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DRAFT DECLARATION ON SOCIAL AND LEGAL PRINCIPLES RELATING
TO THE PROTECTION AND WELFARE OF CHILDREN, WITH SPECIAL
REFERENCE TO FOSTER PLACEMENT AND ADOPTION NATIONALLY
AND INTERNATIONALLY

Report of the Secretary-General

Addendum

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REPLIES RECEIVED FROM GOVERNMENTS

SENEGAL

[Original: French]

[4 December 1984]

1. The condition of children, who, with mothers, constitute society's most vulnerable elements, is of the utmost concern to the Government of Senegal. Consequently, like many other States of the international community, Senegal has endeavoured at the constitutional, legislative and structural levels both to organize the adoption system and to create institutions to function as child placement centres.
2. At the constitutional and legislative level, this matter was first dealt with in the Senegalese Constitution. Articles 15 and 16 of that instrument provide that: "Parents have the natural right and the duty to raise their children. They are supported in this task by the State and the public entities". The State and the public entities establish the necessary conditions and the public institutions for children's education.
3. Taking up this theme, Act 7261 of 12 June 1972, which contains the Family Code, spells out significant developments affecting children.
4. There are two systems of adoption. The first involves full adoption, while the second involves limited adoption. The two systems are similar in principle, in that they establish a parent-child relationship independent of a child's origin; however, they differ with regard to their requirements, form, procedure and effects. Without going into detail, the following can be noted as regards full adoption:
 - (a) Adoption may be requested:
 - (i) Jointly, after five years of marriage, by two spouses living together, one of whom is at least 30 years old;
 - (ii) By one spouse in respect of the other's children;
 - (iii) By any unmarried person over 35 years of age;
 - (b) The adoptive parent must be 15 years older than the child whom he or she intends to adopt. If the latter is the child of his or her spouse, the difference in age is reduced to 10 years;
 - (c) Only non-emancipated minors who have resided in the home of the adoptive parent or parents for at least one year may be adopted;
 - (d) The following categories of children are eligible for adoption:

- (i) Children whose father and mother or family counsellor have duly consented to the adoption;
- (ii) Children declared to be abandoned under the legislation in force;
- (e) Consent of the parents, or, in their absence, the family counsellor, is required; the interests of the adopted child will be taken into account in all cases;
- (f) Adopted children have the same rights and obligations in the family of the adoptive parents as legitimate children;
- (g) Full adoption is irrevocable.

The characteristics of limited adoption include the following:

- (a) Limited adoption is permissible regardless of the adopted child's age. If the adopted child is more than 15 years old, he or she must personally consent to the adoption;
- (b) The adopted child remains in his or her family of origin and retains all hereditary rights therein; he or she is entitled to inherit from the adoptive parents or, in cases of joint adoption, from each of the adoptive parents with the same rights as a legitimate child or that child's descendants;
- (c) If there are serious grounds which warrant it, the adoption may be revoked by a court decision at the request of the adoptive parent or of the adopted child and, if the latter is still a minor, the Public Prosecutor. However, a request to have the adoption revoked is inadmissible if the adopted child has not yet attained the age of 15 years.

5. Obviously, constitutional and legislative measures in this area, however commendable, are in themselves insufficient. They must be accompanied by the establishment of facilities that can be used as reception centres for abandoned children or children in moral danger. It is this major concern which certain State facilities and non-governmental bodies seek to address. These facilities and bodies are as follows.

- (a) The Office of Correctional Education and Social Welfare (Ministry of Justice)

Within this Office are several external facilities responsible for the welfare, rehabilitation and training of young persons under 21 years of age who have been convicted of an offence or are in moral danger and who are placed in their care by the courts. To that end, these agencies carry out programmes dealing with prevention and readjustment to society and the family for young people, their families and the surrounding community; they do this by means of court-supervised social work and by taking all possible steps to remedy the educational weaknesses observed in the minors in their charge. The external facilities of the Office of Correctional Education and Social Welfare comprise:

(i) Residential institutions

There are two types of residential institutions: social welfare centres and social adjustment centres.

Social welfare centres

Social welfare centres are responsible for providing young people with a temporary residence, observation and educational guidance through the application of a range of psychological and educational methods and procedures. To do this, they offer general education classes and ergotherapy workshops. The purpose of the residency period is to have the institution assume immediate responsibility for minors who need to be removed as quickly as possible from an environment detrimental to their health, safety, morals or education. The observation process is aimed at gaining an understanding of young persons through their behaviour and at identifying their areas of weakness and their aptitudes. Educational guidance consists of determining the most suitable means of fostering a young person's reintegration into society on the basis of his or her aptitudes and motivation and placement opportunities.

In no case may the period of residency in a social welfare centre exceed six months. A report must be submitted to the competent judicial authority before the end of this period.

There is one social welfare centre located in Cap-Vert, near the penal camp (former CAOMI).

