



**International Convention on  
the Elimination of All Forms  
of Racial Discrimination**

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**Committee on the Elimination of Racial Discrimination**

**Combined nineteenth to twenty-third periodic  
reports submitted by Senegal under article 9 of the  
Convention, due in 2015\***

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## **Introduction**

1. Senegal ratified the International Convention on the Elimination of All Forms of Racial Discrimination on 19 April 1972. Long before its adoption, Senegalese legislation, in particular the Criminal Code, included provisions on the elimination of racial discrimination.
2. Under article 91 of the Constitution, the International Convention on the Elimination of All Forms of Racial Discrimination is an integral part of the corpus of national law.
3. The Government of Senegal hereby submits its combined nineteenth, twentieth, twenty-first, twenty-second and twenty-third periodic reports.
4. The report is divided into two main parts. The first part contains specific information on the effective implementation of articles 1 to 7 of the Convention. The second provides responses to the concerns and recommendations put forward by the Committee in relation to the combined sixteenth to eighteenth periodic reports of Senegal, submitted in 2012.

## **I. Specific information relating to the implementation of articles 1 to 7 of the Convention**

### **1. Concept of racial discrimination (art. 1)**

#### **1.1 Definition of racial discrimination in domestic law**

5. Racial discrimination is defined in article 3 of Act No. 81-77 of 10 December 1981, relating to the punishment of acts of racial, ethnic or religious discrimination. This definition has been incorporated into the Criminal Code by means of article 283 bis. Pursuant to that text:

“Racial, ethnic or religious discrimination means any distinction, exclusion, restriction or preference based on race, colour, descent, national or ethnic origin, or religion which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.”

6. This law, which reproduces, in substance, the terms of article 1 of the Convention, goes even further by taking the religious aspect into account.

#### **1.2 Special measures to secure the adequate advancement of groups and individuals protected under the Convention**

7. The Senegalese legal system does not provide for special measures for any racial or ethnic group. Equal treatment is based on the fact that all citizens are equal before the law. It should be noted that the population does not include any racial or ethnic groups in need of specific protection to safeguard their rights.

### **2. Measures to combat racial discrimination in all its forms (art. 2)**

#### **2.1 Legal and institutional framework to combat racial discrimination**

8. Senegal has a legal and institutional framework conducive to combating racial discrimination. In addition to having ratified the core human rights instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination, Senegal has enshrined the principle of the prohibition of racial discrimination in several provisions of its Constitution.

9. Thus, under the fourth paragraph of article 7: “All human beings are equal before the law. Men and women are equal before the law. In Senegal, no prejudice or privilege shall attach to place of birth, identity or descent.”

10. Article 8 provides that:

“All citizens of the Republic of Senegal shall enjoy the following fundamental individual freedoms, economic and social rights and collective rights:

- Political freedoms (freedom of opinion, freedom of expression, freedom of association, freedom of assembly, freedom of movement and freedom of peaceful demonstration)
- Cultural freedoms
- Freedom of thought and religion
- Trade union rights
- The right of free enterprise
- The right to education and access to cultural property
- The right to own property
- The right to work
- The right to health and to a healthy environment
- The right to information from a variety of sources
- The right to literacy

The only limitation in principle to the exercise of any of the freedoms guaranteed by the Constitution is that such exercise must respect the freedom of others and must not cause harm to others or disturb public order. Freedoms shall be exercised in accordance with the conditions established by law.”

11. Against this backdrop, Act No. 81-77 of 10 December 1981, relating to the punishment of acts of racial, ethnic or religious discrimination, criminalizes acts of racial, ethnic or religious discrimination, but also any dissemination of ideas based on racial superiority or hatred, incitement to ethnic or religious discrimination and acts of violence against any person on the basis of origin or membership of an ethnic group, race or religion.

12. With regard to the undertaking to prohibit racial discrimination by any persons, groups or organizations, article 4 of the Constitution states that political parties or coalitions of political parties are prohibited from “identifying with a particular race, ethnic group, sex, religion, sect, language or region. The conditions under which political parties and coalitions of political parties are formed, operate and cease their activities shall be determined by law”.

13. In addition to the Constitution, Senegal has adopted the following laws:

- Act No. 79-02 of 4 January 1979, which repeals and replaces the second and third paragraphs of article 814 of the Code of Civil and Commercial Obligations, which states that “all discrimination in respect of admission to such an association on grounds of race, sex, religion – except as regards exclusively religious associations – or political opinion – except as regards political parties and associated groups – is prohibited”.
- Act No. 81-17 of 15 May 1981 on political parties.
  - Article 2 of the Act, as amended by Act No. 89-36 of 12 October 1989, requires political parties to include in their bylaws a commitment to respect the Constitution, national sovereignty and democracy. Failure to honour this commitment can lead to the dissolution of the party.
- Act No. 81-77 of 10 December 1981 relating to the punishment of acts of racial, ethnic or religious discrimination.
- This law supplements article 1 of Act No. 65-40 of 22 May 1965 on seditious organizations. It states that: “Organizations or groups whose activities are wholly or partly concerned with the practice of racial, ethnic or religious discrimination or incitement to such discrimination shall be dissolved by decree”.

