the association, or serious threats to public order that would result from registration. Reasons must be given for refusal to register.

52. Moreover, in order to promote individual freedoms, the domestic legal framework provides for judicial appeal against any decision of any authority involved in this procedure.

53. For example, article L.8 of the Employment Code gives the right of appeal to the regional court to persons declared incapable of occupying leadership positions in a union. Injurious administrative decisions can generally be the subject of proceedings to overturn them in the Supreme Court.

54. The checks conducted by the various authorities, including the Ministry of Interior, are not in any way designed to hamper freedom to organize but simply to ensure the safety of relations within such associations and also the relations they will be called upon to have subsequently.

55. Collective bargaining mechanisms are assets that the country promotes constantly. Over the years, Senegal has managed to build a favourable legal and institutional framework. Most economic sectors have collective agreements or are in negotiations. Some of these collective agreements have been revised or are in the process of revision.

3.2 Right to strike

56. The law recognizes the right to strike, which is enshrined in the Constitution. Under article 25 of the Constitution, that right may neither infringe the right to work nor endanger the enterprise.

57. A legal strike is allowed only after a conciliation procedure to resolve the dispute has failed. It is considered legal only if notice is given at least 30 days before the proposed date of the strike.

58. A strike is unlawful if it does not comply with the provisions of the Employment Code or where the strikers obstruct the freedom to work of other members of staff who are not taking part in the strike. The employment contract is suspended for the duration of the strike.

4. Social protection (art. 9)

59. Several policies and wide-ranging programmes have been implemented to ensure the social protection of the population. These are described below.

4.1 The SESAME Plan

60. The measures taken by the Government to guarantee free health care for the elderly (the SESAME Plan) are a policy of cover and access to the system based on affordable costs and a system covering disadvantaged persons.

61. The main measures taken to see that the community participates to the maximum in the planning, organization, management and supervision of primary health care are:

- Promotion of the participation of communities in the health effort with the promulgation of an Act and the publication of a decree on the terms of reference of a health committee on which neighbourhood delegates, women's groups and youth associations are represented in the framework of a partnership and joint management of health facilities
- Putting in place a monitoring system and periodic evaluation of health training activities with the full participation of health committee members

4.2 Universal Health Cover and other social health policies

62. The State of Senegal has adopted the Universal Health Cover programme in accordance with the Government's wish to reduce inequalities in access to health care. The Ministry of Health and Social Action therefore drew up a Strategic Health Cover Development Plan 2013–2017 based on:

- Development of basic Universal Health Cover through:
- Reform of health insurance institutions
- Strengthening existing free coverage policies, and
- Implementing the new free health care initiative for children under five years

63. The initiatives on free health care for children under five and free caesareans in public health facilities do a great deal to improve the health of target groups and reduce household health expenditure, which can lead to impoverishment.

64. Through the health insurance component of the Plan, 676 health insurance cooperatives have been set up in the 552 municipalities, and 45 departmental health cooperative unions and their technical management units had been put in place as at 31 December 2017.

65. This mechanism provides a subsidy of 50 per cent of the contribution of members of all health cooperatives, and a subsidy of 100 per cent to the beneficiaries of the National Family Security Grant Programme and the Equal Opportunity Card.

4.3 Social cover of workers and the right to survivor's pension

66. The social insurance system established in the 1970s enabled cover to be given to all workers and their families. Prevention and coverage of health risks of workers is through the National Social Security Fund and the health insurance institutions, while retirement pensions are managed by the Retirement Insurance Institution and the National Retirement Fund. These various social bodies enable people, in the context of their employment, to be covered for risks connected with health and old age.

67. The rights of surviving spouses are regulated by Retirement Insurance Institution internal regulation no.1 on the general pension system. When a participating member who is still at work or who has retired dies, the surviving spouse, widow or widower, has the right to a pension equal to 50 per cent of the pension that was or would have been payable to the deceased participant based on credited or pensionable years on the date of death, regardless of the coefficients for early retirement that could or should have been applied.

68. The survivor's pension is paid to the surviving spouse if the marriage has taken place at least two years prior to the participant's death. In the event of remarriage, the right to the pension ceases on the first day of the following quarter. Implementation of the provisions of this article is subject to the following conditions:

- Participating members are required to notify the Retirement Insurance Institution of their marriage and to produce a civil status document as proof thereof. If these formalities have not been completed before the death of the participant, the surviving spouse nonetheless maintains the capacity to produce the civil status document certifying his or her marriage, provided that this document was issued in accordance with Act No. 72-61 of 12 June 1972 on the Family Code.
- A person receiving a survivor's pension is required to submit annually a document from the administrative authority of their place of residence certifying that they have not remarried.

69. Widows have the right to a survivor's pension from the age of 50 and may receive it before that, at the age of 45, under the conditions determined in law.

70. The survivor's pension is payable immediately upon the death of the husband if the widow has two dependent children under 18 years of age, or 21 years of age if the child is attending secondary or higher education without a grant. Payment of the pension is suspended as soon as the children cease to be dependent or upon their death and resumes on the widow's fiftieth birthday. If there is more than one wife, the total pension is divided among them pro rata from the date of death.

71. Widowers have the right to survivor's pension from the normal retirement age applicable to participants and have no possibility of receiving it before that.

72. The pension is payable immediately upon the death of the wife if the widower is an invalid and unfit to work.

73. Early payment of the survivor's pension ends if the widower recovers. The Institution may, on a case-by-case basis, establish the conditions for monitoring the state of invalidity. If the widower has lost two or more participating spouses, he is paid only the survivor's pension pertaining to the chief wife.

4.4 Assistance and organization of the informal sector

74. The Government has introduced several programmes aimed at the registration of informal production units. A National Enterprise and Association Identification Number is given to enterprises and associations registered at the National Identification Centre. This number is unique and is a crucial stage in the process of recognition of informal production units. Nonetheless, 30 per cent have a commercial register number and 10.7 per cent a number issued by the Trades Association. This situation is explained in part by the fees required for administrative procedures and by the fact that more than a third of informal production units do not know that they are required to be officially registered and are unfamiliar with registration procedures.

75. A national survey of the informal sector in Senegal conducted by the economic statistics department of the National Audit Office and the National Statistics and Demography Agency in 2013 found that, in the informal sector, almost two workers in three, or 64.1 per cent, had no more than primary education, and that 26 per cent of these had had no education at all. The remaining workers were divided between those who had secondary education (14.9 per cent), those who had attended Qur'anic school (11.6 per cent) and those literate in a national language (1 per cent).

76. In order to give greater assistance to and register the informal sector, the Ministry of Trade established a small and medium enterprises department responsible for implementing the policy on the development of such enterprises, drawing up a strategy for their promotion and management and helping to improve their environment by implementing a legislative, regulatory, fiscal and financial framework to foster their registration and development.

77. Thanks to these measures, 85,000 small and medium enterprises were registered and issued with an identification number in 2003, more than 205,000 in 2006 and 258,159 in 2010.

78. The small and medium enterprises department enjoys a partnership for the implementation of its activities to promote and develop informal productive units, as follows:

- The Programme to Support the Competitiveness of Small and Medium Enterprises and the Performance of the Microfinance Sector
- A financial cooperation instrument concluded by the Italian and Senegalese Governments called the Support Platform for the Private Sector and Improved Status of the Senegalese Diaspora in Italy

79. The small and medium enterprises department works with ILO, the Tax Directorate and the National Statistics and Demography Agency. It also works with:

- The national steering committee for the West African Monetary Union quality programme
- The financial education programme for small and medium enterprises
- The committee following up the recommendations of the second national consultation on credit
- The economic partnership agreements for development (PAPED)

80. The extension of social protection to the informal sector takes place in particular through implementation of an agreement between the Social Security Fund and skilled workers through the Trades Association.

5. Rights of the family (art. 10)

5.1 Right to marriage and freely given consent

81. Under article 16, paragraph 1, of the Constitution: "Marriage and the family are the natural and moral basis of the human community. They are protected by the State". The forced marriage of a girl who has not reached the age of majority or of a woman is a

violation of individual freedom. It is forbidden and punished under the conditions determined by the law in accordance with article 17 of the Constitution.

5.2 Social protection of the family (children, persons with disabilities, the elderly, etc.)

5.2.1 Social protection of children

82. The State of Senegal has put in place social services to support the construction of child-minding facilities to enable women to juggle their occupational responsibilities and family obligations.

83. In this field, the State of Senegal adopted Decree No. 2010-547 of 30 April 2010 establishing the National Early Child and Preschool Reception Centres Agency. The purpose of the Agency is to plan for, construct, equip, renovate, monitor and evaluate all public and community bodies involved in caring for small children.