Social adjustment centres

Social adjustment centres accept only minors remanded to them by the courts after they have spent an initial period in either a social welfare centre or one of the facilities of the Agency for Open Correctional Education and Social Welfare (AEMO).

Social adjustment centres are responsible for reforming minors by means of appropriate psychological and educational techniques. To achieve this goal, the centres comprise a section for general education, functional literacy and skill improvement, one or more technical sections and a production co-operative.

The maximum stay in a social adjustment centre is two years.

At the end of his stay, a minor may be placed with his biological family, with a foster family (in which case the placement may be arranged to coincide with parole or rehabilitation in an open environment), in a training school or institute, one run by the State, a public agency or a competent and accredited private agency.

At the end of the period of residency in a social adjustment centre, a full report must be submitted to the competent judicial authority.

Social adjustment centres are located at Cambérène, Sébikotane and Nianing.

(ii) Facilities of the Agency for Open Correctional Education and Social Welfare (AEMO)

There are five such facilities, attached to each court of first instance and the justices of the peace associated with them. Each AEMO facility is composed of full-service teams made up of special educators, social workers and other specialists.

The AEMO facilities offer young people: observation and rehabilitation in an open environment; a post-reform residential period; prevention, largely through the change made in their environment; and studies of their family situations as well as on juvenile welfare.

In addition to possessing these functions, the AEMO facilities serve as a liaison between residential institutions, the social environment and families. They are required to help prepare young persons for their final departure from institutions and their reintegration into society.

AEMO facilities exist in the following regions (one facility per region): Cap-Vert, Sine Saloum, Fleuve, Casamance and Thiès.

(iii) Rescue centres

The three rescue centres receive from the courts juvenile offenders or minors who are endangered within the meaning of article 293 of the Family Code and article 593 of the Criminal Procedure Code. They provide for the upbringing of minors referred to them while subjecting them to a stabilizing psychological and educational influence and, in particular, providing them with vocational training and a general education. They also prevent juvenile delinquency by making appropriate social and educational activities available to the young people of surrounding communities who reject ordinary forms of guidance.

There are welfare centres at Pikine, Thiès and Ziguinchor.

(b) Senegalese Association for Child and Adolescent Welfare (ASSEA)

ASSEA was established by Decree No. 66154/MINTAPA, of 1 March 1966. The Association admits children remanded by the Court of First Instance at Dakar. It takes in 25 children at most, aged between 12 and 21, whether those in moral danger (social cases) or those from the different social welfare and reform centres belonging to the system of approved schools who have responded to treatment.

ASSEA provides accommodation for such children and attends to their nutritional needs. It also tries to solve the children's problems, to help them continue their studies and to provide them with some vocational training with a view to their future entry into working life.

The children taken in by ASSEA are not delinquents but rather the children of social cases (deprived children or those from poor families).

At the moment, ASSEA is facing enormous problems since all of its members have withdrawn with the exception of its President, Mr. Benglia. Before their withdrawal, the members of the Association paid subscriptions in order to provide for the operation of the centre. There was also the grant provided by the Ministry of Justice, (300 CFA francs per child per day).

Given that the contribution of Association members is no longer available, the children are in a deplorable situation, since nothing remains but the 300 CFA francs per child per day from the Ministry of Justice, which is really not enough to feed them, have their laundry done and pay for school transport. It is President Benglia himself who pays the centre's water and electricity bills on a regular basis, and the children do their own laundry and walk to school or to the enterprise of whatever kind where they go to learn a skill. In view of its social mission, the Association should receive assistance in providing improved conditions for its children.

(c) The SOS Children's Village at Dakar

In 1980 there were 20 SOS Children's Villages in Africa and 134 in the world as a whole. The Austrian Association of SOS Children's Villages was founded in 1949 by Hermann Gmeiner. In 1964, the International Union of SOS Children's Villages was established for all SOS Children's Villages in the world, and Associations of SOS Children's Villages were established in Denmark, the Netherlands, Norway, Sweden and Switzerland. Their role is to support SOS work in developing countries. The Dakar-Senegal SOS Children's Village was inaugurated in 1979.

The SOS Children's Villages are a private social venture with no political or religious affiliation. The autonomous Associations of SOS Children's Villages are, as a rule, members of the International Union of SOS Children's Villages, which has its headquarters at Vienna. The members of the International Union of SOS Children's Villages are either associations which build and manage villages in their own countries or charitable associations for raising the means necessary for the construction and upkeep of SOS Children's Villages in the developing countries.

The Senegalese Association of SOS Children's Villages was formed on 10 October 1976 and received the acknowledgement of its declaration on 20 January 1977 (No. 3203).

