

Children's Right to Identity in Senegal

95 Pre-Sessional Working Group (01 May 2023 - 05 May 2023) of the Committee on the Rights of the Child/State Periodic Report n. CRC/C/SEN/6-7

1 Creation of Identity

- In 2019, more than one in five children (22.3%) under the age of five are not registered.¹
- Senegal has made significant efforts to improve the overall civil registration system, for both children and adults, such as :
 - 2021 study on Sociocultural determinants of non-reporting of civil status in Senegal mandated by relevant Ministries in collaboration with UNICEF and UNFPA. This study showed that the main reason why children were not registered at birth was due to ignorance and/or the mother being unable to register the child when the father leaves for work purposes (e.g. raise cattle through "la transhumance" or emigrate abroad) as she does not have access to his identity documents. In other cases, the father may refuse paternity.
 - Modernisation of the civil registration system through « *Nékkal* » programme which seeks to improve digitalisation of the current system ²
 - Extensive awareness raising efforts have been undertaken with the following results in 2021:
 - 25,992 people strengthened their knowledge of birth registration through community dialogue activities;
 - 2,069 community leaders (village chiefs, neighbourhood delegates and religious leaders, in particular) strengthened their capacity to promote birth registration and accompany families;
 - 213 civil servants (mainly health and education) have strengthened their skills in birth registration;
 - 23,000 communication materials were produced (posters, leaflets, flyers, guides);
 - development of a communication campaign on the importance and procedures for declaring births accessible to users (e.g. posters outside the buses and video spots inside the buses); and
 - videos of [key leaders](#) ³ and [UNICEF staff](#) ⁴ etc.
 - As of 2021, out of a total enrolment of 2,269,617 students in **elementary school**, 430,083 students still do not have civil status documents, i.e. 18.9% on average with higher rates in some regions 50.9% in Sédhiou and 44% in Kaffrine.⁵
 - The number of children enrolled in **preschool in 2021** is 270,255, with 8% without birth certificates, with much higher disparities in regions such as Kaffrine (37.9%) and Sédhiou (30.8%), while the lowest rate is recorded in Dakar (0.6%).⁶

Tableau 61: Pourcentage d'élèves de l'Élémentaire ne disposant pas d'une pièce d'état civil en 2021

Académie	Répartition des élèves de l'Élémentaire sans pièce d'état civil					
	Total		CI		CM2	
	Effectifs	Part en %	Effectifs	Part en %	Effectifs	Part en %
Dakar	7 154	4,9%	1316	5,3%	520	2,5%
Diourbel	28 494	16,9%	6959	19,6%	1332	6,9%
Fatick	39 724	28,5%	8805	33,3%	2190	12,1%
Kaffrine	27 053	44,0%	7125	48,5%	1267	19,4%
Kaolack	47 033	29,0%	11525	34,7%	1590	8,2%
Kédougou	1 412	3,7%	353	4,5%	109	2,1%
Kolda	24 556	18,1%	6062	21,6%	1674	10,0%
Louga	30 331	25,6%	7142	29,2%	1120	8,0%
Matam	9 675	10,6%	2276	12,0%	334	3,4%
Pikine-Guédiawaye	18 937	8,2%	3171	7,5%	1660	5,1%
Rufisque	7 287	6,5%	1543	7,7%	249	1,6%
Saint-Louis	15 238	9,1%	3077	9,3%	1676	8,2%
Sédhiou	52 073	50,9%	11733	58,6%	1365	9,6%
Tambacounda	30 279	24,7%	7132	27,2%	1602	11,2%
Thiès	60 699	16,6%	12431	17,5%	5166	11,4%
Ziguinchor	30 138	28,1%	5942	31,6%	2102	13,7%
National	430 083	18,9%	96 592	21,7%	23 956	8,3%