5.2.2 Protection of the rights of persons with disabilities

84. The rights of persons with disabilities are implemented in Senegal in particular by the National Community-Based Rehabilitation Programme and Universal Health Cover. The internal evaluation of 2017 noted the following results for the period 2012–2016:

National Community-Based Rehabilitation Programme:

- 12,911 individual and collective socioeconomic projects were implemented at a cost of CFAF 1.6 billion
- Expensive care of 72 persons with disabilities, at a cost of CFAF 69,082,000
- Equipment for some 3,488 persons with disabilities, at a cost of CFAF 233,884,960
- Support for vocational training of 452 young persons with disabilities, at a cost of CFAF 143,786,000
- 3,407 cases of individual emergency assistance to persons with disabilities, at a cost of CFAF 108,492,000
- Production of 50,006 equal opportunities cards as at 31 December 2017

85. Universal Health Care for the period 2013–2017:

- 75 per cent of the population enjoyed access to high quality health services through health cover
- Increase in coverage estimated at 46 per cent

86. Community health insurance:

- 671 health cooperatives established in the 552 municipalities of Senegal
- Enrolment in health cooperatives of 2,260,000 persons, including families benefiting from the National Family Security Grant Programme

87. Medical assistance:

- Free treatment in public health facilities since the beginning of the initiative (October 2013) of 4,229,178 cases of children under five years
- Free caesarean births for 38,785 women since 2014
- Free dialysis services for 571 persons suffering from chronic renal failure, as at December 2016

88. In November and December 2016, the State adopted a national disability measurement instrument to improve the production of statistical data and a national disability action plan (2017–2021) at an estimated cost of CFAF 47.3 billion. The first annual review took place on 4 and 5 December 2017.

89. The Ministry of Education has four institutions specialized in teaching children with disabilities:

- The National Institute for Education and Training of the Blind in Thiès;
- The Verbotal Centre, Dakar, for deaf-mute children
- The Talibou DABO Centre, Dakar, for children with motor disabilities
- CEFDI, Dakar, for children with mental disabilities

90. In order to improve access to health by the poor and by vulnerable groups, the Government has undertaken projects and programmes such as the Equal Opportunities Card launched on 30 April 2015, Universal Health Cover and the Health Nutrition Safety Net Project.

91. The new Government initiative CMU-ELEVE, which will be extended to pupils of Qur'anic schools, strengthens the access mechanism for children, including to health-based social services.

92. In the framework of application of the Social Policy Act, children with disabilities benefit from the access mechanism to the following rights:

- Reception facilities for children with disabilities
 - Special schools
 - Inclusive schools
 - Day counselling centres
- Medical-social reception facilities:
 - Keur Xaleyi
 - Child Psychiatry Centre, Thiaroye
- Access to schooling: Grants and school kits are given to every child with a disability enrolled in a neighbourhood or special school
- Access to leisure activities: Working with the special Olympics

93. These children, who have Equal Opportunities Cards, are enrolled in health cooperatives and the State pays their contributions. If they are under five years old, they enjoy completely free services and their family benefits from the National Family Security Grant Programme.

94. In the implementation of the Programme to Improve Quality, Equity and Transparency in the Education and Training Sector (PAQUET/EF), the Government has included the disability dimension in the prototype of infrastructure dealing with school-age children.

95. In 2013, 5,244 classrooms were fitted out to make them suitable for children with disabilities. In addition, other action has made it possible to:

- Train specialized teachers, support staff and paramedics
- Strengthen the capacities of teachers to look after children with disabilities
- Establish inclusive schools in each local authority and promote their collaboration with specialized centres
- Support existing specialized centres for children with special educational needs, including by regularly replacing equipment and teaching materials

5.2.3 *Protection of the rights of the elderly*

96. Protection of the elderly is guaranteed by article 17, paragraph 2, of the Constitution, which provides that “The State and the public authorities have a duty to attend to the physical and mental health of the family and, in particular, persons with disabilities and the elderly”.

97. Decree No. 2008-381 of 7 April 2008 introducing the SESAME Plan gives persons aged 60 and over the right to medical services free of charge or at reduced cost. The system also gives them the right to access social services and enables them to acquire other rights

and advantages. Article 3 of Ministerial Decree No. 664 of 8 February 2007 establishing the Support for Promotion of the Elderly Plan (PAPA), states that the purpose of the plan is:

- Socioeconomic promotion of the elderly
- To strengthen the managerial capacities of the elderly
- To enhance the status in society of the experience and expertise of the elderly
- To improve knowledge about aging

98. This plan concerns participation, social protection, education and the right to an adequate standard of living.

5.3 Protection of maternity

99. In 2016, Senegal ratified the ILO Maternity Protection Convention (No. 183). The ratification of this Convention strengthens all the initiatives already taken by Senegal to emancipate women and guarantee their equal treatment. It gives women decent working conditions, free of all forms of discrimination.

100. Senegalese legislation was inspired by two concerns: to protect pregnant women from arduous or dangerous working conditions and to give them equal rights with men.

101. Pregnant women have the right to stop work for 14 consecutive weeks, eight of them after the birth. This period may be extended for a further three weeks in the event of duly certified illness. This period is paid in full: it is expressly stated in the Employment Code that employed women receive their full salary during maternity leave. During this period, the employer may not dismiss the woman, who is entitled to a maximum of one hour's rest per working day for breastfeeding over a period of 15 months from the time of the birth.

102. The Social Security Fund pays the daily benefit to women who are employed or have voluntary childbirth insurance during their maternity leave. These benefits are paid either per 30-day period, i.e. at the end of the six weeks prior to the birth, or at the end of the eight weeks after the birth or at the end of the extra three weeks' leave.

103. According to the National Statistics and Demography Agency report on the economic and social situation of Senegal published in January 2018, 11.9 per cent of employed women have taken maternity leave. The highest proportions of beneficiaries were in the regions of Dakar (16.1 per cent), Kaffrine (15.5 per cent), Tambacounda (13.7 per cent) and Fatick (13.6 per cent). Diourbel had the lowest proportion, with 3.4 per cent of employed women.

104. There is no provision in law for parental or paternity leave for men.

5.4 Combatting child labour

105. Under article L.145 of the Employment Code, "Children under 15 years of age may not be employed in any enterprise, even as apprentices, without an exemption issued by order of the Minister for Employment, taking into account local circumstances and the tasks that may be required of them". A list of dangerous work forbidden to children and young persons is determined by order of the Minister for Employment. The same is true of the categories of enterprise and work forbidden to children and young persons and the age limit for application of the prohibition.

106. Moreover, article 94, paragraph 2, of the Senegalese Mining Code states: "Subject to withdrawal of the mining permit, it is prohibited for children to be employed in any of the activities regulated by this Code".

5.5 Combatting domestic violence (especially against women and children)

107. In domestic legislation, psychological and economic violence are offences falling within the jurisdiction of the criminal courts.

108. Regarding marital rape, article 320 of the Criminal Code states: "Any act of sexual penetration of whatever nature committed upon another person through violence, constraint, threats or surprise is rape. Rape shall be punished by between five and ten years'

imprisonment". This provision is general and covers both marital rape and any act of penetration committed upon another person.

109. Psychological and moral violence (insult) is punishable under article 262, paragraph 2, of the Criminal Code.

110. Senegal has also adopted a national action plan on gender-based violence (2017–2021). This plan is part of the implementation of the joint programme “eradication of gender-based violence and promotion of human rights”, and was initiated by several financial and technical partners. It is the first multisectoral national action plan for the eradication of gender-based violence. The logistical and operational framework of the action plan is based on standard prevention procedures and care of the victims of violence.

111. Measures have been taken in this framework to support and rehabilitate victims, including:

- Free legal services, by setting up, equipping and supporting the operation of five regional centres for the protection of women’s rights (*Boutiques de droit*) in Pikine, Thiès, Kaolack, Kolda and Sédhiou.
- An incubator for the economic integration of female survivors of gender-based violence: one henhouse with a capacity of 450, a mini bakery kit, a chalk-making kit, five mobile phone repair kits and a market garden.
- Technical training of 130 women with a view to implementation of their projects: poultry farming (40), sheep fattening (10), bakery-pâtisserie (20), chalk-making (10), mobile phone repair (16), hair salon management (10) and a Start and Improve Your Business Programme (20).

112. Regarding case law, *Sieur Bara Sow* of Touba was sentenced to two years’ imprisonment, three months of which were not suspended, and a fine of CFAF 500,000 for grievous bodily harm to his wife.

113. The following measures have been taken regarding awareness-raising about violence against women:

- Preparation and implementation of a communication plan on violence against women and girls and a communication strategy on discrimination against women.
- Training various categories of actors on the human rights of women and girls and gender-based violence: 150 community intermediaries, 240 paralegals, 48 community radio and television presenters, 41 traditional communicators from every region, and 30 preachers and presenters of religious radio and television programmes.
- Training 99 judicial staff to look after violence survivors.
- Producing and broadcasting 252 30-minute weekly magazine programmes providing information, education, communication and awareness-raising on violence, discrimination and the various issues regarding women’s and girls’ rights, and 36 45-second public information flashes (in the relevant local languages), in partnership with the support project for the national gender equality and equity strategy (PASNEEG).
- Partnership with the media to produce and broadcast television and radio messages and content on the various themes relating to violence against women and girls in order to promote changes in behaviour and perception favourable to combatting discrimination and violence against women.
- Establishment of a digital data management platform on gender-based violence.
- Producing and disseminating various communication materials on gender-based violence.

114. Training in human rights, training on gender-based violence and techniques for counselling victims of violence are included in capacity-building programmes for law enforcement officers.

