

Human Rights Watch Submission to the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW) of Senegal's periodic report for the 77th CEDAW Pre-Session

January 2020

Human Rights Watch writes in advance of the 77th pre-session of the Committee on the Elimination of Discrimination against Women relating to Senegal's compliance with the Convention on the Elimination of All Forms of Discrimination against Women ("the Convention"). This submission addresses issues related to articles 1, 10, and 12 of the Convention.

Barriers to the Right to Primary and Secondary Education (Article 10)

Human Rights Watch welcomes the government of Senegal's commitment to expanding the provision of primary and secondary education to more young people, including by exceeding the international benchmark of allocating over 20 percent of its national budget to education. However, Human Rights Watch's research on barriers to secondary education shows that the government has made inadequate progress in the retention of girls in school, and that it does not provide free basic education.

Although slightly more girls are enrolled in primary and secondary school than boys, retention rates are particularly low across both groups.³ Human Rights Watch research found that financial barriers constituted a key barrier to girls' ability to stay in school. Senegal's Education Law stipulates that primary and lower-secondary education is free and compulsory for all girls and boys aged 6 to 16.⁴ However, in practice, secondary school students may be required to pay close to 40,000 FCFA (US\$75) in tuition fees, furniture costs and extra tuition for afternoon classes, forcing many children

¹ Global Partnership for Education, "Annonce de contribution du SENEGAL pour la période 2017-2020, » https://www.globalpartnership.org/sites/default/files/annonce-contribution-senegal-3e-conference-financement-gpe-2018.pdf (accessed January 28, 2020).

² Human Rights Watch, Open Letter for President Macky Sall on Free Secondary Education in Senegal, January 25, 2018, https://www.hrw.org/news/2018/01/25/open-letter-president-macky-sall-free-secondary-education-senegal.

³ UN Population Fund, "World Population Dashboard – Senegal," undated, https://www.unfpa.org/data/world-population/SN (accessed January 28, 2020).

⁴ République du Sénégal, "Loi 2004-37 du 15 Décembre 2004 modifiant et complétant la loi d'orientation de l'Education nationale n. 91-22 du 16 Février 1991," http://www.ilo.org/dyn/natlex/docs/SERIAL/75283/78245/F1277535961/SEN-75283.pdf (accessed February 9, 2018), art. 3 bis.

to drop out.⁵ Our findings also show that alongside school fees and indirect costs, gender discrimination contributes to low rates of retention and completion of compulsory lower secondary education, particularly in rural areas. In some communities, parents prioritize boys' education over girls' education.⁶ Girls are also disproportionately expected to work on domestic chores –preparing food, cleaning the household, taking care of younger siblings—which reduces the time they can dedicate to studying outside school hours.

Pregnancy as a Barrier to Education

In contrast to many other African countries, Senegal has moved from previous restrictive and punitive policies to providing a pathway for pregnant girls to continue their education. In 2007, the government adopted a "re-entry" policy for young mothers, overturning its previous position to expel pregnant girls from school. The policy stipulates that in order to return to school, girls must show a medical certificate that shows they are ready.⁷

Despite this positive policy however, many girls do not return to school as they lack financial and family support.⁸ According to a joint study conducted by the UN Population Fund and the Groupe pour l'Etude et l'Enseignement de la Population (GEEP), more than 54 percent of young mothers dropped out of school between 2011 and 2014 and only 15 percent of young mothers resumed their education in that same period.⁹

Overall, teenage pregnancy rates remain very high across the country. ¹⁰ Eight percent of girls aged 15 to 19 have already given birth. ¹¹ Girls have little access to sexual and reproductive health services, including contraceptives, and teenage pregnancy frequently ends a girl's schooling. One in ten girls and one in twenty boys aged 15 to 24 had their first sexual encounter before they were 15 years old. ¹²

⁵ "It's not Normal: Sexual Exploitation, Harassment and Abuse in Secondary Schools in Senegal," Human Rights Watch, October 18, 2018, https://www.hrw.org/sites/default/files/report_pdf/senegal1018_web.pdf, p. 15. 6 Ibid.

