



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights Pre-sessional working group

### List of issues in relation to the third periodic report of Senegal\*

#### I. General information

1. Please provide information on the policies adopted by the State party to fully realize the right to a healthy environment, in particular in order to: (a) reduce air pollution in Dakar and also in certain regions of Senegal affected by natural resource extraction; and (b) treat household waste, which poses a real health problem in urban and peri-urban areas. Please provide details of the impact of the measures taken to fully implement Act No. 2015-09 of 4 May 2015 on the prohibition of the production, importation, possession, distribution and use of low-micron plastic bags, and the rational management of plastic waste.

#### II. Issues relating to the general provisions of the Covenant (arts. 1–5)

##### Right to freely dispose of natural wealth and resources (art. 1 (2))

2. Please provide information on how the constitutional provisions described in paragraphs 134 and 135 of the State party's third report (E/C.12/SEN/3) are applied in practice and in particular with regard to the awarding of concessions, including for mining, oil and gas, but also with regard to fishing concessions granted to foreign companies. Please describe in particular the mechanisms established to ensure respect for the rights of peoples, including the right to free, prior and informed consent to projects affecting them and related to natural resources on which they depend for food and livelihood. Please also provide a full list of prior consultation procedures carried out in the past five years, for example in relation to the granting of concessions for investment projects, or to project implementation, and including the outcome of the procedures and any compensation or damages awarded to affected communities. Lastly, please list the environmental impact assessments on the enjoyment of economic, social and cultural rights undertaken by the State party in the context of infrastructure projects and fossil fuel (notably coal and oil) extraction and consumption projects, the outcome of such assessments and the remedial actions taken.

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\* Adopted by the pre-sessional working group at its sixty-fourth session (11–15 March 2019).



**Maximum available resources (art. 2 (1))**

3. Please provide information on developments over the past five years in:
- (a) The percentage of public revenue derived from value added tax and other taxes levied by the State party; please provide information on the consideration given by the State party to obtaining other public revenue, such as income tax;
  - (b) Public expenditure as a percentage of gross domestic product and the share of total public expenditure dedicated to social expenditure (education, food, health, water and sanitation, and housing), specifying how resources freed up by debt cancellation have been allocated;
  - (c) The regional distribution of public expenditure, stating whether specific resources have been directed towards particularly poor and remote rural areas.
4. Please provide information on the extent of corruption and the practice of bribery in the public and private sectors, and include statistical data on the number of cases brought before the Complaints and Reports Bureau of the National Anti-Fraud and Corruption Office, the impact of the national anti-corruption strategy developed by the Office and the penalties imposed on perpetrators. Please indicate whether the Office can conduct an investigation on its own initiative. Please also provide information on the extent to which the steps taken have strengthened the anti-corruption framework, improved the public's access to information on the mechanisms that exist in this connection and enhanced transparency in the management of public funds.

**Non-discrimination (art. 2 (2))**

5. Please provide information on steps taken to adopt comprehensive legislation that: (a) clearly defines and criminalizes direct and indirect discrimination; (b) gives a comprehensive list of prohibited grounds of discrimination, including national extraction and colour, sexual orientation, gender identity, disability and legal status; and (c) provides effective remedies for victims. Please state the number of complaints of discrimination recorded and prosecutions brought in the State party. Please indicate the measures taken to combat and prevent acts of discrimination, stigmatization and violence against: (a) persons with albinism; (b) persons living with HIV/AIDS, especially sex workers, drug users and homosexuals; and (c) persons belonging to sexual or gender minorities. Please also indicate the measures designed to ensure in practice non-discrimination against persons with disabilities in all areas, including education, employment and participation in public affairs and in connection with Social Policy Act No. 2010-15 of 6 July 2010 regarding the promotion and protection of the rights of persons with disabilities.