The Hermann Gmeiner Fund, a charitable association supporting SOS Children's Villages, undertook to establish the Village, the foundation-stone of which was laid on 4 November 1976 in the presence of representatives of the Ministry of Health and Social Work. Under the terms of an agreement concluded with the Senegalese Association of SOS Children's Villages, the Hermann Gmeiner Fund also undertook to construct the Village and start it functioning. It was then to be handed over, as a gift, to the Senegalese Association of SOS Children's Villages, whose president is Mr. Jean Benglia.

The idea of an SOS Children's Village in Africa may, at first sight, seem surprising given that in Europe institutions of this type take in orphans and

abandoned children. In Africa, however, the introduction of an SOS Children's Village not only helps those countries manifesting such a need to solve the problem of neglected or abandoned children but also makes a substantial contribution to the education and care of deprived children.

The establishment of the SOS Children's Village at Dakar is a vivid example of support for the remarkable work already done by Senegal in helping and educating children in need. The Dakar-Senegal SOS Children's Village is financed by a well-known charitable association, the Hermann Gmeiner Fund, in the Federal Republic of Germany. The International Union undertakes to ensure sponsorship by individuals. There is also a five-year renewable contract between the Senegalese Association of SOS Children's Villages and the Hermann Gmeiner Fund charitable association.

The Dakar SOS Children's Village consists of three sections: the family houses; the juvenile houses; and the kindergarten.

(i) The family houses

The goal of the SOS Children's Village is to enable orphaned or abandoned children or social cases, if any, to grow up in a cheerful and pleasant environment which provides for their security and well-being. In order to accomplish this, each SOS Children's Village family lives in a separate house and is placed in the care of a woman, the "SOS mother", who tries always to be a real mother to the children in her charge until such time as they leave to make their way in life. For the children, she embodies love and security, qualities which are essential for their balanced development. Each SOS mother is responsible for her house, maintains and decorates it and does all the housework. She creates a personalized family environment for the children by lovingly taking upon herself all the functions of a mother, such as preparing meals, selecting clothing and ensuring health and cleanliness.

The SOS mothers come together every afternoon to do handicrafts and needlework. Often on such afternoons informal lectures are given on different topics such as nutrition and hygiene, child psychology or organizing the day's work.

Each SOS Children's Village family has an average of 8 to 10 children, boys and girls of different ages who grow up together as brothers and sisters. Children related by blood are not separated but are kept in the same family. There, the African family, hospitable and kindly towards children, must be reproduced and the house is modelled on the Senegalese home, where life centres around a courtyard, the "Diggi Ker".

The children of the SOS Children's Village are in close contact with the local community and grow up like the children of a normal family. They attend public schools, which enables them to make other friends outside the Village. The youngest go to the Village kindergarten, which also accepts pupils from the surrounding community.

To the extent possible, the SOS Children's Village maintains relations with the family group from which the child comes.

(ii) The juvenile houses

The juvenile house continues the process begun in the family house where the child has grown from infancy. It also accepts adolescents with delinquent tendencies in order to reform them before it is too late. The need for affection experienced by adolescents coming almost exclusively from underprivileged families would not alone be enough to justify action on our part, but that need is accompanied by a need for training, which alone constitutes a firm guarantee of real social integration.

The juvenile house creates a framework which is designed both to offer security and to be appealing. Materially, it offers children a dwelling, a home, facilities for study and artistic expression, and playgrounds. Social and educational activities there stress group living and training, and all of them aim to promote the social integration of young adolescents into a society undergoing rapid change.

The organization and functioning of the juvenile house take the socio-cultural context into account. Rather than providing an artificial framework unrelated to the surrounding environment, it endeavours, on the contrary, to establish and maintain a firm and dynamic link with the real facts of Senegalese life. Accordingly, the stress will be placed on study or apprenticeship in public institutions and on effective participation in social and educational programmes and activities in the study or apprenticeship sector.

The pressing needs of young adolescents are for training and, above all, vocational training leading to a practical skill. Close contacts are therefore maintained between those in charge of the SOS Children's Village and the existing apprenticeship centres, the technical training establishments and the specialized institutions and departments concerned with young people, with a view to establishing and consolidating a lasting and effective collaboration.

(iii) Kindergarten

The kindergarten of the SOS Children's Village in Senegal, which comprises four classes for children of three, four and five years of age, opened its doors on 12 October 1978. It takes in children from the SOS Village and from the surrounding communities. The staff of the SOS Children's Village kindergarten seeks to elicit and maintain cheerfulness and trust by providing optimum conditions for the best possible socialization of each child through real integration within the group.

How can assistance be provided to the SOS Children's Villages?

There are a number of ways to share in the construction and upkeep of SOS Children's Villages, such as: becoming a member of the Senegalese Association of SOS Children's Villages; making a regular contribution; sponsoring a child or a number of children; gifts, bequests, etc.

Sponsorship involves commitment, for a period of time varying widely from one year to a number of years, to providing for the basic needs of a child. An allowance paid on a regular basis makes it possible to establish a long-term assistance programme and to turn a hopeless case into a child who will grow up normally.