⁷ Ministère de l'Education Nationale, "Circulaire sur la gestion des mariages et des grossesses a l'école," Circulaire no.004379/ME/SG/DEMSG/DAJLD, October 1, 2007, http://www.education.gouv.sn/root-

fr/upload_pieces/Tome%204%20Gestion%20de%20l%E2%80%99environnement%20scolaire,%20%C3%A9quit%C3%A9%20de%20genre,%20communication%20et%20partenariat.pdf (accessed February 14, 2018).

^{8 &}quot;It's not Normal," Human Rights Watch, p. 18.

⁹ UN Population Fund and Groupe pour l'Etude et l'Enseignement de la Population, "Sénégal : Etude sur les grossesses précoces en milieu scolaire," June 2015, http://senegal.unfpa.org/fr/publications/s%C3%A9n%C3%A9gal-etude-sur-les-grossesses-en-milieu-scolaire, p. 64.

¹⁰ UN Population Fund and Groupe pour l'Etude et l'Enseignement de la Population, "Sénégal : Etude sur les grossesses précoces en milieu scolaire," (accessed January 28, 2020).

¹¹ UN Population Fund, "World Population Dashboard – Senegal," undated, https://www.unfpa.org/data/world-population/SN (accessed January 28, 2020).

¹² République du Sénégal, Ministère de la Santé et de l'Action Sociale, "Plan Stratégique de Santé Sexuelle et de la Reproduction des Adolescents/Jeunes au Sénégal [2014-2018]," September 2014, https://www.prb.org/wpcontent/uploads/2018/05/Plan-Strate%CC%81-Sexuelle-et-de-la-Reproduction-desAdolescentesJeunes-au-Se%CC%81ne%CC%81gal-2014-2018.pdf (accessed December 19, 2018), p. 17.

Although the government has made efforts to increase coverage of adolescent health services – including by setting up centers specializing in adolescents' needs in most regional capitals—it has not guaranteed adequate coverage in rural areas.¹³

The government has been reluctant to adopt a national comprehensive sexuality education curriculum. At time of writing, it was reluctant to include comprehensive, accurate and scientific content on sexuality in the curriculum due to concerns that teaching sexuality contradicts Senegal's cultural and moral values, as well as due to pressure from religious groups. Most public secondary schools in the regions where Human Rights Watch conducted research do not provide adequate, comprehensive and scientifically-accurate content on sexuality or reproduction. In most schools, abstinence remains the leading message. Some of the teachers who lead extra-curricular spaces provide students with some information about contraception, on the basis that this information will only be applied once students get married.

School-Related Sexual and Gender Based Exploitation and Violence

Research conducted by Human Rights Watch in 2017 found that many girls are exposed to sexual exploitation, harassment, and abuse by teachers and school staff. Students are particularly vulnerable to these abuses on the way to school, around teachers' homes, as well as during students' evening gatherings, which are sometimes organized on school premises. Many cases of sexual exploitation and harassment by teachers go unreported, and school authorities fail to hold perpetrators to account.

In some of the areas where Human Rights Watch conducted research, the low retention rate of girls in secondary schools appeared to be closely linked to fear that they would be exposed to sexual harassment and gender-based violence in school, or that they would be at high risk of pregnancy because of the school environment.¹⁷

Human Rights Watch found that different forms of sexual exploitation and harassment remained pervasive in secondary schools in Senegal.¹⁸ It was found that some teachers abused their position of authority to sexually harass girls and engage in sexual relations with them, many of whom were under 18. Teachers have lured girls with the promise of money, good grades, food, or items such as mobile phones and new clothes. Female students—and to a certain extent, teachers and school

¹³ 1 Projet Promotion des Jeunes, "Le projet de la promotion de la jeunesse, Centres des conseils pour adolescents," http://www.conseil-ados.com/le-ppj.html (accessed February 15, 2018).

