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# COUNTRY SITUATION

## SENEGAL



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## GENERAL SITUATION

### Geographical situation

- Senegal is a sub-Saharan country, located in western Africa, with a coastline that extends more than 700 km along the Atlantic Ocean. Senegalese territory is neighboured by Mauritania to the north, by Mali to the East, by Guinea and Guinea-Bissau to the south.
- Senegal is exposed to chronic and seasonal vulnerabilities, mainly due to climate change. Drought affects the northern, central and eastern regions, causing food and nutrition insecurity, exposing young children and pregnant and lactating women to a risk of acute malnutrition.

### Political situation & governance

- After a long period of French colonisation, Senegal has been a [democratic republic under presidential rule](#) since 1960.
- Senegal is considered one of the [most stable democracies](#) in Africa because it has never experienced a coup d'état since its independence. It has been long committed to the maintenance of international peace and regional mediation.
- From [an administrative point of view](#), Senegal is divided into 14 regions. There are 46 administrative subdivisions organised into departments, with sub-departments such as: *Arrondissements* (46), *Communes* (557), and 14,958 villages (14,958). Villages with their own leaders remain the basic units of the territorial organisation.

### Population

- Senegal's population almost doubled between 2000 and 2019, from 9.7 million to 16.7 million ([EU and National Agency for Statistics and Demography](#)). In 2022, this figure stood at [17,923,036](#). The population is characterised by its youth as almost half of the population (48%) is 18 years of age or younger, and one third of all children are under five years of age ([UNICEF](#)).
- The [population growth of 2.5%](#) is also due to high fertility, although declining (4.7 children per woman on average in 2014) and, to a lesser extent, to a lower mortality rate ([CRC/C/SEN/3-5, para. 53, p. 16](#))
- Senegal is also characterised by its unequal distribution among administrative regions: the population is concentrated in the west, Dakar constituting a well-defined central area; about 70% of the population is rural.
- 95% of the population are Muslim.

### Economic & social situation

- According to the [UNDP Human Development Index](#), Senegal's human development is low and is ranked 166th out of 189 countries.
- For several years, the economy has registered a sustained growth of more than 6% of GDP with low inflation. These two elements have enabled Senegal to be among the best performing countries in sub-Saharan Africa ([UNICEF COAR 2021](#), p. 1 & [World Bank](#)). The COVID-19 crisis has had a negative impact on the economy and has affected the poorest families, women and children. However, the Senegalese economy [became revitalised](#) in 2021, following the combination of several factors and also returned to its pre-COVID-19 growth path.
- About 30% of Senegalese live in poverty: [nearly 4 out of 10 households](#) live below the poverty line. Many do not have access to clean water, sanitation and medical assistance. Rural-urban disparities are very strong. The number poor people living in rural areas in the country is about 4.4 million ([SOS Village](#)). In addition, high proportions of children are affected by socio-economic inequalities with the majority of the youth population coming from families living in poverty ([CRC/C/SEN/3-5, para. 27, p. 7](#)).

### Children's rights



- **Birth registration:** The rate of birth registration of children aged 0 to 5 years is 78.7% compared to 74.6% in 2010. Only 7 out of 10 children are registered at birth ([UNICEF, Terre des Hommes Suisse](#)). It is free up to the age of one year, after which the procedure to register a birth can generate a fee. According to the latest data provided by the local ISS/IRC contact, registered births remain higher in urban areas (92.7% for children 0-5 years) than in rural areas (70.7% for children 0-5 years). The local ISS/IRC contact has also stated that the country has validated a national civil status strategy on June 27, 2022.
- **Violence against children and adolescents (hereinafter C&A):** According to [UNICEF](#), violence against children, especially sexual violence, is a widespread phenomenon, but little information is available. In 2021, there were 921 child victims of violence (35% of girls compared to 11% in 2020), with 139 child victims of sexual violence (135 girls, 4 boys) ([UNICEF COAR 2021](#), pp. 2 & 5). Also, female genital mutilation (FGM) is a widespread practice in Senegal, where nearly two million girls and women have endured FGM. Most FGM is performed on girls under 5 years of age, and rarely after 10 years of age ([UNICEF, 2022](#))
- **Child exploitation, trafficking and begging:** According to [UNICEF](#), child begging (which according to [EU](#) and [Human Rights Committee data](#) is at around 100,000 children), including child trafficking, have become a national problem. The local ISS/IRC contact notes children who do not live with any of their biological parents represent a group that is particularly vulnerable to exploitation, trafficking and begging risks.