**Equal rights of men and women (art. 3)**

6. Please provide information on measures taken to ensure full implementation of the Committee's previous concluding observations (E/C.12/1/Add.62, paras. 38 and 39), in particular to repeal article 152 of the Family Code on paternal authority but also provisions relating to the choice of marital home, the minimum age for marriage, and the ban on legal action to establish paternity and inheritance rights.
7. Please describe the steps taken to ensure that the Act on gender parity is fully applicable throughout the country. Please provide detailed information concerning complaints submitted to the National Independent Electoral Commission in the past five years concerning alleged violations of the Act on gender parity and the follow-up action taken by the Electoral Commission.

**III. Issues relating to the specific provisions of the Covenant (arts. 6–15)****Right to work (art. 6)**

8. Please provide statistics on the impact of the measures described in paragraphs 16 and 18 to 35 of the State party's third report, including their contribution to reducing

unemployment among young people and women and their effect on the participation of women in the labour market. Please provide an overview of the impact of the requirement to reserve 15 per cent of posts in the civil service for persons with disabilities, and describe the measures envisaged by the State party for the establishment of employment quotas for persons with disabilities in private enterprises. Please explain whether a single system has been established to integrate, monitor and assess the unemployment reduction policies contained in the Emerging Senegal Plan, including in decentralized areas.

9. In relation to paragraph 23 of the State party's third report, please describe, with statistical information, the impact of the strategy for improving and developing linkages between training and employment in both urban and rural areas and the impact of measures to promote women's access to employment.

10. In connection with the State party's efforts to achieve targets 14.4, 14.6 and 14.b of Sustainable Development Goal 14, please inform the Committee about the impact of the measures taken to limit overfishing, illegal fishing and the granting of concessions to foreign fish processing factories and thus protect the livelihoods of artisanal fishers.

#### **Right to just and favourable conditions of work (art. 7)**

11. Please explain how the measures described in paragraph 247 et seq. of the State party's third report are implemented and guaranteed for undeclared domestic workers, who account for most of the persons working in this sector. Please provide statistical data on the number of labour inspectors responsible for carrying out checks, the number of complaints and cases submitted to the labour inspectorate concerning alleged violations of the rights of such persons, and the follow-up given to such complaints. Please provide information on the number of cases brought before the courts and the number of sentences imposed on abusive employers (E/C.12/1/Add.62, para. 43).

#### **Trade union rights (art. 8)**

12. Please respond to allegations regarding the existence of obstacles to the right to freely form trade unions, to organize trade union elections, in particular in the education sector, and to strike. In relation to paragraph 48 et seq. of the State party's report, please describe the steps taken to repeal legislative provisions that, in practice, restrict workers' freedom to form their own organizations, especially provisions directed at the morality and capacity of workers' representatives, or that grant to the authorities a discretionary power of prior approval.

13. Please describe the steps taken to expedite the adoption of the decree implementing article L.276 of the Labour Code so as to limit the list of posts in which the occupants may be requisitioned. Please also describe the measures taken to amend the last paragraph of article L.276 and article L.279 of the Labour Code so as to ensure that striking workers who peacefully occupy the workplace or its immediate surroundings are not liable to prison sentences during which prison labour may be imposed upon them.

#### **Right to social security (art. 9)**

14. Please provide detailed information on the measures taken to ensure free access to care for all persons eligible under the universal health coverage scheme and other free policies, such as the Sesame plan for persons over 60 years of age. In this regard, please provide statistical data on the coverage rate of the universal health coverage scheme and the Sesame plan in 2017 and 2018. Please specify the measures taken to ensure that persons in vulnerable situations who have no identity card or are unable to provide a birth certificate are able to benefit from these programmes (see concluding observations E/C.12/1/Add.62, para. 54). Please describe the steps taken to facilitate the reimbursement of expenses incurred by beneficiaries for services provided under cost-free initiatives and to address delays in the payment of subsidies to health insurance cooperatives.