¹⁴ Agence de Presse Sénégalaise (Dakar), « Sénégal : Harcelement sexuel a l'ecole – Le ministere de l'Education réfute le rapport de HRW, » Octobre 19, 2018, https://fr.allafrica.com/stories/201810190724.html (accessed January 28, 2020).

¹⁵ Human Rights Watch, *It's not Normal*, p. 57.

¹⁶ Human Rights Watch interview with Yahya Colly Thieto, officer, Groupe pour l'Etude et l'Enseignement de la Population, Dakar, July 24, 2018.

¹⁷ Human Rights Watch, It's not Normal, p. 23-24.

¹⁸ Ibid., p. 23.

officials—have characterized this as "relationships" between teachers and students. Human Rights Watch believes that this type of characterization undermines the gravity of the abuse, leads to underreporting of the problem, and blurs the perpetrators' and victims' perception of the severity of these abuses.

When girls have turned down teachers' proposals, they have sometimes found that the teachers punished them for rejecting their advances by awarding them lower grades than they deserved, ignoring and not letting them participate in class discussions or exercises.¹⁹

Talking about sexual exploitation, harassment, and abuse is considered a taboo topic for many girls. Moreover, many students do not fully understand what sexual offenses are. For example, a consultation with over 500 students in Dakar, led by the Centre de Guidance Infantile et Familiale, found that while students understand that rape is a crime and are inclined to report it, they would not recognize sexual touching, harassment, or attempted rape, as sexual abuse. ²⁰ Education about the full spectrum of offenses, or how to prevent and report sexual exploitation, harassment or abuse is scarce, and certainly not part of a national effort.

Inadequate Reporting Mechanisms

Girls and young women who have been harassed, exploited or abused by teachers, or other adults, have limited options to confidentially report an incident. The education system lacks an adequate confidential reporting system. Victims of abuses are reluctant to report cases within schools because of the lack of confidentiality, fear of reprisals and a feeling that no actions will be taken. Some students told Human Rights Watch they would not seek help from their principals or teachers because they felt their claims would be dismissed.²¹

We found that education officials often did not act on or report to their own supervisors cases of sexual exploitation or harassment that had been brought to their attention. For example, Human Rights Watch collected evidence that suggests that teachers who have sexually exploited students in the context of "relationships" usually do not face serious legal sanction or professional sanction. Their behavior is sometimes tolerated or at most, they are reprimanded or warned by their peers or the principal, with no further consequences. Students' descriptions of repeat offenders, such as teachers who sexually exploit more than one student during their tenure at the school, attests to the impunity they appear to enjoy.²²

¹⁹ Ibid., p. 2.

²⁰ Centre de Guidance Infantile et Familiale, "Abus Sexuels, Ce que les enfants en pensent! Extrait des focus group organisés aux Parcelles Assainies et à Pikine en milieu scolaire dans le cadre du 10eme fed," (copy on file with Human Rights Watch).

²¹ Human Rights Watch, *It's not Normal*, p. 47.

²² Ibid., 37.

Although the government has taken steps to tackle sexual violence and gender-based discrimination in schools as part of broader efforts to increase girls' access to, and retention in, secondary education, it still needs to adopt a national policy to prevent and tackle all forms of school-related sexual violence. Programs covering teenage pregnancies, girls' empowerment and prevention of sexual abuse remain contingent on donor's financial support and have failed to address widespread sexual exploitation in schools.

Legal and Policy Framework

Senegalese legislation does not specifically stipulate a minimum age for sexual consent.²³ The country's penal code does not include a specific criminal offense for anyone who has sexual relations with children under 18. Most sexual offenses cover acts of sexual abuse of children under 16. Moreover, the penal code does not include a specific offense for omitting to report a sexual offense committed against a child.²⁴

Human Rights Watch recommends that the Committee ask the government of Senegal:

- What steps are being taken to tackle barriers that lead to low retention of girls in school, including school fees, indirect costs and gender discrimination, particularly in rural areas?
- What measures will the government adopt to fully support pregnant students and adolescent parents' return and retention in school?
- What steps are being taken to increase coverage of adolescent health in rural areas, and provide girls with sexual and reproductive health services?
- What actions are being taken against teachers and educational staff who are found to be engaging in sexual exploitation, harassment or abuse?
- What steps are being taken ensure that schools have functioning confidential and independent reporting mechanisms that are connected to child protection committees?
- What is being done to ensure all pupils receive a comprehensive sexuality education, which complies with international standards, is mandatory, age-appropriate, and scientifically accurate; including information on adolescent sexual and reproductive health and rights, responsible sexual behavior, consent, prevention of early pregnancy and sexually transmitted infections?

Protection of Education During Armed Conflict (Article 10)

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²³ The Committee on the Rights of the Child has recommended that states introduce an acceptable minimum legal age for sexual consent, by taking "into account the need to balance protection and evolving capacities," and to include a "legal presumption that adolescents are competent to seek and have access to preventive or time-sensitive sexual and reproductive health commodities and services." States should also "avoid criminalizing adolescents of similar ages for factually consensual and non-exploitative sexual activity." Committee on the Rights of the Child, "General comment No. 20 (2016) on the implementation of the rights of the child during adolescence," CRC/C/GC/20, December 6, 2016, paras. 39 -40.

²⁴ "Human Rights Watch, *It's not Normal*, p. 20.

The Safe Schools Declaration is an inter-governmental political commitment that provides countries the opportunity to express political support for the protection of students, teachers, and schools during times of armed conflict;²⁵ the importance of the continuation of education during armed conflict; and the implementation of the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict.*²⁶

As recognized by this Committee in its *General Recommendation No. 30*, attacks on students and schools, and the use of schools for military purposes, disproportionately affect girls, who are sometimes the focus of targeted attacks and are more likely to be kept out of school due to security concerns.²⁷

As of January 2020, 101 countries have endorsed the Safe Schools Declaration. In November 2019, the African Committee of Experts on the Rights and Welfare of the Child urged all African Union member states to endorse the Safe Schools Declaration, "realizing the dangers that the military use of schools poses." ²⁸ The African Union's Peace and Security Council has also repeatedly urged all African Union member states to endorse the declaration. ²⁹ Senegal has yet to endorse this important declaration.

As of October 2019, Senegal was contributing 1,124 troops and 36 staff officers to UN peacekeeping operations around the world. Such troops are required to comply with the UN Department of Peacekeeping Operations "UN Infantry Battalion Manual" (2012), which includes the provision that "schools shall not be used by the military in their operations."³⁰

Moreover, the 2017 Child Protection Policy of the UN Department of Peacekeeping Operations, Department of Field Support, and Department of Political Affairs notes:

https://www.regieringen.no/globalassets/departementene/ud/vedlegg/utvikling/safe schools declaration.pdf (accessed January 23, 2020).

²⁵ Safe Schools Declaration, May 28, 2015,

²⁶ Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict, March 18, 2014, http://protectingeducation.org/sites/default/files/documents/guidelines.en.pdf (accessed January 23, 2020).

²⁷ UN Committee on the Elimination of Discrimination against Women, General Recommendation No. 30, Access to Education, U.N Doc. CEDAW/C/GC/30 (2013), para. 48.

²⁸ African Committee of Experts on the Rights and Welfare of the Child, "Outcome Statement for the Day of General Discussion on Children Affected by Armed Conflict," November 26, 2019.

²⁹ African Union, Press Statement on the Peace and Security Council of the African Union's 597th meeting on May 10, 2016: "Children in Armed Conflicts in Africa with particular focus on protecting schools from attacks during armed conflict;" Press Statement on the Peace and Security Council of the African Union's 615th meeting on August 9, 2016: "Education of Refugees and Displaced Children in Africa;" Press Statement on the Peace and Security Council of the 692nd meeting on June 13, 2017, of the PSC dedicated to an Open Session on the theme: "Ending Child Marriages;" and Press Statement on the Peace and Security Council of the 706th meeting on July 26, 2017, of the PSC on the theme: "Child Soldiers/Out of School Children in Armed Conflict in Africa."