## CHILDREN DEPRIVED OF PARENTAL CARE AND ALTERNATIVE CARE OPTIONS

### Applicable laws and policies & competent authorities

- The [Family Code](#), the [Criminal Procedure Code](#) and the [Criminal Code](#) define the current legal framework for the child protection system.
- Following the creation of a task force set up by the Ministry of Justice, a **bill on the Child Code** in line with the CRC was drafted. In September 2019, this bill was sent to all Ministries for comments. The consolidated document must now be validated by the General Secretariat of the Government (SGG), Technical Committee and then adopted by the Council of Ministers and the National Assembly ([CRC/C/SEN/6-7](#), para. 8a, p. 5).
- In addition, other bills are now being drafted or validated, such as the proposal to create the figure of the Child's Advocate or the bill amending the Convention on Action against Trafficking in Human Beings of 2005-06 ([CRC/C/SEN/6-7](#), paras. 8a-8c, p. 5 et seq.).
- **National Social Protection Strategy 2015-2035 (NSPS)** which focuses on the needs of poor and vulnerable groups, including women and children.
- **National Child Protection Strategy (NCPS)**<sup>1</sup>, which is the reference framework for all public policies on child protection and whose objective is the establishment of an integrated national child protection system. To this end, different intervention strategies and priority actions are articulated and identified over a period of four years. Its implementation is carried out within the framework of Senegal's Departmental Committees for Child Protection (CDPE, as per its French abbreviation). According to the local ISS/IRC contact, a National Action Plan is expected to be linked to the NCPS. Several tools have been developed to implement the NCPS (minimum standards, integrated diagrams, a procedural manual for childcare centre management, reference guide on the costs of child protection service offers, standard operating procedures for removing children from the streets, harmonised intervention tools). As indicated by the local ISS/IRC contact, these tools include, following the NCPS's review in 2018, [national guidelines](#) on multi-sector community-based case protection that have been validated and prevention and care platforms that are being set up. There is also a mechanism for reporting the care and referencing of child victims of violence through the platforms created following multi-sector guidelines at the local level ([CRC/C/SEN/6-7](#), para. 38c, p. 24).
- **Children's Programme**, which, among other things, focuses on: improving the legal and institutional framework for child protection; caring for children in vulnerable situations; social reintegration of street

<sup>1</sup> Available upon request to ISS/IRC.



children and care for orphans declared wards of the State ([CRC/C/SEN/6-7](#), section II, p. 4).

The main ministries responsible for protection in Senegal are:

- **[Ministry of Women, Family, Gender and Child Protection](#)** (MFFGPE, as per its French abbreviation) with the **[Directorate for the Promotion of Rights and Protection of Children](#)** (DPDPE, as per its French abbreviation) – created in early 2019. Its mission is to prepare and implement the policy defined by the Head of State on family policy, the promotion of women and gender, and the protection of children. In particular, the MFFGPE is responsible for policies to promote the rights of all types of children, while the DPDPE coordinates and monitors the implementation of the NCPS, in conjunction with the relevant ministries.
- The **Ministry of Justice (MJ)**, with the **Directorate of Supervised Education and Social Protection (DESPS)**, in operation since 1977, is responsible for implementing the public policy of judicial and social protection of children and young people under 21 years of age. It has also been the Central Authority responsible for international adoption (ACCAI, as per its French abbreviation) since 2018.
- The main coordination and consultation frameworks: The **[National Intersectoral Committee for Child Protection](#)** (CINPE, as per its French abbreviation) – established in 2016, is the coordinating body for child protection policy in Senegal, and therefore the NCPS. It is chaired by the Prime Minister and joins, at the strategic level, all the actors involved in the child protection sector ([CRC/C/SEN/6-7](#), para. 12a, p. 8), see all sectoral departments, technical and financial partners and NGOs.
- The **National Executive Secretariat for Child Protection** with its four (04) commissions: the prevention commission, the care commission, the promotion, partnership and communication commission, and the monitoring, evaluation and knowledge management commission.
- The **Departmental Child Protection Committees (CDPE)** – located in all departments around the country, are the bodies responsible for promoting synergy of child protection interventions at the local level. It is up to the CDPEs to ensure the implementation of the NCPS and the monitoring of the territorial policy of protection of children's rights on a local level. They are chaired by the prefects of the departments and are made up of various state and civil society services involved in the local child protection system, including community actors such as religious leaders and *Badienou Gokh*, for example.
- **Local child protection committees.**

In 2019, Senegal developed a document titled *National Guidelines for the provision of multi-sector community-based child protection services*, which specifies the roles and responsibilities of each sector. ([CRC/C/SEN/6-7](#), para. 12b, p. 8).

#### Family support & prevention of unnecessary family separation

- **[The Plan for an Emerging Senegal \(PES\)](#)** is a 10-year strategy for the period 2014-2023, focused on three pillars. Support for families and thus Senegal's national social protection strategy is part of the PES axis 2 entitled "Promotion of human capital, social protection and sustainable development". The PES pursues policies that address manifestations of poverty while addressing the root causes of poverty to reduce the impact of vulnerabilities affecting poor households, such as operations to remove children from the streets, as part of the response to the COVID-19 pandemic, particularly during 2020.
- The **[National Programme of Family Security Grants \(BSF\)](#)**, as per its French abbreviation) – set up since 2013 with the goal of contributing to the fight against vulnerability and social exclusion of families through integrated social protection aimed at strengthening their productive and educational capacities. It also covers birth registration. It currently covers only 22% of all households.
- The **[Universal Health Coverage Program \(UHC\)](#)** – created in 2013 to provide universal health coverage to the people most in need.
- In the 2020 Programme Budget, the Child Protection Sector was strengthened with a dedicated Programme (Children) combined with an increase in the social budget ([CRC/C/SEN/6-7](#), para. 14a & 14b).

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### Gatekeeping mechanism & family reintegration

As explained by the ISS/IRC's local contact, at a DESPS level, care starts with a request for educational assistance to the President of the Children's Court for children at risk, upon receipt of concerning information for child victims and following a presumed offence.

## ALTERNATIVE CARE OPTIONS

Senegal does not have a formal system of alternative protection. The Family Code only provides for a guardianship system. In practice, the Ministry of Justice uses legal guardians pending the establishment of a formal system of alternative care, as confirmed by Senegal's last periodic report to CRC (2021) ([CRC/C/SEN/6-7](#), para 46b, p. 31).

**Competent authorities:** The Children's Court where the minor resides has the general authority to order support measures for the child and the family, or to place the child in alternative care.