Source : Recensement scolaire 2021 DPREIMEN

- In 2020, the Ministry of Education took the lead to end the phenomenon in the education system through the development of a strategy for the detection and registration of pupils without birth certificates. UNICEF supported the development of a protocol ⁷ for school directors to clarify their role in supporting families to complete the birth registration process, and negotiated elimination of fees for late registration. Since 2020, a total of 14,813 students were registered. ⁸ The protocol includes the establishment of committees responsible for detecting and supporting the regularisation of students without a birth certificate. Birth registration has been integrated into the central statistical database of the education ministry to centralise information on students without birth certificates and those who have been regularised.
- There is still a fee for late registration in Senegal, but this has been reduced to 500 CFA (i.e. cost of the stamp).
- Some courts still insist on being paid for their time for special birth registration operations (audience foraine)
- Children who are abandoned face difficulties in accessing the civil registry systems.⁹
- Senegal lacks a framework that explicitly covers birth registration processes of children born through surrogacy, although it seems to occur as advertised on different websites.¹⁰



• According to UNHCR ¹¹, Senegal hosts 16,205 rural and urban refugees. The number of rural refugees is estimated at 13,649, mainly Mauritians who have been based in the Senegal River Valley for the past 30 years, in 244 sites covering more than 600 km, from Saint-Louis to Bakel. The number of urban refugees is estimated at 697 people and are of different nationalities and are mainly based in Dakar, Thiès and Saint-Louis. As for the asylum seekers their number is estimated at 1,859 people.

Potential consideration(s)

- *What is the State doing to encourage better coordination with relevant Ministries to improve birth registration rates, particularly in regions such as Sèdhiou and Kafrine?*
- *What efforts are made to ensure all children's origins are preserved, including those who may be abandoned and/or born through surrogacy?*

2

Modification of identity

- There is a lack of up to date information about alternative care placements in Senegal. Statistics available in 2015 indicate that at least 10% of children are (informally) fostered in Senegal, with concerns that this may be a hidden form of child labour.¹²
- For intercountry adoptions that are “simple” (i.e. maintain filiation with the birth family), the consent of birth parent(s) is not systematically obtained for a conversion to a “full” adoption in the receiving State (i.e. new filiation with the adoptive parent(s)).¹³ This can be problematic in terms of ensuring free and informed consents, as most receiving States will only accept “full” adoptions and therefore birth parent(s) should be aware that the filiation with them will be eventually severed.
- Children who are adopted to another country have the possibility of keeping their Senegalese nationality.¹⁴

Potential Consideration(s)

- *What is Senegal doing to ensure that children are not unnecessarily separated from their families?*
- *When children are separated from their families, what reunification efforts are made, including that the child maintains contact with birth family?*

3

Falsification of identity

- Children may be unduly separated from their families, which can result in their losing their original identity and procuring a new/improper identity. For example, some children in traditional Islamic schools (Quranic) who are there for the purpose of boarding and/or a place to live can be exploited and become “owned” by the marabouts. Human Rights Watch in 2019 estimates that at least 50,000 talibé children who live in boarding or mixed daaras, and unable to leave. Forced to beg in the streets of certain cities such as Dakar and Diourbel, they are at risk of abuse and neglect and are exploited by their masters or marabouts.¹⁵
- Girls Not Brides notes that in 2019 “31% of girls in Senegal are married before their 18th birthday and 9% are married before the age of 15.”¹⁶ Moreover, they note that the highest rates of child marriage are found in the south eastern part of Senegal in Tambacounda (57%), Kafrine (59%), Kolda (68%) and Kédougou (72%).
- The extent of sex trafficking is unknown, but recent research confirms that it is significant in the gold mining region of Kédougou. The research shows that the female victims are mostly from Nigeria, recruited at a very early age (sometimes as young as 12) with false identity documents, where minors are presented as adults.¹⁷

Potential consideration(s)

- *What is Senegal doing to ensure proper regulation of Islamic schools and that marabouts/teachers who exploit the children are prosecuted to prevent unnecessary separation and/or improper modification of the child's identity?*
- *What concrete steps is Senegal taking to eliminate child and early forced marriage, worst forms of child labour and child trafficking – which result in the “falsification” / “improper” modification of the child's identity?*



4

Preservation of identity

- Little information is available about the frameworks in place to ensure that the child's information (original and in situations, when modified) is preserved and accessible.
- The Central Adoption Authority notes that information about the adopted child's origins is accessible and kept for an indefinite period in ICA matters.¹⁸

Potential Consideration(s):