15. Please provide information on the number of workers covered by health insurance provided through the National Social Security Fund and health insurance institutions in 2017 and 2018 and the coverage of old-age pensions managed by the Retirement Insurance Institution and the National Retirement Fund for the same period. Please provide detailed

information on plans to ensure access to health coverage for persons working in the informal sector and persons unable to provide a birth certificate.

**Protection of the family and children (art. 10)**

16. Please provide details of the impact of the steps taken to increase birth registration rates. Please provide information on the measures taken by the State party to guarantee access to birth certificates for all and to enable persons who lack such certificates to enjoy all economic, social and cultural rights without discrimination. Please describe the measures taken to trace all children born, whether they are under the authority of their parents, “entrusted” to a third person or on the streets, and to guarantee their rights.

17. Please provide further information on the steps taken to fully implement laws against child abuse, trafficking and exploitation and forced child begging, as described in paragraphs 126, 228 and 236 of the report, including the measures taken, with the corresponding statistics, regarding all cases of abuse of talibé children and street children, the follow-up given to complaints and the consequences for the maintenance or closure of Qur’anic schools (*daaras*) suspected of abusive practices. Please indicate the steps taken to enact the bill to modernize Qur’anic schools, the children’s code and the law on the children’s ombudsman.

18. Please provide detailed information on the monitoring actions undertaken, in addition to the training activities referred to in paragraph 240 of the report, to achieve target 8.7 of the Sustainable Development Goals and, in particular, to monitor child labour, especially in mining areas but also in the informal sector (including the use of girls in undeclared domestic work). Please provide statistics on the number of children identified as working in these various sectors and the impact of the measures taken by the State party to end child labour in mining and domestic work. Please describe the social protection measures in place for such children and explain how monitoring is carried out. Please provide statistics disaggregated by age, sex and national, ethnic and geographic origin and indicate whether there are any plans to conduct a national survey on child labour.

**Right to an adequate standard of living (art. 11)**

19. Please provide information on the obstacles and challenges encountered by the State party in its efforts to significantly reduce poverty and thus achieve targets 1.1 and 1.2 of the Sustainable Development Goals. In particular, please explain how the Family Security Grant Programme, referred to in paragraph 65 of the State party’s report, is funded and provide disaggregated statistics on the number of beneficiaries, the eligibility criteria for obtaining grants and the duration of the Programme, and the information given to beneficiaries regarding the conditions relating to the use of grants. Please provide information on the status of the monitoring and evaluation operations for the Programme, in particular with regard to raising the standard of living of the households concerned but also regarding access to education for children from such households, access to vaccination and birth registration. Please provide information on the single national register of vulnerable households established in 2015 and the criteria for inclusion in the register. Please explain whether beneficiaries of the Family Security Grant Programme are automatically included in the register.

20. Please provide information on the steps taken to address the issues described in paragraph 154 of the State party’s report relating to the inadequacy of urban planning and prior preparation of sites and land-use planning, in particular in Dakar. Please describe the impact of the measures taken by the State party to combat land speculation and to protect the rights of peasants to land even though they are without a land title, including in areas threatened by land-grabbing such as the Lendeng vegetable plots in the municipality of Rufisque. Please describe the steps taken to implement land reform, with full respect for the right of peasants to land.

21. In relation to paragraph 276 of the State party’s third report, please describe the measures taken by the State party to implement Act No. 4/2014 on lowering rents and thus ensure the full enjoyment of the right to decent housing throughout the territory of the State party. With specific reference to projects to rebuild informal neighbourhoods, referred to in

the same paragraph, please explain the measures taken to address issues relating to the financing and availability of rehousing sites and thus ensure access to property and tenancy for urban populations.