**Types of legally-recognised alternative care:** Parental custody, guardianship granted to a "trustworthy" person, residential care, adoption ([arts. 593 et seq.](#), CPP).

**Statistics on children deprived of family:** According to the CRC's 2016 Concluding Observations ([CRC/C/SEN/CO/3-5](#), para. 45, p.13), "The phenomenon of family separation affects half of children under 18 years of age in Senegal and one in five children aged 10 to 14 no longer lives with any of their biological parents". In addition, according to data from the [National Office of Wards of the State](#) (ONPN, as per its French abbreviation), there are 990 orphans, declared State wards.

According to data provided by the local ISS/IRC contact, 13.2% of children under 15 years of age do not live with any of their biological parents, 14.7% for children under 18 years of age. This concerns 15.9% of girls under 18 and 13.4% of boys under 18, 16.2% of children in urban areas and 13.7% in rural areas.

### Informal care by family members

**Kinship care options:** The practice of "*confiage*" is extremely widespread in Senegal, being a social practice deeply rooted in Senegalese society. This is an informal placement that consists in entrusting a child to a member of the family for various reasons, the main one being their education.

**Statistics:** This practice accounts for [35% or more](#) of children entering the alternative care system.

In other words, the draft Children's Code includes two provisions on protection measures for the care of children ([CRC/C/SEN/6-7](#), para. 40d, p. 26).

### Foster care/guardianship

**Legal framework:** [Family Code](#) (arts. 305 – 334)

**Child profiles:** a child whose parents have both died; a child whose father has been sentenced for family abandonment; a child who has no formal parentage with respect to any of their parents; all children who have had their legal custody converted to guardianship.

**Eligibility of guardians:** by will. If there is no willed guardian or if the one appointed does not accept or ceases to perform their duties, guardianship is granted to the minor by the family council, which is convened by the



guardianship judge, either *ex officio* or at the request of the parents or relatives, any interested party, or at the request of the public prosecutor.

**Monitoring mechanisms:** Children placed with foster families/under guardianship are systematically monitored by the Open Environment Educational Action (AEMO, as per its French abbreviation) services, which draw up a report every three (03) months for the competent authority. All cases of abuse or obstruction of follow-up officers' missions are reported and can lead to prosecution. ([CRC/C/SEN/6-7](#), para 46d, p. 31).

### Institutional care

**Type of institutions:** Senegal has several types of state and non-state institutions for children. As explained by the ISS/IRC's local contact, the Ministry of Justice through DESPS has several types of residential centres and shelters designed to take care of children in situations of vulnerability. These care centres are the following:

- Initial Care Centres (ICCs);
- Backup Centres (BCs)
- Multi-purpose centres (MPCs);
- Social Adaptation Centre (SAC)

In addition, according to the ISS/IRC's local contact, legally recognised private organisations may, if accredited, open institutions or childcare centres that comply with protection standards and regulations. These structures provide the children entrusted to them with the necessary care, sustenance and education for their rehabilitation and development. For Qur'anic schools, see section "**specific groups of children**".

**Monitoring and control mechanisms:** At the regional level, the Ministry of Justice has regional Supervised Education and Social Welfare Inspectorates (IESPS) which have the following functions:

- monitor all public or private institutions receiving or fostering minors;
- supervising DESPS staff and private structures receiving children in situations of vulnerability;
- investigating and monitoring all cases relating to the establishment and construction of institutions for children in vulnerable situations ([CRC/C/SEN/6-7](#), para 46c, p. 31).

The ISS/IRC's local contact notes that the approval is withdrawn in the event of failure to fulfil any of its obligations, after a formal notice has remained ineffective.

**Statistics:** In 2020, the National Office of Wards of the State maintained 965 orphans declared wards of the State ([CRC/C/SEN/6-7](#), para. 14a & 14b)

### Leaving care

No information is available.

### Focus on specific groups of children

**Talibé children:** *Talibé children* are children taken care of by Qur'anic schools known as *daaras* and are meant to learn the Qur'an. *Talibés* are mostly boys and girls between the ages of 5 and 15. In Senegal, there are formal Qur'anic schools, recognised by the State, and non-formal Qur'anic schools. While the former follow the national school curriculum and are regularly inspected, the latter offer no other lessons to children than the learning of the Qur'an and are seldom registered. *Talibé* children are often victims of abuse and neglect; they live in unhealthy and degrading conditions and are forced to beg on the streets. According to [Save the Children](#), there are 5,000 street children and *talibés* forced to beg on the Senegalese streets. In 2019, [Human Rights Watch](#) carried out a study on this issue and mentioned that 100,000 *talibés* living in *daara* boarding schools across Senegal were forced, by their Qur'anic teacher or *marabout* to beg for money, food, rice or sugar. Thousands of these children live in wretched poverty, deprived of sufficient food and medical care." In addition, a majority of them were not registered at birth.



According to this [same report](#), in early 2019, despite the abuse, neglect and exploitation suffered by many *talibé* children, the Senegalese National Assembly had not yet adopted the legal bill on the status of *daara*, approved by the Council of Ministers in 2018. In addition to the lack of supervision, it is rare for the authorities to close the *daaras*, as it is also rare for the police to open investigations. According to the [National Federation of Associations of Qur'anic Masters](#), more than 22,000 *daaras* currently exist in Senegal.

## Comments by the ISS/IRC

### Progress

The ISS/IRC congratulates the country for its efforts to establish a holistic and integrated national child protection system and, thus, promote positive social change, through the National Child Protection Strategy (NCPS), as well as all the programmes recently launched with UNICEF's support to train professionals and/or strengthen child protection skills throughout the different national institutes (UNICEF Senegal, [Annual Results for Children](#), 2021).