6. Combatting trafficking in persons and protection of the rights of migrants and the members of their families

115. Senegal has ratified:

- The Equality of Treatment (Accident Compensation) Convention (No. 19), on 22 November 1962
- The International Convention on the Protection of All Migrant Workers and Members of Their Families, on 9 June 1999
- The ECOWAS Protocol of 29 May 1979 relating to Free Movement of Persons, Right of Residence and Settlement, on 24 May 1980
- The ECOWAS Supplementary Protocol on the Second Phase (Right of Residence) of the Protocol relating to Free Movement of Persons, Right of Residence and Settlement, on 11 February 1987
- The ECOWAS Supplementary Protocol on the Third Phase (Right of Establishment) of the Protocol relating to Free Movement of Persons, Right of Residence and Settlement, on 11 September 1992)

116. It has also ratified the main instruments on protection of refugees.

117. At the national level, protection of the economic and social rights of migrants is guaranteed by various provisions, including:

The Employment Code

- Article L.2 states that: “any person who performs an occupational activity in return for remuneration under the management and authority of another natural or legal, public or private person shall be considered a worker within the meaning of this Code, regardless of their sex or nationality”.
- Article L.105 provides that: “all workers who perform the same work, and who have the same qualifications and the same yield shall receive equal pay, regardless of origin, sex, age or personal status”.

Act No. 73-37 of 31 July 1973 on the Social Security Code

- Act No. 75-50 of 3 April 1975 on social insurance institutions
- Act No. 91-33 of 26 June 1991 transforming the Social Security Fund into a social insurance institution providing that the only restriction on foreign workers concerns cases in which they belong to a code regulated by the legislation of another country.

The Investment Code, which gives foreign investors and workers the following guarantees:

- Article 6: Free transfer of capital: “Natural or legal persons who have made investments shall have the right freely to transfer to the State in which they are resident the dividends and products of all kinds of the capital invested and the product of the liquidation of their enterprise”.
- Article 7: Equal transfer of remuneration: “It shall be guaranteed to all members of staff of an enterprise, including those who are nationals of a third country who are able to prove they are legally resident in Senegal”.
- Article 9: Equal treatment: “Foreign natural and legal persons may, within the framework of the laws in force, acquire all rights of every kind pertaining to ownership, concession, administrative authorization and participation in public invitations to tender”.

The Mining Code

- Article 12: Prospecting licence: “Any natural person or legal person, whether or not under Senegalese law, may prospect in all or part of the territory of the Republic, provided they have previously obtained a prospecting licence issued by the Mines Authority under the conditions established by decree”.

- Article 45: Exploitation of quarries: “Whatever the legal situation of the land on which the quarried mineral materials are located, they shall be subject to the provisions of this Code. The quarrying licence is movable property. It may be held by any natural or legal person, Senegalese or foreign”.

118. Analysis of these provisions shows that national legislation draws no distinction between Senegalese and foreign workers with regard to economic and social rights.

119. In view of the scale of trafficking in persons, the National Trafficking in Persons Unit has reviewed Act No. 2005-06 of 10 May 2005 and prepared a draft reform that has been submitted for adoption, taking into account technical compliance and effective application.

120. Between 2013 and 2018, its budget rose from CFAF 20 million to CFAF 85 million and its staff was strengthened.

121. The Unit involves law enforcement officers in its training programmes on trafficking in persons and unlawful trafficking in migrants.

122. The electronic data collection system SYSTRAITE was approved in 2016 and judicial staff have been trained to use it.

123. By way of example, the following statistics have been compiled:

Regional Court of Saint-Louis

124. Six cases were recorded during the period 2009–2016.

125. One case concerned a new investigation into trafficking. This case, *The People v. Amadou Dila Diallo*, concerned an assault that resulted in the death of a child under 15 years of age (arts. 298 and 299 of the Criminal Code).

126. Three cases resulted in conviction:

(1) *The People v. Thioumo Kande*, who was charged with exploiting the begging of others and assault, punishable under article 3 of Act No. 2005-06 of 10 May 2005 (article 298 of the Criminal Code). On 7 April 2011, he was sentenced to 15 days’ immediate imprisonment and a fine of CFAF 100,000;

(2) *The People v. Mouhamed Wilane*, who was charged with causing grievous bodily harm to a child under 15 years of age. The Regional Court of Saint-Louis redefined the charge to grievous bodily harm with 10 days’ complete incapacity to work and sentenced Wilane to three months’ imprisonment and reserved judgement on the interests of the victim claiming damages;

(3) *The People v. Alpha Amadou Diallo*, who was charged with violence and assault on a 15-year-old minor and incitement to beg. The Regional Court found the defendant not guilty of incitement to beg but convicted him of assault and formally acknowledged the waiver of the party claiming damages.

Regional Court of Dakar

127. In response to letter 072/PG of 26 January 2016 from the Prosecutor-General of the Dakar Court of Appeal, the prosecution office of the Regional Court of Dakar provided information on the cases of trafficking in persons pending before the investigation units in the year 2014–2015. The following cases are cited as examples:

(1) *The People v. Boubacar Kassé Sane*, the subject of report no. 350/Dieuppeul dated 9 June 2014 and of an application to open an investigation dated 10 July 2014; investigation by the 8th unit in progress;

(2) *The People v. Boubacar Kassé*, the subject of report no. 350/ of Dieuppeul police station dated 9 June 2014 and of an application to open an investigation dated 10 July 2014;

(3) *The People v. Mouhamed Abderrahmane Adda, Alioune Badara Gaye and Fatou Ndiaye*, the subject of report no. 232/ of the Gendarmerie Investigation Section dated 20 April 2015, and of an application to open an investigation dated 24 April 2015;

(4) *The People v. David Omayeni Ogisi and 27 others*, the subject of report no. 019/ Special Inspectorate of the Port dated 13 February 2015 and of an application to open an investigation dated 18 February 2015; investigation in progress by the 2nd investigation unit.

128. The strategic planning process of the National Trafficking in Persons Unit provides an appropriate framework of action for combatting trafficking in persons in Senegal. It consists of two complementary processes: (a) review of the three-year plan 2012–2014; (b) the national action plan 2015–2017. The 2018–2020 action plan against trafficking in persons is currently being applied.

7. Fighting poverty (art. 11)

129. According to the National Statistics and Demography Agency report on the Poverty Monitoring Survey in Senegal II, published in 2013, the poverty line or poverty threshold is a value below which a household is considered poor. There are urban and rural poverty thresholds.

130. Table 1: Annex I.

7.1 The right to adequate food

131. The trade policy currently applied in Senegal is based on self-sufficiency in food and a supply policy that stabilizes prices. Adequate and regular supply of the market is ensured.

132. Food safety is guaranteed through specialized laboratories that check foods (National Analysis and Monitoring Laboratory of the Ministry of Trade, the Institute of Food Technology laboratory, the Polytechnic laboratory, the Institut Pasteur laboratory, the Veterinary School laboratory, etc.).

133. The measures taken to disseminate the principles of nutrition, including healthy diets, are:

- The Malnutrition Unit attached to the office of the Prime Minister, and the Senegalese Committee on Fortification of Foods with Micronutrients implement national nutrition policy and are responsible for combatting micronutrient deficiencies.
- Nutritional information is compulsory on food labels and campaigns are conducted in cooperation with consumers' associations when necessary to raise awareness.

134. Regarding equality and natural resources and access to credit, Constitutional Act No. 2016-10 of 5 April 2016 amending the 2001 Constitution introduced innovations by recognizing new rights to citizens: rights to a healthy environment, natural resources and land.

135. Under article 25-1 of the new Constitution, "Natural resources belong to the people. They shall be used to improve their living conditions. The exploitation and management of natural resources shall take place transparently and in such a way as to generate economic growth, promote the welfare of the population as a whole and be ecologically sustainable. The State and the local authorities have a duty to ensure preservation of land assets".

136. Regarding equality and access to land, article 14 of the Constitution expressly states: "Men and women have equal right of access to possession and ownership of land. The law shall determine the conditions thereof".

137. Act No. 2004-16 of 4 June 2004 on agriculture, forestry and animal husbandry policy establishes the framework for agricultural development in Senegal. Article 54 provides that: "The State shall ensure equal rights to women and men in rural areas, in particular in farming. Moreover, women shall be accorded facilitated access to land and credit".

138. A National Land Reform Commission responsible for analysing existing legislation and regulations and identifying institutional constraints on optimal land management was established by Decree No. 2012-1419 of 6 December 2012. The State is committed to improving land management in order to respond to the needs of development and social cohesion. Land reform is based on the principles of participation, decentralization, encouraging family and commercial agriculture, and respect for human rights and the rights of women and minorities.

139. In addition, policies on credits and advantageous subsidies have been adopted by institutions such as the National Economic Development Bank and the National Agricultural Credit Fund of Senegal. The National Food Security Council has adopted guidelines to support the gradual realization of the right to adequate food in the context of national food security.

7.2 Right to water

140. A sectoral development policy letter for the period 2016–2025 was adopted by the Ministry of Water and Sanitation.

141. It is based upon the programme framework of the Multi-year Expenditure Programming Document and sets out the vision for the sector, which is to provide communities everywhere with abundant high-quality water for all uses. The missions include promoting sustainable and equitable integrated water resources management and universal access to drinking water and adequate sanitation services. Resources are mobilized at the national level and through international cooperation.

142. The main programmes developed for this purpose are good governance, integrated water resources management, sanitation and rainwater management in both rural and urban areas.