³⁰ United Nations Infantry Battalion Manual, 2012, section 2.13, "Schools shall not be used by the military in their operations."

United Nations peace operations should refrain from all actions that impede children's access to education, including the use of school premises. This applies particularly to uniformed personnel. Furthermore ... United Nations peace operations personnel shall at no time and for no amount of time use schools for military purposes.³¹

Senegal's peacekeeping troops are deployed in the Central African Republic and Mali — both countries where attacks on students and schools, and the military use of schools has been documented as a problem.³²

Human Rights Watch recommends that the Committee ask the government of Senegal:

- Are protections for schools from military use included in the pre-deployment training provided to Senegalese troops participating in peacekeeping missions?
- Do any Senegalese laws, policies, or trainings provide explicit protection for schools and universities from military use during armed conflict?
- Why has the government of Senegal not yet endorsed the Safe Schools Declaration, and brought the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict* into domestic military policy and operational frameworks?

Sexual Abuse and Exploitation Against Female Talibé Children (Articles 1, 10 and 12)

Across Senegal, there are an estimated 100,000 *talibés*, children attending residential Quranic schools (*daaras*), who are forced to beg for food or money by their Quranic teachers (marabouts), who serve as their de facto guardians.³³ Thousands of these children live in conditions akin to slavery, forced to endure often extreme forms of abuse, neglect, and exploitation.

Although the majority of *talibé* are boys, many girls also suffer from the same terrible conditions and frequent abuse. Media investigations show that female pupils are particularly vulnerable to violence and sexual abuse and in fact, girls are often just less visible because they are not on the streets.³⁴

Sexual Abuse and Rape

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³¹ UN Department of Peacekeeping Operations, Department of Field Support and Department of Political Affairs, "Child Protection in UN Peace Operations (Policy)," June 2017.

³² Education Under Attack: 2018, The Global Coalition to Protect Education from Attack, 2018,

http://www.protectingeducation.org/sites/default/files/documents/eua_2018_full.pdf

^{33 &}quot;There Is Enormous Suffering: Serious Abuses Against Talibé Children in Senegal, 2017-2018," Human Rights Watch, June 11, 2019, https://www.hrw.org/report/2019/06/11/there-enormous-suffering/serious-abuses-against-talibe-children-senegal-2017-2018

³⁴ Kieran Guilbert, "Girls in Senegal's Islamic schools prey to abuse while boys beg on streets: activists," *Reuters,* March 7, 2017, https://www.reuters.com/article/us-senegal-education/girls-in-senegals-islamic-schools-prey-to-abuse-while-boys-beg-on-streets-activists-idUSKBN16E1FX (accessed January 29, 2020)

Human Rights Watch documented a total of 15 cases of rape, sexual abuse, or attempted sexual abuse allegedly committed by 10 Quranic teachers or their assistants during 2017 and 2018, targeting at least ten boys and five girls, all Quranic students. Six of the perpetrators were allegedly Quranic teachers, implicated in attacks against nine children, while four were reportedly Quranic teachers' assistants (older *talibés*), implicated in attacks against six children.

The 15 cases documented are not an exhaustive list. Child protection workers believe other cases likely went unreported by families and victims, due to the stigma associated with sexual abuse as well as the strong societal influence wielded by religious leaders. One prosecutor mentioned dealing with several cases of sexual abuse or rape by "a person responsible for the education of the victim," including Quranic teachers or grands *talibés*, but did not provide specific evidence or information.