It is also encouraging to see that the Government continues to make efforts in the process of modernising birth registration with the support programme aimed at strengthening the civil status information system (with the creation of civil status support offices in health establishments) and consolidating the national biometric identity file ([CRC/C/SEN/6-7](#), para. 32a, p. 17; UNICEF Senegal, [COAR 2021](#), p. 6). Likewise, all programmes and actions carried out in favour of street children and *talibé* children, and the efforts to reunite them with their families of origin, such as the project to support the protection of children victims of violations of their rights (PAPEV, as per its French abbreviation) or the project "Zero children on the streets" ([CRC/C/SEN/6-7](#), para. 68c-70d, p. 51 et seq.).

### Remaining challenges to be addressed

Despite the policy-makers' will and the development of several programmes and initiatives to support vulnerable families and children deprived of families, there are still many challenges involved in inhibiting all these efforts, as a large number of children still face repeated violations of their rights. Whether they are children deprived of their family, street children, *talibés*, domestic workers or refugees, children at risk remain very numerous in Senegal. Existing family benefit programmes do not cover the entire population. For example, "cash transfer" initiatives concern only a part of families in extreme poverty and leave families in poverty, a large part of the less poor but vulnerable classes —and which can also fall into extreme poverty at any time— and those in informal sectors or families of self-employed people ([National Social Protection Strategy](#) (NSPS) of Senegal 2015-2035, para. 134, p. 38).

Furthermore, while the NCPS has allowed the possibility of clarifying each actors' respective roles as well as confer roles and responsibilities from the central to the local level through CDPE, the lack of financial and human resources and adequate training, coupled with outdated national laws, however, continue to pose many problems and challenges in terms of legal matters and logistics of monitoring and evaluating the situation of children deprived of families. According to the [Human Rights Watch report](#) (2019), not only does no special police unit for child protection exist outside Dakar, but also "existing child care centres are limited in capacity and only three of Senegal's 14 regions have state-run emergency child care centres. While non-governmental centres are trying to fill gaps in various regions, existing facilities are far from sufficient to meet needs."

The ISS/IRC is also concerned about the lack of regulation of the practice of *confiage*. Although based on good faith and solidarity, values typical of Senegalese society, it has often been a source of abuse and has encouraged



practices detrimental to children's rights. The formalisation and regulation of these placements would thus allow for a better control of the system and a better protection of the children.

To conclude, another major challenge to keep in mind is the lack of statistics, of comparative studies and assessments on the number and situation of children deprived of a family at national level, which obstructs the possibility to develop adequate strategies in the medium and long term.

## ADOPTION

**Accession to the 1993 Hague:** Senegal acceded to the [1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption](#) (1993 Hague Convention) in August 2011. The Convention entered into force on December 1, 2011.

**National laws/policies:** Adoption is governed by **Law no. 99-82 of September 3, 1999 amending act no. 72-61 of June 12, 1972 on the Family Code** (arts. 223-253) and the **Intercountry Adoption Guide**, with statutory value, established by Decree no. 2018-1070 of May 30, 2018 concerning the organisation of the Ministry of Justice. This Guide establishes the Competent Central Authority for Intercountry Adoptions (ACCAI, as per its French abbreviation) and provides for the practical intercountry adoption modalities in Senegal as well as the conditions for adoption accredited bodies (AABs).

**Nota bene:** Since the entry into force of the 1993 Hague Convention-1993 in 2011, Senegal has suspended all new intercountry adoption files and all procedures (as specified by the local ISS/IRC contact), including cases of intrafamily adoption, with a view to revise its domestic legislation and establish an institutional and procedural framework in accordance with the principles of the 1993 Hague Convention. After a suspension of almost ten years, in July 2020 the Government of Senegal [announced](#) that intercountry adoptions shall resume under the Hague Convention.

The local ISS/IRC contact also clarified that since the ACCAI's establishment in 2018, the adoption procedures that were ongoing when the suspension was announced (i.e. adoptions of children who had left Senegal on the basis of a foster care order or who had not left for the receiving country despite the foster care order being available) are currently being regularised, and such regularisation procedures are ongoing at the moment. At present, Senegal has started to receive new adoption applications, and the countries with which it is collaborating are the following: Belgium, Canada, France, Germany, Italy, Netherlands, Spain, United States.

## CENTRAL AUTHORITY

**Competent Central Authority for Intercountry Adoption (ACCAI)**

**Directorate of Supervised Education and Social Protection (DESPS)**

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The Central Authority has three commissions:

The **administrative commission** (specialised educational professionals and administrative staff) examines the reports and files, receives the profiles of children available for intercountry adoption, prepares the sessions and the reports in response to the Central Authorities of States Parties.

The **matching commission** (lawyers, specialised educational professionals, medical doctors, child psychiatrists and psychologists, secretaries) studies the files of potential adoptive parents, selects the best profiles, makes a matching decision, and prepares the matching proposal.

The **archive and personal data protection commission** (archive custodian, administrative staff) manage and preserve the database.

Sources: [HCCH Authorities](#) ; [Intercountry Adoption Guide](#), section III.

### SIMPLE/FULL ADOPTION

In Senegal, an adoption may be a full adoption or a simple adoption. In all cases, it may only be undertaken if there are justified reasons for it and if it entails benefits for the adoptee.

A **full adoption** grants the child a parentage, which replaces his parentage of origin; the adoptee no longer belongs to his biological family, except for marriage prohibitions.