7.2.1 In rural areas

143. The Community Development Emergency Programme (PUDC), working with United Nations Development Programme - Senegal (UNDP Senegal), has improved the water purification facilities of community infrastructure. It has constructed or rehabilitated more than 200 boreholes in isolated and arid areas in order to improve water supply to communities and livestock and provide relief to rural communities. The Government is involved in stimulating global action to speed up effective implementation of Goal Six of the 2030 Agenda for Sustainable Development.

144. The current reform of the rural water sector also includes the establishment of an office for rural boreholes and a transition from haphazard community management to professional management that involves setting up public service delegations.

7.2.2 In urban areas

145. The second reform of urban water is under way. It aims mainly to improve the performance of the urban water subsector through the development of access to drinking water for the most disadvantaged, thanks to the investments mobilized by the State with the assistance of financial and technical partners. The National Water Company of Senegal has carried out work on behalf of the public authorities in urban and peri-urban areas, as shown by the achievement of the Millennium Development Goals. Senegal has also committed to achieving the Sustainable Development Goals by 2030 and to meeting the major challenges involved in doing so, including: mobilizing substantial short- and medium-term investment of an amount three times higher than in the previous period; the availability of water 24 hours per day; improving the quality of the water supplied; modernizing technical and commercial management; improving management of water assets; and greater attention to the requirements of environmental management.

146. In urban areas, the overall rate of access is 98.5 per cent in the leased area, compared with a target of 99 per cent. These results have been obtained by reviving community connection projects where access per connection is around 89 per cent. This resulted in

35,000 new community connections in 2016, in addition to the emergency borehole programme in Dakar.

147. Encouraging results were achieved regarding rural water in 2016 with the construction 66 new drinking water supply systems and the upgrading of seven existing systems.

148. Overall access in rural areas was 89.5 per cent in 2016, as against 87.2 per cent in 2015, or a rise of a little more than two percentage points. According to this document, access per drinking water supply was also estimated at 79 per cent.

149. The rural sector underwent an initial reform involving setting up borehole users' associations which the State has made responsible for managing water points (boreholes), of which there were 1,500 units at the national level, in addition to some 20 units providing drinking water by using surface water, mainly from the Senegal River. Water produced was sold per cubic metre using differential pricing. In 2015, the Government introduced public services delegations for drinking water in rural areas with the aim of producing high quality water at affordable prices.

150. Some boreholes in the centre and west of the country produce water of mediocre quality because of chemical elements present naturally (fluorides and chlorides) or as a result of human activity (nitrates).

151. An estimated 500,000 persons are exposed to the consumption of such water that does not comply with the prescribed standards for drinking water. The Ministry of Water and Sanitation, with the support of technical and financial partners, has therefore put in place a comprehensive strategy and projects to improve water quality in rural areas so as to:

- Raise awareness in rural and urban areas.
- Provide equipment for the boreholes affected to make the water drinkable.
- Transfer water from areas with high-quality water to less favoured areas. This is the case of the mini water transfer systems from Notto Ndiosomone and Palmarin to the centre and south of the country.
- Construct water treatment units for dirty surface water and promote small water treatment units at certain boreholes in the centre and north of the country in the regions of Saint-Louis, Diourbel and Louga with the support of Korean international development.
- Construct a seawater desalination plant treating 50,000 m³ per day in Dakar.
- Close boreholes with high nitrates levels in the Thiaroye and Dakar regions.
- Use nanofiltration technologies able to treat both fluoridated water and brackish water in the Thiès region (Thiadiaye, Yoff).

7.3 Right to housing

152. From the Poverty Reduction Strategy in 2013 to the Sustainable Development Goals, the Government has constantly supported poorly housed persons, as measured by Sustainable Development Goal 11. It monitors the proportion of the urban population living in slums, informal settlements and inadequate housing.

153. Table 2: Annex II.

154. Faced with the inadequacy of the housing supply and high cost of land with access to services, many households resort to informal housing. The appearance of shanty towns in all cities is a result of the flight from the land, the absorption of outlying traditional villages, the unsatisfied demand of the vulnerable sections of society, high rents, land speculation, etc. The scale of this phenomenon (table 2) is connected with the inadequacy of urban planning and prior preparation of sites and land-use planning.

155. Table 3: Annex III.

156. Regarding measures taken to guarantee access to decent and affordable housing with legal security of tenure for everyone, regardless of income or any other economic resources,

in 2013, average annual production of housing units per year was barely 5,000, 4,000 of which were built by the informal sector and 1,000 by the formal sector through the projects of property developers and housing cooperatives.

157. In relation to 2016 and 2017, a slight increase in housing production of 5 per cent can be noted. This production is mainly the work of private and public property developers and housing cooperatives.

158. Nonetheless, although housing is again being built, the results fall short of the goal of building 15,000 homes per year.

159. The Government is aware of these difficulties and has made many changes in the social housing sector to speed up production and significantly lower the cost of social housing through Act No. 2016-31 of 8 November 2016 on social housing policy.

160. Several reforms are under way or have already been implemented:

- In order to put an end to speculation, approval, agreement and specifications are now compulsory if land is to be made available for housing projects.
- In order to bring down the cost of social housing, land is free for projects in which at least 60 per cent of the homes are social housing.
- The State bears the costs of building roads and the various off-site and primary networks for the projects of property developers and approved housing cooperatives.
- Registration at the reduced rate of 1 per cent of acquisition contracts of social housing for beneficiaries.
- Exemption from fees for loans to buy social housing.
- Reduced taxes and duties for social housing projects, including:
 - Exemption from value-added tax (VAT)
 - A 50 per cent reduction in corporation tax
 - Exemption from customs duties on imported materials used for social housing if they are not available in Senegal
 - Registration at half the usual rate of property developers' land acquisition contracts for social housing projects.

161. With regard to the impact of social housing measures, the deficit has been turned into an economic opportunity: the accelerated development of social housing is a driver of social development through its great direct and indirect job creation potential, both in the actual construction of housing and the emergence of an ecosystem of manufacture for the regional building components market.

162. In this regard, the Plan for an Emerging Senegal, the Sustainable Development Goals and COP21 (Paris Climate Conference 2015), the African Ministerial Forum on Housing and Urban Development, the New Urban Agenda and the Act on social housing policy constitute strong guiding lights to ensure success.

163. Social housing is usually produced by property developers, who then put the homes on the market, and housing cooperatives, which make them available to their members.

164. The State builds homes for flood victims through the flood and shanty town prevention project.

165. The Building Code is currently under revision to strengthen the rights of persons with reduced mobility and supplement the Social Policy Act No. 2010-15 of 6 July 2010 on the promotion and protection of the rights of persons with disabilities. This Code invites the State, local authorities and public and private bodies open to the public to adapt buildings, roads, pavements and external spaces to comply with international accessibility standards to enable persons with disabilities to access them, move around in them, use their services and enjoy their benefits.

166. No permit to construct, renovate or rehabilitate a building open to the public is issued by the competent authorities if the plans do not comply with the aforementioned

standards. Article 9 of Act No. 2016-31 of 8 November 2016 on social housing policy deals with access to social housing projects by persons with reduced mobility.

8. Right to health (art. 12)

167. Health policy is set out in the National Health Development Plan (2009–2018), implementation of which pursues the national objectives contained in the Senegal Emerging Plan and international standards on health and social action. Government policy is to guarantee that every individual, household and community enjoys universal access to high-quality promotional, preventive and curative health services with no form of exclusion. The Government has therefore taken measures to facilitate the access of all to health partly or completely free of charge.

8.1 Universal access to health services and facilities

168. Universal access to health services and facilities and promotion of the right of women and children to health are taken into account in the framework of Universal Health Cover. The flagship actions concern the development of basic health insurance through health cooperatives and by strengthening free health care initiatives.

169. Free health care initiatives for children under five years and free caesarean births in public health facilities are helping to improve the health of these target groups and reduce household health expenditure. Free caesarean births are guaranteed in every region of the country.

170. Since the inception of the health assistance initiative in January 2014, 567,923 cases involving persons aged 60 and over in the framework of the SESAME plan and 556 patients with chronic renal insufficiency have received free dialysis sessions.

8.2 Mother and child health

171. Mother and child health is a major concern in Senegal, which is participating in the efforts of the international community. Family planning helps to control population growth by controlling fertility. The level of contraceptive use is often considered an indicator for follow-up and evaluation of family planning programmes.

172. The results of the 2015 evaluation of family planning programmes show that around 23 per cent of married women currently use contraception. Of these, 21 per cent use a modern method and 2 per cent a traditional method. The most commonly used methods are injections (8 per cent), the pill (5 per cent) and implants (5 per cent).

173. Regarding reproductive health, above all the prevention of mother-child transmission of HIV, the percentage of HIV-positive women on antiretrovirals went from 52 per cent in 2014 to 58 per cent in 2015 (the denominator used is the projection of the spectrum of expected HIV-positive women). This slight increase is the result, among other things, of scaling up the policies on delegation of tasks adopted in 2013. On the other hand, comparison with the percentage of pregnant women found to be HIV-positive, the performance rate is 67 per cent.

174. With regard to prophylactic treatment of children born to HIV-positive mothers, there has been a slight decline due to the interruptions of fixed-dose combinations in 2015. Only 30 per cent of children in the Mother-Child Transmission Prevention Programme received antiretroviral prophylaxis, compared with 31.5 per cent in 2014.

