



Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the report submitted by Senegal under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*

I. Introduction

1. The Committee considered the report of Senegal¹ at its 2764th, 2765th and 2766th meetings,² held on 18 and 19 January 2024, and adopted the present concluding observations at its 2786th meeting, held on 2 February 2024.
2. The Committee welcomes the submission of the report of the State party and the written replies to the list of issues.³ The Committee expresses its appreciation for the constructive dialogue held with the multisectoral delegation of the State party.
3. The Committee reminds the State party that the present concluding observations should be read in conjunction with the concluding observations on the combined sixth and seventh periodic reports submitted by the State party under the Convention,⁴ adopted on 2 February 2024, and on the report of the State party submitted under the Optional Protocol on the involvement of children in armed conflict,⁵ adopted on 2 February 2024.

II. General observations

Positive aspects

4. The Committee notes with appreciation the ratification by the State party of the Convention on the Rights of Persons with Disabilities, on 7 September 2010;
5. The Committee welcomes the various measures taken by the State party in areas relevant to the implementation of the Optional Protocol, including the following:
 - (a) The technical validation of the evaluation of the National Child Protection Strategy in 2023;
 - (b) The National Child Protection Strategy, adopted in 2013, and its second national action plan, established for the period 2016–2018;
 - (c) The National Intersectoral Committee on Child Protection, established in 2014;

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

¹ [CRC/C/OPSC/SEN/1](#).

² [CRC/C/SR.2764](#), [CRC/C/SR.2765](#) and [CRC/C/SR.2766](#).

³ [CRC/C/OPSC/SEN/RQ/1](#).

⁴ [CRC/C/SEN/CO/6-7](#).

⁵ [CRC/C/OPAC/SEN/CO/1](#).



- (d) The Action Plan against Child Marriage (2022–2026);
- (e) The National Framework Plan on the Prevention and Abolition of Child Labour, adopted in 2012.

III. Data

Data collection

- 6. The Committee is concerned that:
 - (a) The data provided by the State party in its report and its replies to the list of issues are not disaggregated;
 - (b) The data provided are limited in scope and do not cover the sale of children, the exploitation of children for prostitution or child sexual abuse material and related prosecutions.
- 7. **The Committee recommends that the State party develop and implement a comprehensive, coordinated and effective system of data collection, analysis, monitoring and impact assessment on all areas covered by the Optional Protocol, namely, on the sale of children, the exploitation of children for prostitution and child sexual abuse material, to provide the following information:**
 - (a) **The number of child victims of the offences under the Optional Protocol disaggregated, inter alia, by sex, gender, age, nationality, ethnic origin, disability, migration status, socioeconomic background, urban and rural residence and children in vulnerable situations, including *talibés* and children in street situations, with particular attention to children who are at risk of becoming victims of crime under the Optional Protocol;**
 - (b) **The number of prosecutions and convictions of perpetrators of the offences under the Optional Protocol and the sanctions imposed on them, disaggregated by the nature of the offences and the profile of the perpetrators.**

IV. General measures of implementation

A. Legislation

- 8. The Committee notes that the national legislation prohibits some offences covered under the Optional Protocol but does not explicitly address all offences listed under article 3 of the Optional Protocol.
- 9. **Recalling its 2019 guidelines regarding the implementation of the Optional Protocol, the Committee recommends that the State party ensure that all acts and activities referred to in the Optional Protocol are fully covered under its criminal law, including all forms of the sale of children and child sexual abuse material.**

B. Comprehensive policy and strategy

- 10. The Committee is concerned that the strategies and plans of action adopted by the State party do not include measures to specifically address all issues covered under the Optional Protocol, including adequate resources allocated for that purpose.
- 11. **The Committee recommends that the State party ensure that the National Child Protection Strategy includes measures for specifically addressing all issues covered under the Optional Protocol and that adequate human and financial resources are provided for their implementation.**

C. Coordination and evaluation

12. While welcoming the information provided by the State party on the National Intersectoral Committee on Child Protection, which is in charge of the coordination of all agencies working on child protection, the Committee notes with concern the absence of a dedicated administrative entity to coordinate the implementation of the Optional Protocol.

13. **With reference to paragraph 8 of its concluding observations under the Convention, the Committee recommends that the State party explicitly include the coordination and evaluation of the implementation of the Optional Protocol in the mandate of the National Intersectoral Committee on Child Protection.**

D. Dissemination and awareness-raising

14. The Committee recommends that the State party increase the resources allocated to awareness-raising campaigns and develop, in close cooperation with civil society organizations, the media, the private sector, communities and children, awareness-raising programmes, including campaigns, on issues covered by the Optional Protocol.

E. Training

15. The Committee recommends that the State party take measures to strengthen its training activities. In that regard the State party should ensure that such training activities are mandatory, systematic and multidisciplinary, cover all areas under the Optional Protocol, paying particular attention to the connection of the offences under the Optional Protocol to other related offences and areas, and are provided to all relevant professionals and groups working with and for children, including judges, law enforcement officers, prosecutors, social workers, investigators and immigration officials, departmental and local structures of child protection, *marabouts* in Qur'anic schools and employees of the travel and tourism industry, including the staff of hotels.