**Simple (or limited) adoption** does not break the parent-child bond and does not entail inheritance. There are no age conditions regarding the adopted person. Simple (or limited) adoption is often used in domestic adoptions.

Namely, in the context of intercountry adoption, Senegal opts for full adoption.

Regarding the difference in revocability between simple and full adoption, see the section "Adoption Effects" below.

Sources: [Family Code](#), Arts. 6, 223, 241-243, 247-253; [Senegal's responses](#) to the Questionnaire on the practical operation of the 1993 Hague Convention Adoption, Prel. Doc N. 3 of February 2020 for the 2021 Special Commission; ISS/IRC local contact.

### SUBSIDIARITY PRINCIPLE

The [Intercountry Adoption Guide](#) mentions the fact that the ACCAI must respect the subsidiarity principle 'with the diligence required for domestic solutions in each case'.

Sources: Family Code, Arts. 229; Intercountry Adoption Guide, Art. 3.1.1.

### CHILD ADOPTABILITY

**Adoptable children** are:

- children, whose father and/or mother, or the Family Council, have validly and definitively consented to the adoption;
- children over the age of 15 years, who, in addition to their parent(s)' consent, have also personally consented to their adoption;
- children declared abandoned under the conditions set out in article 294 of the Family Code.



Under the Family Code and the Intercountry Adoption Guide, a child is considered abandoned when the parents have clearly lost interest in the child for **more than one year** and is declared abandoned by the court of first instance. Where a child is declared abandoned by the court, parental authority is delegated to any person likely to be interested in the child, to a specialised public service or to an approved adoption entity.

In addition, articles 296 to 299 of the Family Code provide for compulsory forfeiture and optional forfeiture of parental authority in cases of abandonment, or serious physical or moral harm to the child by the parents.

*Sources:* Family Code, Arts. 229, 294, 296-299; Intercountry Adoption Guide, Art. 4.2.

## **PROSPECTIVE ADOPTIVE PARENTS (PAPs)**

### **Age limits**

If the adopter is at least 15 years older than the child – or 10 years if the child is his or her spouse's son or daughter.

### **Status**

- Two married spouses (after 5 years of marriage), not separated, of different sex, where one or both spouses are at least 30 years of age;
- A spouse, relating to the other spouse's child(s);
- A person of at least 35 years of age.

As a general rule, the applicant(s) for adoption must not have biological children, unless an exception is granted by the President of Senegal. However, in the case of adoption by the couple or adoption by one spouse of their spouse's children, it is sufficient that both spouses have no children from their union at the time of the application. The existence of adopted children is not an obstacle to the adoption.

*Sources:* Family Code, Arts. 224-227; Intercountry Adoption Guide (item 4.1); [U.S. Department of State](#).

## **CONSENTS**

### **Consent of the child**

Any child over the age of 15 years must personally consent to their adoption.

### **Consent of biological parents**

- When a child's parentage has been established in relation to their father and their mother, both must consent to the adoption;
- If one parent is deceased, is unable to express their wish, or if they have been deprived of their parental responsibility, the other parent's consent is sufficient;
- When a child's parentage has been established only in relation to one parent, the latter expresses their consent to the adoption;
- The father and mother, as well as the Family Council, may consent to the child's adoption, leaving the selection of the adopter to a specialised public service or to the authorised adoption body, which temporarily cares for the child.

### **Consent of the Family Council**

When the father and mother of the child are deceased, are unable to express their wish, or have been deprived of their parental responsibility, consent is expressed by the Family Council, on the basis of the opinion of the person who has, de facto, been caring for the child. This also applies when the child's parentage has not been established;



In general, **consent must be expressed via an authenticated act before the Peace Judge** of the place of domicile/residence of the consenting person or before a Senegalese/foreign notary public, or before the Senegalese diplomatic or consular officers.

In the case of one of the parents' or the Family Council's **unreasonable refusal** to consent, the potential adopter may, when submitting the adoption application, request the Court to disregard this requirement and to authorise the adoption.

#### **Competent judicial authorities:**

The competent authority to obtain the consent of the child to be adopted's parents or legal representative is the district court judge, notary or diplomatic or consular agent.

#### **Withdrawal of consent**

Consent to adoption may be withdrawn for 3 months and the authority receiving it shall notify the person consenting to the adoption of this possibility. Mention of this notice shall be made in the act. The withdrawal must be made by certified letter with acknowledgement of receipt addressed to the authority that received the consent to the adoption. The surrender of the child to their parents on request, even verbal, also constitutes proof of withdrawal. If, after these three months, the consent has not been withdrawn, the parents may still request the child's restitution, if the latter has not been placed for adoption, or if the adoption application has not yet been submitted.

*Sources:* Family Code, Arts. 231-233; [Senegal's responses](#) to the Questionnaire on the practical operation of the 1993 Hague Convention Adoption, Prel. Doc N. 3 of February 2020 for the 2021 Special Commission; ISS/IRC local contact.

## **INTRAFAMILY ADOPTION**

Intrafamily adoption is also managed by ACCAI.

According to the responses given by Senegal to the questionnaire on the practical operation of the 1993 Hague Convention, the country has developed good practices regarding intrafamily adoption, including specific social surveys to determine the parents' motivation, children's needs, their situation and determine their best interests.

*Source:* [Senegal's responses](#) to the Questionnaire on the practical operation of the 1993 Hague Convention Adoption, Prel. Doc N. 3 of February 2020 for the 2021 Special Commission.

## **PROCEDURE**

The adoption procedure takes place in two stages: an administrative stage and a judicial stage.