175. Early diagnosis of children born to HIV-positive mothers using the dry blood spot technique began in Senegal in late 2011 and was scaled up in 2013. However, the lack of a formal channel for the transportation of dry blood spots and of results reports has blocked site performances. The proportion of children screened using this technique went from 18.5 per cent in 2014 to 21 per cent in 2015.

176. In 2015, the treatment of persons living with HIV/AIDS (adults and children) remained effective in most public hospitals and health centres, 83 per cent of hospitals and 90 per cent of health centres for adults being covered, as opposed to 80 per cent and 85 per cent respectively of those for children. Regarding treatment, 18,375 persons living with

HIV/AIDS regularly received antiretrovirals in 2015, a coverage of 50.6 per cent, compared with the 90 per cent expected. This shortfall is connected in particular with a high rate of defaulters.

177. The gap is more pronounced for viral load measurement among persons living with HIV/AIDS receiving treatment. Only 5,578 persons were measured for viral load, 4,425 (79.3 per cent) of whom showed a reduction (< 1,000 copies/ml). This is a shortfall of only 10 per cent compared with the target of 90 per cent.

178. This result does not reflect the quality of antiretroviral treatment, especially since only 30 per cent of persons living with HIV/AIDS on antiretrovirals and regularly followed up were tested for viral load.

179. In other sectors, treatment is provided in six of 15 garrison medical centres and six of 266 private facilities. Moreover, with the introduction of delegation of tasks, the treatment of persons living with HIV/AIDS was decentralized in 61 of 1,211 health posts offering the service. In this way, the country is in the process of closing the gap in terms of improving technical capacities with the acquisition of facilities for viral load analysis and early diagnosis in the regions of the south (Ziguinchor, Sédhiou and Kolda), east (Tambacounda and Kédougou), centre (Diourbel, Kaolack and Thiès) and north (Saint-Louis). Ten devices have been installed in the regions, five of which are operational, supplementing the devices already operational in Dakar. Theoretical and practical training has been given to laboratory staff, a preventive and curative maintenance plan has been developed and the supply channel for inputs and reagents clearly established.

8.3 Tuberculosis programme

180. Although the Government has taken key measures against it, tuberculosis continues to kill in Senegal. Between 300 and 500 deaths are reported each year and 12,000 persons saved from imminent death by the National Anti-Tuberculosis Programme.

181. The Programme aims to reduce the incidence of tuberculosis by 95 per cent by 2035. To this end, technical health capacities have been improved, with the availability of new tools such as Genexpert, a device that enables speedy detection of multi-drug-resistant cases and all forms of tuberculosis. The Government has also set up a mobile radiology unit that goes around the country for mass campaigns. In addition to the mobilization of financial, human and material resources, free medicines and basic diagnostic examinations, the Ministry of Health has also set up 13 devices for speedy, free screening for multidrug resistance. Ministry of Health and Social Action and Anti-Tuberculosis Programme services have opted for the End TB and Zero TB Strategy.

8.4 Alcohol, tobacco and drug abuse

182. In addition to setting up the National Anti-Tobacco Committee, the following legal and political measures have been taken to combat drug and tobacco use by young people:

- Act No. 97-18 of 1 December 1997 on the Drugs Code
- Act No. 2014-14 of 28 March 2014 on the manufacture, packaging and labelling, sale and use of tobacco and its Implementing Decree No. 2016-1008 of 26 July 2016
- Memorandum No. 3097/MINT/DAGAT/DEL of 21 May 1997 regulating bars under Act No. 94-14 of 4 January 1994 and Decree No. 97-338 of 1 April 1997 prohibiting the sale of alcohol to minors

183. Fann University Hospital has a centre for integrated treatment of addictions that offers comprehensive care to drug-dependent persons, respecting their human rights. By dispensing methadone, the Dakar Integrated Treatment of Addictions Centre enables “drug users to get out of the vicious circle in which the search for and consumption of illicit substances imprisons them”.

184. The Dakar Centre has the following objectives:

- To provide access to prevention, care, treatment and support to persons presenting addictions to psychoactive substances and in particular to injection drug users

- To promote a reduction in drug use
- To improve the health and social situation of injection drug users
- To promote the treatment of physical and psychiatric illnesses among injection drug users
- To foster social, family and occupational reintegration
- To give women access to treatment equal to that of men
- To provide training courses on the treatment of addiction

8.5 Psychiatric facilities

185. There are two national psychiatric facilities in Senegal: Fann University Hospital, which includes the Dakar Integrated Treatment of Addictions Centre, and Thiaroye Psychiatric Hospital.

186. Mental health is an area often marginalized by lack of human and financial resources and the ever-present stigmatization of such illnesses. The Ordre de Saint Jean de Dieu provides 50 per cent of psychiatric cover in Senegal with two centres (the DALAL XEL Mental Health Centres in Fatick and Thiès) and works actively with the Ministry of Health and Fann University Hospital, Dakar.

9. Right to education (arts. 13 and 14)

187. In its vision and missions, the Programme to Improve Quality, Equity and Transparency (PAQUET) aims:

- To educate Senegalese citizens rooted in aware and active republican, democratic citizenship and committed to respect and promotion of national and African values, and
- To promote an inclusive social model governed by the rule of law, good governance, democracy, respect of fundamental human rights and freedoms, participatory citizenship, cooperation, solidarity and justice

188. The principles and values on which the Programme is based are the philosophical and ethical references that guide the action of the education system at every level and in all subsectors. They are inspired by fundamental human rights, republican standards and humanist, universal, African and Senegalese aspirations as set out in the General Policy Letter for the Education Sector 2018–2030. These include:

- Governmental responsibility and partnership, and
- Democracy, respect for human dignity, sensitivity to equal opportunity, equity and inclusion

9.1 Free education

189. Through Act No. 2004-37 of 15 December 2004 supplementing and amending Act No. 91-22 of 16 February 1991 on education policy, Senegal introduced 10 years of compulsory education for children aged six to sixteen. Circular Letter No. 004463 MEPMSLN/SG/DEE of 15 September 2010 aims to put free education into effect.

9.2 Direct and indirect education costs

190. At elementary level there are no enrolment fees, while at middle school level the fees are capped at CFAF 10,000 per pupil. Payment may be staggered over several months and failure to pay may not result in exclusion of the child. The Government aims to establish schools in which there is equity and equal opportunity.

191. At elementary level, textbooks are free. The Government has taken some initiatives, including giving out school uniforms, the availability of kits, and grants for pupils, especially girls with good results from economically vulnerable homes and from disadvantaged families regardless of academic results. Another initiative aimed at empowering women to combat opportunity costs concerns the establishment and financing

of mothers' associations. They receive finance for income-generating activities, 50 per cent of the profits of which go to the school management committee to pay the expenses of vulnerable children, girls being given priority.

192. At middle and secondary levels, pupils have a right to take part in education, even if they do not pay school fees in time. Exam fees are CFAF 1,000 (€1.50). Each elementary school has a quality improvement fund. Pupils are not required to contribute to district expenses.

193. Free middle and secondary school education is gradually being introduced. The purpose of enrolment fees, which vary from CFAF 3,000 to CFAF 10,000, is to contribute to school operating costs.

194. Each high school and middle school has an operating budget based on the size of the school and the number of pupils.

9.3 Technical and vocational education

195. The gross enrolment ratio went from 93.9 per cent in 2012 to 86.45 per cent in 2015, and 87.3 per cent in 2017, and should reach 108.7 per cent in 2030.

196. The gross enrolment ratio at primary level was 88.1 per cent in 2016, a slight improvement of 1.6 percentage points (86.5 per cent in 2015). It nonetheless falls short of the initial target of 98.6 per cent. It is better for girls (94.3 per cent) than boys (82.2 per cent), a parity indicator of 1.15, because of higher enrolment of girls in reception classes since 2004.

197. Between 2015 and 2016, the number of persons enrolled in vocational and technical education per 100,000 rose from 402 to 600, an increase of 198 learners, 40 more than the target (560) for 2016. The growth rate of numbers in vocational and technical training rose slightly, by 1.5 per cent, from 7 per cent to 8.5 per cent over the period under review and by 10 per cent in comparison with the 2016 target, a difference of 1.5 per cent. Girls accounted for 16 per cent of students in scientific and technical courses, as against 15 per cent in 2015. In vocational training generally, girls account for more than 57 per cent of students.

198. The number of workers receiving continuing training fell from 20,000 in 2015 to 6,794 in 2016, a difference of 13,206. This is explained by the late start of continuing training in 2016 because of delays in mobilizing resources.

199. The network of vocational and technical training institutions, currently consisting of technical high schools, technical education centres for women and girls, regional technical education centres for women and girls, practical education clubs and vocational training centres, has grown. In the public sector, it rose from 63 bodies in 2007 to 81 in 2011 and, in the private sector, from 128 to 145 over the same period.

200. The budget allocated by the Government to the Ministry responsible for vocational and technical training has increased significantly in recent years from CFAF 7,290,797,500 in 2005 to CFAF 28,036,544,940 in 2011.

9.4 Higher education

201. Higher education is provided by two universities, Cheikh Anta Diop University in Dakar and Gaston Berger University in Saint-Louis. Three regional university centres have also been established, in Thiès, Bambey and Ziguinchor. The three-degree system (bachelor's-master's-doctorate) has been running in Senegalese universities since 2008.