F. Allocation of resources

16. The Committee is concerned about the lack of specific budget allocations and tracking mechanisms for the implementation of the Optional Protocol.

17. **The Committee recommends that the State party ensure the adequate allocation of resources for combating and preventing offences under the Optional Protocol and providing appropriate support services for the recovery and reintegration of child victims.**

V. Prevention of the sale of children, child prostitution and child pornography (art. 9 (1) and (2))

A. Measures adopted to prevent offences prohibited under the Optional Protocol

18. While taking note of the policy framework addressing children in vulnerable situations in the school environment, the contingency plan to assist children in emergency situations and the establishment of a social safety net for children, the Committee is concerned about the lack of information on measures to prevent offences prohibited under the Optional Protocol against specific groups of children in vulnerable situations.

19. **The Committee recommends that the State party:**

(a) **Adopt a comprehensive strategy on tackling the root causes of and risk factors for the offences prohibited under the Optional Protocol and ensuring the social inclusion of children in vulnerable situations, strengthening its efforts to identify and detect children at risk of falling victim to offences under the Optional Protocol, and allocate sufficient resources for the implementation of the strategy;**

(b) **Ensure that the strategy targets the children in the most vulnerable situations who are likely to become victims of offences under the Optional Protocol, especially children living in poverty, children in alternative care, children with disabilities, children in street situations, children in mining regions, *talibés*, internally displaced children in Casamance, with particular attention to children in Ziguinchor, and migrant and asylum-seeking unaccompanied children.**

B. Adoption

20. **The Committee reminds the State party of its obligations under article 3 (5) of the Optional Protocol to take all appropriate legal and administrative measures to ensure that all persons involved in the adoption of a child act in conformity with applicable international legal instruments and urges the State party:**

(a) **To take all measures necessary to ensure that there is no improper financial gain or any other consideration received in relation to adoption;**

(b) **To investigate all cases of irregular adoption or sale of or trafficking in children and improper inducement of the consent of parents to give up their parental responsibilities regarding their child for the purpose of his or her future adoption and carry out awareness-raising programmes at the community level.**

C. Sexual exploitation of children in travel and tourism

21. While taking note of the adoption of the Tourism Code and the establishment of the Child Protection Squad with the mandate to prevent the sexual exploitation of children in the context of travel and tourism, the Committee remains concerned about the lack of a legal and policy framework to protect children from sexual exploitation in travel and tourism and to regulate private sector operators in the tourism industry.

22. **The Committee recommends that the State party increase its efforts to combat the sexual exploitation of children in the context of travel and tourism, including by:**

(a) **Undertaking awareness-raising campaigns aimed at the tourism industry and the public at large on the prevention of the sexual exploitation of children in the context of travel and tourism and widely disseminate the Global Code of Ethics for Tourism of the World Tourism Organization among travel agents and in the tourism industry;**

(b) **Strengthening its international cooperation in combating the sexual exploitation of children in the context of travel and tourism through multilateral, regional and bilateral arrangements for its prevention and elimination;**

(c) **Reviewing the Tourism Code to introduce specific provisions concerning offences under the Optional Protocol.**

D. Measures to prevent and address online child sexual exploitation and abuse

23. The Committee notes with concern the lack of official statistics on child sexual exploitation in the digital environment and the lack of regulation thereof.

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

(a) Develop a national policy to prevent and respond to online child sexual exploitation and abuse through an appropriate legal framework, a dedicated coordination and oversight entity and specific analysis, research and monitoring capabilities;

(b) Develop and strengthen awareness-raising programmes for children on the risks of the use of self-generated content through digital media, including by providing information on communications technologies;

(c) Implement a public education programme to raise awareness of online child sexual exploitation and abuse offences and how to report them;

(d) Take measures to prevent and address the online sexual exploitation and abuse of children and the dissemination of child sexual abuse material, including through the training of relevant professionals and by ensuring that Internet service providers are required by law to promptly block and remove online child sexual abuse material, to report incidents to law enforcement authorities and to develop innovative solutions;

(e) Provide appropriate support services for children, including integrated services, during investigation, prosecution and aftercare, train professionals working with and for children and develop accessible procedures for complaints, compensation and remedies.

VI. Prohibition of the sale of children, child pornography and child prostitution and related matters (arts. 3, 4 (2) and (3) and 5–7)

A. Criminal or penal laws and regulations in force

25. The Committee is concerned that the criminal law in the State party does not define and criminalize all forms of offences covered by the Optional Protocol, in particular child sexual abuse material, as well as the sale of children, which is similar but not identical to trafficking in children, and that other manifestations of the sale of children are thus overlooked.

26. **The Committee recommends that the State party define and criminalize the sale of children, in conformity with articles 2 and 3 of the Optional Protocol, separately from trafficking in children. In particular, the State party should explicitly define and criminalize:**

(a) **The sale of children through illegal adoption;**

(b) **The transfer of organs of the child for profit;**

(c) **The engagement of the child in forced labour.**

27. The Committee is concerned about article 320 bis of the Criminal Code, which establishes that acts for sexual purposes constitute the offence of paedophilia only if the child involved is under the age of 16 years.