#### **Administrative stage**

Upon receipt of the application on behalf of the PAP(s) submitted by the AABs or the central authority of the receiving country, ACCAI shall create a file concerning adoptable children. This file includes —among other things— the consents, and the fact that the arrangement is in their best interests. This report will be submitted to the authority of the receiving country following the matching proposal.

#### **Judicial stage**

This stage consists mainly of two phases:

1. Temporary placement order for the child (see below);
2. Judicial adoption declaration, issued after the probationary period (see below).

For the list of documents to be provided in case of an adoption request (full or simple), see [Senegal Services](#).



Sources: Intercountry Adoption Guide, Section V.; [Senegal Services](#); ISS/IRC's local contact.

## MATCHING

The ACCAI's Matching Commission is the body responsible for studying the candidates' and adoptable children's adoption files and, thus, choosing the best profiles for each child and making the decision on matching.

This Commission shall meet once every two months, and whenever necessary, upon the ACCAI's call, according to the number of pending files.

Matching proposals are unanimous decisions by members of the commission, who sign the deliberation minutes. They are recorded on minutes, which are submitted to the Central Authority in a closed envelope.

Following the matching process and after the agreement of the two central authorities and the PAP(s) to continue the procedure, the Central Authority sends the file to the president of the territorially competent High Court to issue the provisional placement order.

For a complete list of documents included in the Matching file, see the Intercountry Adoption Guide.

Sources: Intercountry Adoption Guide, Section V, Art. 5.2.1. ; Family Code, Art. 234.

## PROBATIONARY PERIOD

Once the matching file has been received, and after hearing the PAP(s), the **president of the Court where the child resides** makes an order either for provisional placement with the prospect of adoption or for rejection.

The provisional placement order is immediately enforceable notwithstanding objection or appeal. The Court orders the fostering of the child for adoption to the PAPs along with the actual handing over of the child, which gives them parental responsibility.

The time limit for issuing the provisional placement order shall be **one month** after the Central Authority has sent the file to the General Court.

The probationary period is of one **year** and takes place **in the receiving country**. Adoption applicants may stay **a maximum of one month** during which PAPs are supervised by ACCAI professionals via ad-hoc visits, counselling and recommendations. During the one-year adoption placement period, two follow-up reports must be prepared.

According to the [French Adoption Agency's](#) (AFA) website, this period of cohabitation is **mandatory** regardless of the nature of the adoption (simple or full).

In the case of intercountry adoptions, the child – being cared for in the receiving country for the purpose of completing the probationary period – does not enjoy any stable and definitive legal status until an adoption judgement has been issued by the Senegalese judicial authorities. The local ISS/IRC contact specifies that the child leaves the territory on the basis of the placement order and the authorisation for entry and permanent residence of the receiving country.

Sources: Family Code, Art. 234, 235; Intercountry Adoption Guide, Section V, Art. 5.2.1.; French Adoption Agency (AFA); local ISS/IRC contact.



## ADOPTION DECISION

The adoption decision is a **judicial decision**. The procedure is the same for both full and simple adoptions. The competent court to declare an adoption decision is the **High Court of the child's domicile** for both domestic and intercountry adoptions.

Once the one-year probationary period is over, ACCAI forwards the final request for adoption made by the PAP(s) to the competent Court. The request is accompanied by the entire file including the two follow-up reports created during the cohabitation stage.

The court shall issue a final adoption or rejection judgement regarding the application within a period of **three (03) months** at the latest from the date of its referral.

Regarding simple adoptions, when the prospective adopter wishes for the simple adoption not to result in any inheritance rights between themselves and the adoptee and their descendants, they must inform those persons, whose consent is required. The expressed consent must state that it is expressed having accepted this condition. This same statement must be included in the request with a view to adoption and in the resulting judgement.

### Appeal

The judgement may be appealed against (appeal or third party opposition) in the form and within the time limits laid down by law. The appeal must be filed within one month of the judgement.

A simple adoption may be revoked in accordance with the conditions laid down in the Family Code, under the supervision of the ACCAI, if necessary.

*Sources:* Family Code, Art. 228, 234-237, 245, 253; Intercountry Adoption Guide, Section V, Art. 5.2.2. ; local ISS/IRC contact.

## REGISTRATION

### Full adoption

The Public Prosecutor must, within **15 days** from the day, on which the decision becomes final, order the Civil Registrar of the child's place of birth to record it as a birth certificate, upon submission of the adoption judgement. The original birth certificate will mention 'cancelled - adoption' and a mention on the margin will refer to the new birth certificate with its date and number.

### Simple adoption

The Public Prosecutor will order the competent Civil Registrar to mention the adoption on the margin of the birth certificate.

*Source:* Family Code, Arts. 58, 239 & 246.

## ADOPTION EFFECTS

### Rights

*Full adoption* – The adoptee has, within the adopter's family, the same rights and obligations as any legitimate child.

*Simple adoption* – The adoptee remains in his or her family of origin and keeps all his or her rights, in particular any inheritance rights. Nevertheless, depending on what has been stipulated by the adopter, there may or may not be an inheritance right.



## **Name**

*Full adoption* – the adoptee takes the adopter's surname and, in the case of being adopted by two spouses, the husband's surname. However, children adopted by their mother's husband shall retain their father's name.

*Simple adoption* – in this case, the adoptee bears the adopter's name and adds it to their surname; however, the judge may, in the best interests of the child, decide that they will only bear the adopter's name.

In both full and simple adoptions, a change of name can only take place at the request of the adopter.

## **Revocability**

*Full adoption* – adoption is irrevocable.