- *How does Senegal ensure that children in alternative care can access information about their origins?*
- *In inter-country adoption matters, what training and resources are available to the Central Adoption Authority, to ensure that adoptees in practice have access to origins information?*

5

Restoration of identity

- In addition to the issues identified above, Senegal is known for the movement of children within West Africa. During this movement, the whereabouts of children is not always monitored and/or safeguarded. The IFRC has set up a program to help locate missing children on the move. Since 2014, 607 families have benefited from support including psycho-social and economic.¹⁹ Mobile services have also been established to provide services such as access to basic needs.²⁰

Potential Consideration(s):

- *What efforts are made to speedily establish missing elements of the child's identity in relation to those who are on the move, refugees, in alternative care, adopted, born through surrogacy, part of child trafficking and/or child marriage? (see issues identified in sections 1 to 4)*
- *What efforts are made to ensure children (talibé) are able to live with their families and/or maintain contact with them? (section 3)*

1 <https://www.unicef.org/senegal/recits/pourquoi-lenregistrement-des-naissances-est-vital-pour-les-enfants>

2 <https://www.unicef.org/senegal/recits/les-chefs-religieux-se-mobilisent-pour-lenregistrement-des-enfants-%C3%A0-l%C3%A9tat-civil>

3 <https://www.unicef.org/senegal/recits/la-rencontre-de-mariama-quinndo> and <https://www.unicef.org/senegal/recits/les-chefs-religieux-se-mobilisent-pour-lenregistrement-des-enfants-%C3%A0-l%C3%A9tat-civil>

4 <https://www.unicef.org/senegal/recits/pourquoi-lenregistrement-des-naissances-est-vital-pour-les-enfants>

5 Rapport National Sur La Situation De L'éducation 2021, by Direction De La Planification Et De La Reforme De L'éducation (Dpre) published in 2022

6 Rapport National Sur La Situation De L'éducation 2021, by Direction De La Planification Et De La Reforme De L'éducation (Dpre) published in 2022

7 Dispositif De Détection Et D'enregistrement À L'état-Civil Des Élèves Sans Acte De Naissance

8 www.etatcivil.education.sn du SIMEN (see Dispositif)

9 <https://www.amnesty.sn/enfants-abandonnes-tous-mobilises-pour-la-preservation-de-leur-dignite/>

10 <https://www.findsurrogatemother.com/surrogate-mothers/senegal> and

<https://www.documentissime.fr/questions-droit/question-37918-reconnatre-un-enfant-ne-d-une-mere-porteuse.html>

11 UNHCR 2021 Call for Expression of Interest Protection et solutions durables pour les demandeurs d'asile, les apatrides et les réfugiés au Sénégal

12 Child Fostering in Senegal (2015)

<https://www.jstor.org/stable/43613100>

13 2022 response by Senegal to HCCH country profile <https://assets.hcch.net/docs/a60247e4-6914-4aac-8e33-95d7b0408fec.pdf> (Question 30c)

14 2022 response by Senegal to HCCH country profile <https://assets.hcch.net/docs/a60247e4-6914-4aac-8e33-95d7b0408fec.pdf>

15 <https://www.hrw.org/fr/report/2019/06/11/il-y-une-souffrance-enorme/graves-abus-contre-des-enfants-talibes-au-senegal-2017> and

<https://www.humanium.org/en/senegal/>

16 2019 Demographic and Health Survey in

<https://www.girlsnotbrides.org/learning-resources/child-marriage-atlas/atlas/senegal/>

17 https://cenhro.uga.edu/news/child_sex_trafficking_senegal_dimensions_effects_solutions/

18 2022 response by Senegal to HCCH country profile <https://assets.hcch.net/docs/a60247e4-6914-4aac-8e33-95d7b0408fec.pdf> (Question 31)

19 <https://blogs.icrc.org/hdtse/2023/02/08/senegal-un-programme-de-soutien-aux-familles-de-migrants-disparus/>

20 https://www.eeas.europa.eu/delegations/senegal/protection-des-enfants-et-jeunes-migrants-aus-%C3%A9n-%C3%A9gal-le-r-%C3%B4le-des-%C3%A9quipes_en?s=117