202. Higher education is free and the State gives grants and assistance to students in all faculties.

9.5 Promoting literacy

203. Senegal has decided to ensure that there is close linkage between the national literacy programme and the needs of development sectors. Significant measures have been taken, including:

- The inclusion of basic youth and adult education in educational reform and in training in teacher training centres. Modules have been developed.
- The formation of a pool of teaching staff, facilitators, instructors and managers of basic youth and adult education programmes.
- Development of teaching materials in several national languages for different target audiences.
- Innovative literacy initiatives (integrated model, specific provision, use of information and communication technologies (ICT), etc.) and alternative models developed by the Government and civil society organizations).
- Setting up multidisciplinary education resource centres for adults, education resource centres, and basic community schools equipped for the target youth and adult students.
- Development of research and action on assessment of literacy education.
- Development of a national literacy programme financed by the State and by various youth and adult education programmes run by civil society organizations.
- Development of projects to cover children outside the school system.
- The Literacy Acceleration Programme to cover 1,800,000 persons in three years.
- Making 22 of the 25 languages identified national languages.
- Adaptation of Braille to the six most commonly used national languages.
- Coverage of persons with special needs.
- Adaptation of national languages to harmonized Arabic characters.
- A digital platform for management of basic youth and adult education data.
- A document on quality standards.
- A decentralized monitoring and evaluation mechanism.
- An office responsible for basic youth and adult education in the schools inspectorate.

9.6 Education of children belonging to minorities

204. The Government ensures equal educational opportunities to children aged six to sixteen years, both girls and boys, through incentive strategies, fitting out schools to be inclusive and protect equal access, and innovative strategies to diversify the education on offer at every level of elementary schooling.

9.7 Girls' education

205. The policy to promote girls' education contained in the Coordinating Framework of Action to Promote Girls' Education has enabled parity to be achieved between the sexes in terms of enrolment ratios in basic education. The ratio is in fact better for girls than boys in elementary education.

206. The Support for Girls' Education Project, Phase 2, which is taking place in 149 schools, including 27 high and middle schools throughout the country, has taken the following action:

- A great many awareness-raising campaigns on reducing the burden of domestic work, gender-based violence and early marriage and pregnancy through implementation of a national communication plan and a neighbourhood communication plan.
- Celebration of national girls' education day on 11 November each year.
- Establishment in June 2016 of a network of private school heads to assist Ministry of Education action on girls' education.
- Granting CFAF 300,000 each to the 122 mothers' association (funding capped at three million) to develop income-generating activities, 50 per cent of the profits of

which go to the school management committee to pay the expenses of girls in difficulty.

- Issuing kits consisting of teaching materials and sanitary towels.
- Organization of female leadership camps for women teachers, with supplementary training in communication, teaching, legislation, ICT for education, etc.
- Support for the organization of the Miss Maths and Miss Science competitions.
- Preparation of a guide for training gender trainers and a teachers' book for integrating gender in teacher training materials.
- Gender training for writers of textbooks, and management and disciplinary staff.
- Preparation of a training textbook on gender-based violence at school, and of a socio-anthropological study on factors hindering girls' access to education.
- Amendment of school building standards for the specific needs of girls, especially in relation to hygiene and separate toilet facilities.
- Provision of uniforms to all male and female pupils of 122 schools sponsored by the education support programme; more than 35,000 uniforms given in 2015.
- Grants: 971 mothers' associations in 2015 and 4,000 in 2016, at CFAF 30,000 per girl in elementary school and CFAF 50,000 per girl in middle school.
- Distribution of prizes to the best girls and organization of remedial classes for girls in difficulty.
- Organization of a scientific holiday camp.
- Training those working in education to deal effectively with questions of violence at school.

207. The efforts made by the Government have had significant results: changes in gross enrolment ratios show the strengthening of elementary schooling, dominated by the proportion of girls (93.86 per cent, compared with 81.1 per cent of boys); the parity indicator is 1.16 in favour of girls.

9.8 Measures to reduce the school drop-out rate of children and adolescents, especially girls

208. The drop-out rate is 9.6 for girls and 11.02 for boys, while 65.38 per cent of girls go on from the last year of primary to the first year of secondary school.

209. The factors that hamper girls' schooling in Senegal are mainly problems of access to and remaining at school, success at school and integration in the working environment.

210. Policies to promote girls' education have been implemented with very satisfactory results. In 2011, the parity indicator at the elementary level was 1.17 in favour of girls, while the completion rate of girls was 66.5 per cent, according to Ministry of Education statistics. These outcomes are in part the result of a strong political will, supported by effective participation by partners.

211. The measures to promote the education and training of women and girls have been strengthened by the adoption of new strategies for education (from primary to higher) and training. In education, the results of these strategies are:

- Establishment of a coordination framework and action to promote girls' education (2010–2013).
- Initiatives of the Forum for African Women Educationalists (FAWE) on girls' access to, and remaining and performance at school by giving grants, textbooks and remedial classes and setting up centres of excellence.
- Putting in place a support programme for the promotion of female teachers-researchers to improve girls' currently poor access rate to higher education and scientific subjects.

- Financial support to female researchers and doctoral students in 2014 amounting to CFAF 100 million.

212. The girls' education policy makes itself felt even in traditional societies through the implementation of programmes and strategies to promote girls' right to education and remaining at school.

10. Cultural rights (art. 15)

213. Senegal has put in place an attractive cultural policy with no favouritism. Since cultural action should not be the preserve of the intelligentsia, the Government has set about promoting mass, egalitarian culture with the same value for all. The Constitution enshrines the participation of every citizen in cultural life and creativity. In other words, intellectual property rights consisting of copyright and neighbouring rights are at the heart of economic and cultural development policy through:

- Establishment of the Collective Management of Copyright and Neighbouring Rights Company (SODAV)
- Establishment of a national squad to combat pirating of intellectual property
- Diversification of funds to finance culture
- Setting up the Urban Cultures Development Fund
- Establishment of a health cooperative for persons working in the cultural field
- Establishment of the department of partnerships for economic and cultural promotion

10.1 Participation in cultural life

214. The right to participate in cultural life is apparent through many measures, including:

- The establishment in 1997 of the National Festival of Arts and Culture promoting the specific culture of each community
- The establishment of the National Cinematographic Fund and of a film production company in 2002
- The establishment in each region of a cultural centre including a public library
- Support and management of cultural events initiated by communities in order to assert their cultural identity
- Establishment of a national heritage day to make people aware of the value of their heritage and the need to preserve it
- Support for and financing of training for cultural workers, and the events and initiatives of cultural entrepreneurs (festivals, cultural weeks, exhibitions, national and regional art and culture salons)
- Production of works of art (painting, theatre, choreography, design, music, cinema and broadcasting, publishing) through various funds, including:
 - The cultural event support fund
 - The publishing fund
 - The Cinema and Broadcasting Industries Promotion Fund, which receives CFAF 1 billion per year
 - The Urban Cultures Development Fund, with an annual budget of CFAF 300 million
 - The Cultural Development Policy Letter, which sets out the projects, programmes and cultural development strategy for speeding up the decentralization of action, with the construction of 14 regional and community cultural centres
 - Introduction of music and art in the education system in middle and secondary schools

- Making an inventory of and restoring historic sites and monuments – undertaken by the Cultural Heritage Directorate
- Organization every two years of the National Festival of Arts and Culture, which combats exclusion and promotes understanding and social cohesion between peoples and communities
- The festival of minorities in Kédougou, which highlights the cultural heritage of minorities

10.2 Freedom of scientific research and creative activity

215. The legislative provisions that protect the essential freedom of scientific research and creative activity include:

- Act No. 2008-09 of 25 January 2008 on copyright and neighbouring rights, with the establishment of the Collective Management of Copyright and Neighbouring Rights Company
- Implementation of Decree No. 2015-682 of 26 May 2015 on implementation of Act No. 2008-09 of 25 January 2008
- Act No. 2003-14 of 4 June 2003 regulating the Cultural Workers Mutual Fund and Decree No. 2009-423 declaring the mutual fund to be a not-for-profit grouping of persons
- Establishment of the Senegalese Industrial Property and Technological Innovation Agency (ASPIT)

216. The Constitution recognizes freedom of thought, which is essential to the exercise of creative activities.

217. The Senegalese State has made freedom of creative activity an intangible guarantee of cultural development. It advocates cultural vitality and cooperation with governmental and non-governmental organizations by financing training and cultural projects supported by UNESCO, the International Fund for Cultural Diversity and the International Organization of La Francophonie, and bilateral cooperation.

C. Implementation of specific recommendations of the Committee

1. The Senegalese Human Rights Committee

218. The promotion and protection of economic, social and cultural rights occupy an important place on the agenda of the Senegalese Human Rights Committee, which accords special attention to the principle of the indivisibility of human rights and treats the human rights of all generations equally. In addition to its action to promote civil and political rights, the Committee has always worked to promote economic, social and cultural rights.