*Simple adoption* – It may be revoked on serious grounds, via a decision of the Court, upon a request by the adopter or adoptee and, if the latter is still underage, by the Public Prosecutor. However, a request for a revocation of an adoption is only admissible if the adoptee is aged over 15 years.

## **Nationality**

According to Senegalese law, the adopted child never loses their nationality of origin.

*Sources:* Family Code, Arts. 6, 7, 240-243, 247-253; [Senegal's responses](#) to the Questionnaire on the practical operation of the 1993 Hague Convention Adoption, Prel. Doc N. 3 of February 2020 for the 2021 Special Commission.

## **POST-ADOPTION FOLLOW-UP**

The Senegalese Family Code contains no provision on post-adoption follow-up, as also emphasised by the local ISS/IRC contact.

Senegal provides for post-adoption follow-up with mandatory reports during a specific period for each case: not only the periodicity, but also the duration and modalities of post-adoption follow-up will be determined on an individual basis.

Post-adoption services are provided by ACCAI and Open Environment Educational Action Services (AEMO), coordinated by the Directorate of supervised Education and Social Protection (DESPS). They are sent electronically or by post by ACCAI or the AAB. The ACCAI may undertake post-adoption monitoring visits in cooperation with the Central Authorities of receiving countries.

*Source:* Intercountry Adoption Guide (Section VI) [Senegal's responses](#) to the Questionnaire on the practical operation of the 1993 Hague Convention Adoption, Prel. Doc N. 3 of February 2020 for the 2021 Special Commission; ISS/IRC local contact.

## **ADOPTION BREAKDOWN**

No information is available.

## **SEARCH FOR ORIGINS**

The Senegalese Family Code does not provide for the right to know of one's origins.

The Family Code states that the adoption judgement shows the old and new surnames and names of the adoptee and includes what must be mentioned on the Civil Registry's records.

As provided for in Senegal's Intercountry Adoption Guide, ACCAI has set up a Commission for Archives and Personal Data Protection, which keeps information on the origins of children and their adoption. Among other things, this Commission is responsible for managing and maintaining the database and archiving records



concerning children and adoptive parents to facilitate origin searches. (See above, in the "Central Authority" section).

According to Senegal's responses to the Hague questionnaire, the people who have the right to initiate origin searches are the following:

- for *full adoptions* – only the adoptees;
- for *simple/limited adoptions* – the adoptees and the members of the family of origin.

The ACCAI, upon the adoptees' request, instructs the specialised instructors of the administrative commission to provide psychosocial support to the applicants and facilitate their access to information. However, there are currently no available statistics on the number of adoptees who are searching or have submitted an origin search request. The local ISS/IRC contact confirms that ACCAI has not yet received such requests.

Also, the French branch of the organisation **Archivists Without Borders (AWB-France)** has just launched a project (2022) to create an archiving system within ACCAI, in order to improve access to the adoption files for children born in Senegal and adopted by foreign families. At the moment, in cases where the basic information on an adoption is incomplete or non-existent, regularisation is envisaged as far as possible.

*Sources:* Family Code, art. 237; Intercountry Adoption Guide; [Senegal's responses](#) to the Questionnaire on the practical operation of the 1993 Hague Convention Adoption, Prel. Doc N. 3 of February 2020 for the 2021 Special Commission; AWB-France; local ISS/IRC contact.

## ADOPTION ACCREDITED BODIES (AABs)

Independent adoptions are not permitted. Any request for adoption must go through an AAB whose role is to activate, facilitate and follow the procedure for adoption on behalf of their constituents.

The IA Guide provides for the conditions to be met by domestic and foreign accredited adoption bodies. Foreign accredited adoption bodies must, amongst others, have a multidisciplinary team of professionals from the fields of social work, psychology, law and medicine, be non-profit organisations and hold expertise in adoption.

Foreign accredited adoption bodies operating in Senegal must have been issued a licence, issued in accordance with established criteria by the ACCAI and valid for a period of five years.

The costs for the authorisation of foreign accredited adoption bodies and the fees for the accreditation of domestic accredited bodies are set in the Intercountry Adoption Guide.

*Source:* Intercountry Adoption Guide, Section III, Art. 3.2. & 7.3.

## SANCTIONS

Senegal's Criminal Code states that those guilty of abducting, stealing and replacing a child by another or of presuming the child's birth from a woman, who has not done so, will be punished with five to 10 years of imprisonment.

Furthermore, anyone who, through fraud or violence, will abduct or order the abduction of children, or who takes or will take them, divert them or displace them from the place where they were, from the authority or under the direction of those they were entrusted to, will be subject to forced labour for five to 10 years.

*Source:* Criminal Code, arts. 338 & 346.

## COSTS

Only the costs and expenses, including the reasonable fees of the persons involved in the adoption, may be claimed and paid.



The IA Guide specifically details all the documents for which fees are payable and the amount of each fee, as well as the fee for authorisation of foreign AABs and accreditation of national AABs.

Source: Intercountry Adoption Guide, Section VII.

## STATISTICS

According to the data available on the [US Department of State](#) website, there has only one intercountry adoption, in 2019, which was an adoption procedure finalised in 2019 concerning a full adoption judgement.

According to the data provided by the local ISS/IRC contact, 11 children were adopted domestically, while at the internationally, (regarding adoption files to be regularised), there may be a total of 47 completed adoptions, distributed as follows:

Country	Completed intercountry adoptions
Spain	11
France	4
Italy	32

These numbers refer to adoption procedures for adoptable children (with a foster care order) over the period encompassing 2011-2018, which were ongoing procedures.