#### **Right to physical and mental health (art. 12)**

22. Please provide information on the steps taken to implement the policy described in paragraph 167 of the State party's report and in particular the possibility of adopting a health code with a view to improving the coherence of the organizational and functional framework of the health protection system and the effectiveness of health measures. Please provide information on the impact of the steps taken to allocate adequate resources and staff to health facilities, in particular in rural areas. Please provide statistical data on health personnel by facility. Please provide information on the nature and impact of the measures taken to address the increase in chronic diseases, including respiratory diseases, diabetes and cardiovascular diseases, and provide information on any comprehensive strategy to prevent and combat such diseases. Please provide information on the scale of the problem of the illicit sale of medicines and on the measures taken to combat this practice. Please describe the strategy adopted to regulate traditional medicine in Senegal.

23. In relation to the measures described in paragraphs 176 to 179 of the State party's report, please clarify the measures taken relating to HIV/AIDS prevention and testing and treatment for persons with a prevalence rate significantly higher than the national average, including sex workers, men who have sexual relations with men, drug users and persons in detention. Please describe the strategy adopted to combat stigma that prevent these categories of the population from enjoying their right to health on an equal basis with the rest of the population (persons in conflict with the law). Please provide explanations of the causes of the low antiretroviral treatment coverage among children, which results in this category of the population being left behind.

24. In relation to paragraphs 185 to 186 of the State party's third report, please provide information on the mental health policy and the nature and impact of the specific steps being taken to ensure the accessibility and availability of appropriate mental health services throughout the country.

25. Please indicate the measures adopted to provide women with access to reproductive health services and to repeal laws that restrict their sexual and reproductive rights, in particular provisions in the Criminal Code and the Reproductive Health Act that prohibit safe abortions even in cases of sexual assault. Please describe the measures taken in relation to sexual and reproductive health education in secondary schools as a means of raising awareness among boys and girls of their rights and of protecting them against any violations of those rights, and the efforts made to include specific allocations in the health and education budget for sexual and reproductive health education for adolescents and youth and for ensuring their access to sexual and reproductive health services. Please indicate the percentage of women who benefited in 2017 and 2018 from the provision of caesarean sections free of charge in public health facilities (para. 87 of the report).

#### **Right to education (arts. 13–14)**

26. Please provide information on the impact of the measures described in paragraphs 190 to 194 that have been taken to ensure free and compulsory education at the primary and secondary levels in both law and practice, without distinction of any kind based on sex, social origin or other status, including legal status. Please provide detailed information on the challenges encountered in fully realizing this right and the measures taken to meet these challenges. Please describe the actions taken to remedy the shortage of school and training places, in particular in rural and disadvantaged areas and especially for girls and women.

27. Please provide statistical data, disaggregated by sex and region, on the number of primary and secondary school teachers in Senegal and the ratio by pupil and region (E/C.12/SEN/3, para. 242). Please provide detailed information on the practice of combining two classes (taught by a single teacher) and the extent of this practice, including statistical data on its prevalence. Please describe the steps taken to increase the number of teachers and provide detailed information on the qualifications required to teach in Senegal

in both the public and private sectors. Please provide details on the follow-up given to the Committee's previous recommendations (E/C.12/1/Add.62, para. 58) and on the steps taken to improve the quality of education. Please provide detailed information on the use of temporary structures as classrooms in rural areas and the steps taken to remedy this situation.

28. In relation to paragraph 209 of the State party's third report, please describe the specific measures taken to address the causes of school dropout among girls, including domestic work, sexual abuse in schools, violence on the way to school (in particular in rural areas) and early marriages and pregnancies. Please describe the impact of such measures in the past five years. Please provide in particular detailed information, including statistical data, on the nature and impact of the measures described in paragraph 212 aimed at keeping pregnant girls in school. Please provide statistical data on reported cases of sexual harassment by region and the measures taken to punish those responsible for such acts (including reported cases of sexual relations between teachers and pupils) and to provide support for child victims of abuse.

**Cultural rights (art. 15)**

29. Please describe the measures taken by the State party to promote cultural and linguistic diversity, access to scientific knowledge and, in particular, women's access to science education.

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