219. The measures the Committee has taken in this regard include:

- (a) Helping to settle the dispute between the State of Senegal and the persons affected by the planned construction of Blaise Diagne International Airport;
- (b) Assistance with medical care of a sick secondary school pupil suffering from renal insufficiency with the support of the SOCOIM Foundation;
- (c) Processing and following up the cases of workers whose rights have been violated;
- (d) Processing and following up the cases of graduates of Dakar Teachers' Academy (Ecole Normale Supérieure) for their integration in professional life;
- (e) Pleading with the Talibou Dabo Centre in Grand Yoff (a public institution for the education and rehabilitation of children with physical disabilities) for better coverage of the rights of persons living with a disability;

(f) Establishment of the National Observatory for Respect of Human Rights in the Extractive Industries to improve the promotion and protection of the economic, social and cultural rights of persons affected by the exploitation of those industries.

220. With the support of OXFAM, the Senegalese Human Rights Committee and the National Observatory for the Respect of Human Rights in the Extractive Industries prepared a booklet entitled “Mining and Human Rights in Senegal”, which explains how respect of human rights can be combined with the development of the extractive industries.

221. This booklet enables communities to assert their socioeconomic rights more effectively with the enterprises operating in their localities. It explains appropriate procedures for arriving at peaceful settlement of disputes if their rights are violated.

222. The Human Rights Committee and the Observatory, in partnership with the Swiss Embassy, have conducted a study to map potential and actual conflicts in mining areas in Senegal, particularly in the north, where there are phosphates in the region of Matam, in the south-east, where there are gold-washing sites in the Kédougou region, and in the centre, where the Industries Chimiques du Sénégal operates in Mboro and there are phosphates in Thiès.

223. The main purpose of this study, which resulted in a report published in April 2016, was to map and analyse the social tensions giving rise to actual or latent conflicts in the relations between the stakeholders in the various mining regions mentioned above. It sought to identify pockets of tension on the extractive chequerboard of Senegal in order to take the necessary preventive measures. It will ultimately help to strengthen the right to well-being of the communities living in mining areas.

224. The Committee has already organized community debates and discussions to disseminate information about legal instruments for the protection of human rights in the main mining areas of the country (Kédougou, Matam and Thiès).

2. Taking into account economic, social and cultural rights in negotiations with international financial institutions (the World Bank and International Monetary Fund)

225. See reply, Part I, paragraphs 10 and 11.

3. Removal of street children

226. The Government has conducted several operations to remove street children, the two most recent in 2016 and 2018.

3.1 Removal of Street Children Plan 2016

227. On 30 June 2016, the Ministry for Childhood launched a plan to remove street children, which had three components: removal and reintegration of street children, communication and coordination.

228. This initiative resulted from a presidential directive issued at a Cabinet meeting on 22 June 2016, which urged the Government “to continue the great efforts made to combat child begging, in particular through effective implementation of the National Child Protection Strategy, and modernization and support of Qur’anic schools (*daaras*)”.

229. This plan was implemented through a steering committee established by Decree No 13476 of 6 September 2016, coordinated by the rights of the child promotion department of the Ministry of Good Governance and Protection of Childhood, and composed of all stakeholders (State services, civil society organizations and technical and financial partners).

230. The removal operations were carried out by a mobile child protection unit established in the Ministry. This unit works with the Ministry of Interior Special Juveniles Squad and with dedicated reception and accommodation centres such as the Ginddi Centre and SOS Children’s Village, which support the mechanism to shelter and care for children removed from the street.

231. So far, 1,585 children have been removed from the street, 440 of whom (225 boys and 215 girls) were accompanied by their mothers. Of these, 278 were Senegalese, 107

Malian and 53 Guinean. There were 199 accompanying mothers. Of the 1,145 unaccompanied children (1,131 boys and 14 girls), 676 were Senegalese, 407 were from Guinea-Bissau, 13 were Guinean, 26 Gambian and 23 Malian.

3.2 Second phase of removal of street children in 2018

232. This second phase took place during the first quarter of 2018.

233. The removal concerned all street children (Qur'anic school students, children separated from their families, accompanied children, etc.). Qur'anic school students were nonetheless the priority target as the other types of children are far more difficult to deal with.

234. Departmental child protection committees chaired by the Prefects were placed in the front line of the strategy, which was tried out first in the department of Dakar. Institutional focal points and civil society worked together. The children were referred to public and private reception centres, particularly to the Ginddi Centre, with a package of services.

235. Placement is a preparation for return to the family, which is carried out by the authorities. Parents are required to collect their child or children. The Prefect of Dakar required the heads of Qur'anic schools who refused to provide parents' contact information to be reported to the police. More than 250 parents collected their children, thanks to the efforts made by the child protection committees to look for the families. Before a child was handed over, the parent had to sign an undertaking with the Prefect.

236. Ninety per cent of the heads of Qur'anic school that practise begging are members of the National Qur'anic Teachers Federation. This Federation has proposed reception centres ("*daaras*") to accommodate children.

237. In the first quarter, 339 children were removed, 60 per cent of whom were Senegalese. Children from one neighbouring country were returned to their families through the West African network for care and return at the subregional level: 15 children were identified and the parents agreed to their return. Four children were returned to their families in another neighbouring country.

3.3 Social reintegration policies

238. In the context of the social reintegration of these children, the Ministry for Child Protection provided 24 families and 15 Qur'anic schools with food kits, hygiene items and cash at a total cost of CFAF 40,141,200. In addition, 60 families were enrolled in the National Family Security Grants Programme and 15 Qur'anic school that were willing were financed through microprojects to assist their return to their original areas and foster their independence.

239. In order to tackle this question holistically nationwide, the Ministry for Child Protection has drafted two projects, in addition to the Removal of Street Children Plan, complying with the guidelines of the National Child Protection Strategy:

- The Support for Removal and Reintegration of Street Children Project, at a cost of CFAF 2,692,179,000, including the pilot phase to be conducted in the Dakar region
- The Support for the Removal and Socioeconomic Reintegration of Street Children Programme, which is in the research and financing phase and will cost CFAF 14 billion

240. Action taken since 2013 to combat child labour includes:

- Reactivation of the six regional intersectoral committees to combat child labour (Dakar, Thiès, Diourbel, Saint-Louis, Kaolack and Fatick), which were no longer functioning. Capacity-building for State and civil society players in Kédougou on the worst forms of child labour in traditional gold-washing. The themes covered during these training sessions included the relevant ILO conventions, the national legal framework, the National Framework Plan, national legislation on child labour and policies set out in the national policy document. Some 210 participants took part in the sessions (2013 and 2014).

- The Framework Plan action plans, mainly emphasizing strengthening and harmonizing the national legal framework and bringing it into line with the relevant ILO conventions. Thus far, all draft legislation has been examined by the National Consultative Council for Labour and Social Security.
- Implementation of joint action (advocacy, awareness-raising and education) during the celebration each year of World Day Against Child Labour, in partnership with the Trades Union Confederation Committee to Combat the Worst Forms of Child Labour, the National Employers' Council and the National Confederation of Employers.
- Capacity-building of labour inspectors on trafficking in persons, in partnership with the United Nations Office on Drugs and Crime (UNODC) (2016).

241. It nonetheless has to be observed that the objective of eliminating the worst forms of child labour in the world by 2016 has not been achieved. Faced with this observation, the new strategy looks to 2030 through target 8.7 of the Sustainable Development Goals: "Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour ... and by 2025 end child labour in all its forms".

4. Recruitment of teachers

242. Overall, remarkable progress has been made in the past decade concerning good school governance and management in basic education. There is a political will to raise the level of teacher recruitment and qualifications.

243. In vocational and technical training, the recruitment of teaching staff takes place on the basis of applications by young people to the Ministry of the Civil Service in response to a recruitment drive conducted by the sponsoring ministry. The profiles required are decided in advance according to a quota approved by the Ministry of the Economy, Finance and Planning. Once temporary staff have been recruited, teacher training is given to the potential teachers, who are required to obtain a diploma in national training the trainers centres according to subject (National Family and Social Economy Training School (ENFEFS), Dakar; National Teacher Training Centre for Vocational and Technical Education (CNFMETP), Kaffrine and Guérina; and Higher School for Vocational and Technical Education (ENSETP), Dakar). This stage is essential for teachers' admission to the civil service.

244. In the Ministry of Sport: At the request of the Minister responsible for Education and Training, 1,500 temporary and contractual physical education and sports teachers are trained by the National Physical and Sports Education Centre (CNEPS) in Thiès for admission to the ranks of physical education and sports teachers.

5. Right to organize

245. The right to organize is guaranteed to all workers, including expatriates, under article 25 of the Constitution and article L.9 of the Employment Code, which stipulates: "all foreign nationals who belong to a trade union may, if they fulfil the above conditions and have been domiciled in Senegal for at least five years, hold office in that union, provided their country of origin grants the same right to Senegalese nationals".

246. With regard to the dissolution of unions by the Ministry of Interior, the State of Senegal wishes to make it clear that, under article L.8, paragraph 8, of the Employment Code: "After issuance by the Ministry of Interior of the receipt serving as recognition of the existence of the union, the Public Prosecutor may, in the event of violation of articles L.7 to L.9, L.24 and L.25, request the dissolution of the union by the civil court". In practice, recognition of trades unions follows a precise procedure that involves the intervention of various authorities, including the Ministry of Interior.

6. Domestic workers

247. The legal framework determining the general conditions of employment of domestic workers and domestic servants was put in place on 23 January 1968 by Decree No.

0974/MFPTE/DTSS. Article 1 provides that: “for the purposes of this decree a domestic worker or domestic servant shall mean any person recruited to serve a household who continuously performs household work. Part-time staff employed for less than 20 hours per week shall not come under this decree and shall be governed exclusively by the stipulations of the parties”.