28. **The Committee recommends that the State party ensure that all children under the age of 18 years are fully protected from the offence of paedophilia by the Criminal Code.**

29. The Committee is concerned that articles 431-34 to 431-37 of Cybercrime Act No. 2008-11 of 25 January 2008 do not differentiate between adult and child offenders and that children consensually sharing their own pictures may be found guilty of manufacturing, possessing and distributing child sexual abuse material.

30. **The Committee recommends that the State party review its criminal law:**

(a) **To decriminalize the consensual sharing of self-generated images by children;**

(b) **To ensure that child offenders are treated in a manner consistent with the promotion of the child's sense of dignity and in full conformity with the provisions of the Convention on the Rights of the Child and the Optional Protocol;**

(c) **To review the existing definition of pornography with a view to amending it to also cover any representation of the sexual parts of a child for primarily sexual purposes, as defined in article 2 (c) of the Optional Protocol.**

B. Impunity

31. While taking note of the information provided regarding the judicial investigation in 2019 and the recording of cases by the Thiès *Tribunal de Grand Instance*, the Committee is concerned that the information is very limited and refers to cases of ill-treatment, which are not relevant with respect to the prosecution and conviction of the perpetrators of offences under the Optional Protocol. The Committee is therefore concerned about the lack of information regarding the number of cases that are duly investigated and the number of perpetrators who are prosecuted and sentenced.

32. **The Committee recommends that the State party take all measures necessary to ensure that all cases of offences under the Optional Protocol are investigated effectively and that perpetrators are prosecuted and punished with appropriate sanctions commensurate with the gravity of their crimes.**

C. Extraterritorial jurisdiction

33. The Committee regrets that the State party's legislation does not explicitly allow extraterritorial jurisdiction over the offences under the Optional Protocol for all the cases referred to in article 4 (2) of the Optional Protocol.

34. **The Committee recommends that the State party take steps to ensure that the domestic legislation enables it to establish and exercise extraterritorial jurisdiction over offences under the Optional Protocol.**

D. Extradition

35. The Committee is concerned that there are no legal provisions governing extradition for offences under the Optional Protocol. The Committee is also concerned that dual criminality is required for extradition, according to article 4 of Act No. 71-77 of 28 December 1971 on extradition.

36. **The Committee recommends that the State party:**

(a) **Consider the use of the Optional Protocol as a legal basis for extradition in respect of all offences under the Optional Protocol in the absence of a bilateral extradition treaty with the other country concerned, whether that country is a party or is not a party to the Optional Protocol;**

(b) **Take the measures necessary to remove the requirement of double criminality for extradition.**

VII. Protection of the rights of child victims (arts. 8 and 9 (3) and (4))

Measures adopted to protect the rights and interests of child victims of offences prohibited under the Optional Protocol

37. While taking into account the draft amendments to Act No. 2005-06 of 10 May 2005 on combating trafficking in persons inserting protection measures for victims and witnesses, the Committee remains concerned about the need to extend the protection of the rights of child victims and witnesses in criminal proceedings for offences covered by the Optional Protocol, which are different from trafficking in persons. The Committee is also concerned that free access to medical examinations by child victims of sexual violence is subject to a request issued by the police in the context of an investigation.

38. In the light of article 9 (3) of the Optional Protocol, the Committee recommends that the State party:

(a) Establish mechanisms and procedures for the early identification of child victims of offences under the Optional Protocol and ensure that those responsible for such identification, including law enforcement officers, border and immigration authorities, judges, prosecutors, social workers and medical staff, are trained in children's rights, child protection and child-friendly interviewing skills;

(b) Ensure that children who are victims of offences under the Optional Protocol are not subjected to treatment or sanctions for offences and are given appropriate support, including free medical examinations for victims of sexual violence;

(c) Provide all children with free or subsidized legal aid and the support of child psychologists and social workers and ensure that children have access to child- and gender-sensitive complaint mechanisms and appropriate procedures for seeking, without discrimination, compensation and redress.

VIII. International assistance and cooperation (art. 10)

39. In the light of article 10 (1) of the Optional Protocol, the Committee encourages the State party to continue to strengthen international cooperation through multilateral, regional and bilateral arrangements, especially with neighbouring countries, including by strengthening procedures and mechanisms for coordinating the implementation of such arrangements, with a view to making progress in respect of the prevention of offences covered by the Optional Protocol and the detection, investigation, prosecution and punishment of those responsible for any such offences.

IX. Implementation and reporting

A. Follow-up and dissemination

40. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented, including by transmitting them to the National Intersectoral Committee on Child Protection for appropriate consideration and further action.

41. The Committee recommends that the report and the written replies to the list of issues submitted by the State party and the present concluding observations be made widely available, including through the Internet, to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate on and raise awareness of the Optional Protocol and the implementation and monitoring thereof.

B. Next periodic report

42. In accordance with article 12 (2) of the Optional Protocol, the Committee requests that the State party include further information on the implementation of the Optional Protocol and the present concluding observations in its next periodic report to be submitted in accordance with article 44 of the Convention.