Human Rights Watch welcomes the investigations into many of these cases, though some victims continue to await justice. In March 2018, in the town of Karang in Foundiougne department, Fatick region, a Quranic teacher was convicted and sentenced to 10 years in prison for raping one of his students, a 13-year-old girl. In another March 2018 case, in Nioro department of Kaolack region, a grand *talibé* just under the age of 18 allegedly raped three girls between the ages of 7 and 12 who attended his Quranic school. The grand *talibé* was arrested and a judicial investigation opened, but a judicial official in Kaolack said that "he was granted a provisional liberty after six months of detention, as provided by the law if the investigation is not completed within this period." ³⁵

In November 2018, the local media reported that a marabout in Mbour, Thiès region, had been arrested for sexually abusing one of his *talibés*, a 7-year-old girl, in October.³⁶ A government social worker in Mbour confirmed the case and reported that the marabout himself had confessed to the act. He was acquitted in January 2019 for "lack of evidence."³⁷

Government Programs

President Macky Sall, re-elected in February 2019 to a second term, has promised since 2016 to end child begging and "remove children from the streets," reiterating in May 2019 his intention to "definitively resolve the problem of children in the street." However, by late 2019, this rhetoric

³⁵ Human Rights Watch, *There Is Enormous Suffering*, p. 44.

³⁶ "Mbour: un maître coranique, accusé d'attouchement sexuel...accuse Satan," SeneNews, November 24, 2018, https://www.senenews.com/actualites/mbour-un-imam-accuse-dattouchement-sexuel-invoque-satan_254106.html (accessed December 1, 2018).

³⁷ High Court of Mbour, Thiès Court of Appeals, "Etat Des Affaires Jugées dont les Victimes sont des Talibés," 2019 (on file with Human Rights Watch).

³⁸ Le Quotidien, "DIALOGUE NATIONAL- Macky Sall s'engage à appliquer les résultats : 'il n'y a plus d'enjeux pour moi, il y aura de la transparence. Je reste ouvert, disponible et engagé," May 28, 2019, https://www.lequotidien.sn/dialogue-national-macky-sall-sengage-a-appliquer-les-resultats-il-n-y-a-plus-denjeux-pour-moi-il-y-aura-de-la-transparence-je-reste-ouvert-disponible-et-engage/ (accessed May 28, 2019).

had not yet been accompanied by consistent, decisive and far reaching action to protect *talibés*, including girls from abuse and exploitation across the country and deter further violations.³⁹

Senegal has strong domestic laws against child abuse, trafficking and exploitation, and forced child begging. Arrests and prosecutions of Quranic teachers for such abuses have increased slightly in recent years. Nevertheless, the police often still failed to investigate cases of forced begging and exploitation, social workers failed to report many such cases, including sexual abuse and exploitation of girls, and charges against Quranic teachers continued to be dropped or sentences reduced by the judiciary in 2017 and 2018.

The long-awaited law on the status of *daaras*, which would increase oversight of the *daaras* in which much of the sexual abuse has occurred, was first drafted in 2013 and was subject to years of revision. It was finally approved in June 2018 by the Council of Ministers; but at the time of writing, it has not been brought to a vote before the National Assembly.⁴⁰

Human Rights Watch recommends that the Committee ask the government of Senegal:

- What specific steps are being taken to ensure that female *talibés* are included in removal programs so that they are not primarily aimed at the more visible male *talibés*?
- What actions has the government taken to address the specific forms of abuse that female *talibés* can face?
- What type of sensitisation programs are in place to ensure child protection services, police and judicial institutions include abuses committed against girls?
- What steps are being taken to increase investigations and prosecutions of Quranic teachers and other adults who perpetuate abuses against *talibé* children?
- Why has the government not yet passed the draft law on the status of *daaras*, in order to establish a structural and institutional framework for *daaras*?
- Will government programs be expanded beyond Dakar in order to reach the thousands of *talibés* begging in other regions, and make funding available to *daaras* that prioritize education and respect children's rights?

³⁹ "These Children Don't Belong in the Streets: A Roadmap for Ending Exploitation, Abuse of Talibés in Senegal," Human Rights Watch and PPDH, December 16, 2019, https://www.hrw.org/report/2019/12/16/these-children-dont-belong-streets/roadmap-ending-exploitation-abuse-talibes

⁴⁰ Human Rights Watch and PPDH, *These Children Don't Belong in the Streets*, p. 3.