248. The public institutions responsible for protecting the rights of domestic workers support union organizations in the framework of the information and awareness-rising campaigns they conduct to promote respect of the rights of this category of workers. Support is also given to women’s organizations active in the field to assist domestic workers.

249. Several trades unions are involved in defending the rights of workers in the informal sector, especially domestic staff.

250. Some trades unions affiliated to the National Federation of Workers of Senegal (CNTS) have set up a counselling, assistance and training centre that performs a threefold mission: (i) assisting domestic workers who are victims of abuse by their employers; (ii) literacy classes; and (iii) training in cookery, household management, sewing, etc. These vocational training missions facilitate the integration of domestic workers on the labour market with “good pay”.

251. The provisions of the Employment Code on working hours, rest, holidays, pay and issuance of a wage slip are applicable to domestic workers.

252. The same is true of:

- Act No. 73-37 of 31 December 1973 on the Social Security Code, introducing a social protection system composed of family benefits and compensation for industrial accidents and occupational diseases.
- Act No. 75-50 of 18 March 1975 on social insurance institutions, giving salaried workers and their families benefits to compensate for social risks of all kinds by virtue of collective agreements or individual contracts.
- Act No. 74-52 of 4 November 1974 on the national day and national holidays, amended by Act No. 83-54 of 18 February 1983 and Act No. 89-41 of 26 December 1989.
- Decree No. 75-455 of 24 April 1975 requiring all employers and all workers to be affiliated to a retirement system.

253. The Senegal Retirement Insurance Institution (IPRES) has a section exclusively for domestic servants.

254. Working hours of domestic workers: In view of the interruptions and quiet periods inherent to this occupation, the working hours of domestic workers are 260 hours per month, corresponding to 173 hours and 33 minutes of effective working time per month. A worker who works less than 60 hours but more than 40 hours per week receives the normal salary for his or her category.

255. Overtime: Every additional hour worked beyond the 60th hour.

256. Overtime is paid as follows:

- From the 61st to the 68th hour: 1/173.33 of the monthly salary plus 15 per cent for each hour.
- Above the 68th hour, 1/173.33 of the monthly salary plus 40 per cent for each hour.
- Pay for hours worked on the weekly rest day is increased by 60 per cent for daytime work and 100 per cent for night work.

257. The weekly rest day is Sunday but the parties may agree on another day or to two half-days in the week. Domestic staff acquire the right to paid holiday under the conditions set out in articles 143 and 149 of the Employment Code. The amount of holiday is increased by one working day for every five full years of service with the same employer.

258. Transport expenses: A domestic worker recruited outside the place of employment or moved from that place by the employer during performance of the contract has the right to payment of travel expenses.

259. Violations of the provisions of the aforementioned decree are subject to the penalties provided for in Decree No. 62-017 of 22 January 1962, without prejudice to the penalties provided for in article 249 of the Employment Code.

II. Obstacles, problems and challenges in implementing economic, social and cultural rights

A. Economic rights

260. The main constraints on the economic sectors are connected with the low productivity of the productive sectors and their still high costs, the limited role of the private sector and local authorities, and the problems small and medium enterprises have accessing financing. The economy suffers from lack of infrastructure in terms of both quantity and quality, the poor industrial fabric and a low level of private investment in the productive sectors.

261. Generally, the subsectors of the primary sector suffer from problems accessing high quality inputs and lack of buildings and modern production infrastructure.

262. The agricultural subsector faces several problems, including those connected with the factors of production, the low level of development; high dependency on rainfed cultivation; lack of high-quality seed; inappropriate land policy; market access problems; and the low value of exported products.

263. The constraints on development of the animal husbandry subsector are related to the low level of production of local breeds and inadequate basic physical infrastructure. Similarly, when it comes to food security, communities in Senegal have problems accessing high quality foodstuffs in sufficient quantities, in addition to unstable coverage of food needs.

264. The energy subsector is marked by almost exclusive dependence on oil imports and a lack of adequate mechanisms to shield it from external shocks; poor refining and storage capacity; the dilapidated state of docking and unloading facilities in the Port of Dakar; and obsolescent production and transportation infrastructure.

265. Industry is confronted with inadequate production and competitiveness, a capacities deficit in industrial enterprises and the geographic and structural weakness of the industrial fabric.

266. With regard to traditional crafts, the lack of competitiveness of traditional goods and services is the result of the poor productive and organizational capacities of craftsmen and the inadequacy and unsuitability of marketing networks.

267. In addition, the constraints upon the growth of trade result in disruptions in supply to the domestic market, combined with high prices of consumer goods and services. There are three major causes:

- Insufficient means of intervention in and monitoring of markets and distribution networks
- Insufficient quantity and quality of goods and services supplied to both domestic and foreign markets
- Congested marketing networks

268. The role of the private sector is limited essentially by: the low level of private investment, especially in the informal sector and in rural areas; difficulties accessing financing and land; an unattractive business environment; and enterprises organized in a way uncondusive to expansion.

269. Moreover, the financial system is marked by a low rate of bank usage and the high concentration of bank loans going to large companies. With regard to the distribution by sector of total loans between 2006 and 2010, services, transport and communications rose from 30 per cent to 34.5 per cent, while industry represented 28.9 per cent and 21 per cent. The third sector of activity, consisting of wholesale and retail trade, accounted for 18.9 per cent in 2006 and 2010.

270. Regarding microfinance, the obstacles facing decentralized financial systems are:

- Insufficient supervision
- Depreciation of the credit portfolio
- The unreliability of the information provided by some decentralized financial systems

271. Decentralized financial systems also suffer from the lack of a deposit guarantee fund, inadequate control of the cycle, the characteristics of existing agricultural networks and the value chains of which they are composed, the lack of a savings culture and the difficulties of formulating needs in the rural world. These constraints resulted in average overall effective rates of between 12 and 40 per cent in 2010, when the interest rate set at community level was 27 per cent.

B. Cultural rights

272. Limitations on cultural rights include:

- The inadequacy of the various funds for financing culture
- The lack of training, organization and qualification of cultural actors
- Lack of familiarity with questions of copyright and neighbouring rights
- Little involvement of partners (the private sector, patrons, local authorities) in financing cultural projects and programmes
- The unsuitability and inadequacy of infrastructure for the production and dissemination of the arts and culture
- The propensity for pirating and forging artistic and cultural works
- The difficulties the Collective Management of Copyright and Neighbouring Rights Company (SODAV) has documenting and collecting royalties and neighbouring rights in the media (radio, television and Internet companies, hotels, restaurants, galleries and spaces in which arts and culture are produced and disseminated)
- Problems distributing royalties owing to lack of training (source: 2017 SODAV report)
- The inefficiency of the piracy and forgery squad

C. Social rights

273. The main problems in the education sector are connected with:

- The country's lack of resources
- The inadequacy of reception capacities
- The negative impacts of disruptions in schooling resulting from the right to strike, which reduces the school year and teaching hours

274. Notable among the difficulties hampering the health sector are vaccine shortages in health centres and the very limited capacity to mobilize resources for health.

275. Progress has been made regarding access to water but more needs to be done to improve the access of both urban and rural communities to improved sanitation. The inadequacy of basic sanitation infrastructure, especially in rural areas, is the result of high

costs and the low level of investment in the sector. Added to that are the high cost of individual sanitation infrastructure, household poverty and meagre local authority resources.

276. Regarding the right to housing, the completion rate of projects to rebuild informal neighbourhoods remains low because of lack of financing and availability of sites for rehousing. The rebuilding and land tenure reorganization programme has problems financing and finding rehousing sites.

277. The absence or inadequacy of these various factors has resulted in underperformance and distortions prejudicial to optimum allocation of resources. In addition, the difficulties involved in coordinating the roles of the State, decentralization officials, civil society and the private sector tend to make institutions inefficient. Frequent failure to apply regulations, cumbersome procedures, lack of transparency, the use of public services and community property to the detriment of the public interest favour poor resource allocation and lead to poor social and economic outcomes.

Conclusion

278. The protection and promotion of economic, social and cultural rights are part of State policy. Senegal has adopted a new development model in order to speed up its advance towards emergence. Since 2014, this model has been based on a strategy called the Plan for an Emerging Senegal, which is the foundation for economic, social and cultural policy in the medium and long term.

279. It is stimulating creativity and initiative, increasing the potential for growth and strengthening the well-being of the people, especially vulnerable persons and minorities. The priorities of this economic, social and cultural policy are based upon a structural transformation of the economy through the consolidation of the current drivers of growth and the development of new wealth- and job-creating sectors.

280. This action is part of a more balanced development model, the promotion of viable economic areas and centres in order to stimulate the potential for development throughout the country. It aims to improve the living conditions of communities and reduce social inequalities by fostering the emergence of viable territories.

281. The Government has carried out a series of policies in order to successfully follow up on the recommendations issued by the Committee following its latest dialogue with Senegal. It has done so in spite of persistent difficulties, as described in part II of this report, which continue to make technical and financial assistance necessary. Senegal reiterates its commitment to continuing to work for the full effectiveness of the rights enshrined for all in the International Covenant on Economic, Social and Cultural Rights and implementation of the recommendations to which this constructive dialogue will give rise.