Their regularisation to obtain full adoption judgements is underway.

Sources: US Department of State; local ISS/IRC contact.

## Comments by the ISS/IRC

### Progress

The ISS/IRC welcomes the approval of Decree No. 2018-1070 of 30 May 2018, which has appointed the Direction de l'Éducation Surveillée et de la Protection Sociale as the Central Authority competent for intercountry adoption, as well as the drafting, in 2019, of an Intercountry Adoption Guide by the latter. According to the information available, in 2020 the other competent authorities were sensitised and trained on this guide.

The Intercountry Adoption Guide refers to the subsidiarity principle, clarifies certain stages of the procedure, in particular the assessment of adoption candidates, the matching process, the costs of adoption, etc. In addition, the introduction of provisions to regulate post-adoption follow-up and search for origins, aspects that were not regulated by the Family Code, are welcomed.

### Remaining challenges to be addressed

Despite the country's progress, it's important that Senegal strengthens certain key stages in the adoption procedure, namely, the provision of advice and support necessary when obtaining the parties' consents, the procedure for the declaration of the child's adoptability, the preparation of the latter and of the PAP(s) for the adoption or the search of origins, whose conditions and the procedure are not clear. These are, nevertheless, crucial stages, which ensure that the adoption truly responds to the child's best interests and that it is compliant with international standards.

It is also essential to clarify child's status during the one-year probationary period so as not to put the child in





danger of finding themselves in a legal vacuum when carried out abroad, but also when carried out in Senegal.

Ultimately, it is very difficult, even impossible, to find statistics relating to domestic and intercountry adoption. It is to be noted, however, that domestic adoption is hardly mentioned in the reports submitted to the Committee on the Rights of the Child and appears not to be promoted or even used.

## LEGISLATION

### International instruments

	<b>Signature (S) / Ratification (R) / Accession (A) / In force (V)</b>
<a href="#">United Nations Convention on the Rights of the Child (1989)</a>	26 January 1990 (S) 31 July 1990 (R)
<a href="#">Optional Protocol</a> to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000)	8 September 2000 (S) 5 November 2003 (R)
<a href="#">Hague Convention</a> on Protection of Children and Co-operation in respect of Intercountry Adoption (1993)	8 September 2000 (S) 3 March 2002 (R)
<a href="#">United Nations Convention on the Rights of the Child (1989)</a>	24 August 2011 (A) 1er December 2011 (V)
<a href="#">Hague Convention</a> on la compétence, la loi applicable, la reconnaissance, l'exécution et la coopération en matière de responsabilité parentale et de mesures de protection des enfants (1996)	-
<a href="#">Apostille Convention</a> (1961)	13 July 2022 (A) 23 March 2023 (V)
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (also referred to as the <a href="#">Trafficking Protocol</a> or UN TIP Protocol, supplementing the United Nations Convention Against Transnational Organized Crime (2000)	13 December 2000 (S) 27 October 2003 (R)
<a href="#">United Nations Convention on the Rights of Persons with Disabilities</a> (2006)	7 September 2010 (R)
<a href="#">United Nations International Convention</a> for the Protection of All Persons from Enforced Disappearance (2006)	6 February 2007 (S) 11 December 2008 (R)

### Regional instruments

	<b>Signature (F) / Ratification (R) / Accession (A) / In force (F)</b>
<a href="#">African Charter</a> on the Rights and Welfare of the Child (ACRWC) (1990)	18 May 1992 (S) 29 September 1998 (R)
<a href="#">Maputo Protocol</a> to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003)	12 December 2003 (S) 30 January 2005 (R)

### National legislations/regulations



	Language
<a href="#">Constitution</a> of the Republic of Senegal	In French
<a href="#">Family Code</a> (Law n°99-82 of 03 September 1999 amending Law n°72-61 of 12 June 1972)	In French
<a href="#">Criminal Code</a> (Section VII, Paragraph II – Child Abduction, articles 346-349)	In French
<a href="#">Criminal Procedure Code</a> (Book IV, Chapter II – Children in danger)	In French
Decree n° 2018-1070 of 30 May 2018 on the organisation of the Ministry of Justice	In French – Available upon request at the ISS/IRC.
<a href="#">Intercountry Adoption Guide</a> , prepared by the Central Authority on intercountry adoption (ACCAI)	In French – Available upon request at the ISS/IRC.

## PARTICULARLY RELEVANT SOURCES OF INFORMATION

### Periodic review by the CRC Committee

- 6<sup>th</sup> -7<sup>th</sup> Periodic Report : Senegal, [CRC/C/SEN/6-7](#), submitted on 19 May 2021
- CRC Concluding Observations: Senegal, [CRC/C/SEN/CO/3-5](#), 7 mars 2016
- List of issues related to the 3<sup>rd</sup> -5<sup>th</sup> Periodic Report : Senegal, [CRC/C/SEN/Q/3-5/Add.1](#)
- 3<sup>rd</sup> -5<sup>th</sup> Periodic Report: Senegal, [CRC/C/SEN/3-5](#)/[CRC/C/SEN/3-5](#), submitted on 29 April 2013

### Other organisations

- [UNICEF Senegal | UNICEF](#) – General information on children and on UNICEF activities in the country.
- **US Department of State:** [Senegal Intercountry Adoption Information \(state.gov\)](#) – Description of intercountry adoption in Senegal.
- **France Diplomatie (France):** [Sénégal - Ministère de l'Europe et des Affaires étrangères \(diplomatie.gouv.fr\)](#) – Description of intercountry adoption in Senegal.

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