14. At the institutional level, since 1970 Senegal has had a national human rights institution called the Senegalese Human Rights Committee, established by Decree No. 70-453 of 22 April 1970. In line with the requirements of the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), in 1997 Senegal adopted Act No. 97-04 of 10 March 1997 to enshrine the Committee’s

status in law. Under the terms of this Act, the Senegalese Human Rights Committee is an “independent institution for consultation, monitoring, evaluation, dialogue and proposals concerning respect for human rights”. Its overarching purpose is therefore to promote and protect human rights.

15. In terms of promotion, the Committee raises awareness among government officials and the general public through the media, training initiatives, conferences and any other appropriate means.<sup>1</sup> It also creates, collects and distributes documentation in the area of human rights.

16. With regard to protection, the Committee has a mandate to take action in cases where human rights violations are discovered or brought to its attention. In addition, it can draw the attention of State authorities to human rights violations and propose solutions. The Committee is also authorized to issue opinions and recommendations on all matters relating to human rights, including laws, regulations and administrative practices.

17. In addition to the Senegalese Human Rights Committee, the country’s human rights promotion and protection architecture includes other independent and autonomous structures, in particular the Office of the Ombudsman.

18. The Ombudsman is an independent administrative authority established by Act No. 91-14 of 11 February 1991, as amended by Act No. 99-04 of 29 January 1999. While the Ombudsman typically receives complaints lodged by individuals, the institution can now intervene on its own initiative as a preventive measure. The Ombudsman plays an important role as intermediary between the Government and persons who feel that their rights or interests have been infringed.

19. The Human Rights Directorate of the Ministry of Justice and the National Advisory Council on Human Rights and International Humanitarian Law, which have a general mandate to promote and protect human rights, are involved in combating racial discrimination.

20. The State encourages and works in close collaboration with non-governmental organizations and national and international institutions through several structures that have been established, including the National Advisory Council on Human Rights and International Humanitarian Law, in combating racial discrimination.

## **2.2 Strategic framework to combat racial discrimination**

21. Senegal does not only prohibit racial discrimination in its laws. It also seeks to establish a positive culture of coexistence. In consequence, it has always encouraged all measures, including private ones, aimed at preventing or combating all forms of discrimination.

22. It is in this spirit that the State is engaged in the implementation of several initiatives involving religious denominations and lay religious orders. It promotes Islamic-Christian dialogue, which has become an institution in Senegal that contributes significantly to national cohesion.

23. In addition, through its contribution to cultural activities, the State promotes the friendly banter that traditionally exists among some ethnic groups. This custom plays an indisputable role in promoting social cohesion. Moreover, Senegal has a Ministry of Culture whose primary role is to ensure respect for the cultural identity of all people.

## **3. Measures to prevent racial discrimination (art. 4)**

### **3.1 Measures to combat all forms of propaganda for or incitement of racial discrimination**

24. In order to fulfil its commitment to adopt positive measures designed to eradicate all incitement to racial discrimination, based on the principles enshrined in the Universal Declaration of Human Rights and article 5 of the Convention, Senegal has criminalized the acts referred to in article 4 (a), (b) and (c) of the Convention by means of Act No. 81-77 of 10 December 1981. Accordingly, new provisions have been added to the Criminal Code,

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<sup>1</sup> Source: 2017 report of the Senegalese Human Rights Committee.

specifically articles 166 bis, 256 bis and 257 bis. The Act also provides for the punishment of certain offences committed by any means of public dissemination. Article 277 of the Criminal Code stipulates that “in the event of a conviction ...”, including for racial discrimination by any means of public dissemination, “the suspension of the newspaper or periodical for a period not exceeding three months may be ordered by the same court decision. Such suspension shall not affect any work contracts by which the publisher is bound; the publisher shall continue to be bound by all contractual or legal obligations arising therefrom”.

25. These provisions are supplemented by articles 278 and 279, which read as follows:

“In the event of a conviction ...”, including for racial discrimination, “the court shall order, as an additional penalty, that a summary of its decision be published at the convicted person’s expense in one or more newspapers of its choice. Where the offence has been committed by means of a media outlet, the court shall also order the editor in charge of the media outlet to publish, in the same place and in the same font, a summary of the judicial decision, including the grounds therefor. Such publication shall be effected within one month of the day on which the judgment becomes final. Any convicted person who fails to publish or have published the summary referred to in the first two sentences of this article shall be fined 20,000 to 500,000 francs. Any convicted person who fails to publish or have published such a summary within the specified time period after the date on which the decision to impose a fine becomes final shall in addition be fined twice the amount of the initial fine and imprisoned for 2 to 6 months (art. 278 bis).”

“The increase in penalties applied in respect of repeat offences shall not be applicable to the offences referred to in this section.”

### 3.2 Measures to criminalize and penalize racial discrimination

26. Racial discrimination is classified as a separate offence in Senegal by Act No. 81-77 of 10 December 1981 relating to the punishment of acts of racial, ethnic or religious discrimination.

27. In addition, article 281 of the Criminal Code strengthens the measures to penalize racial discrimination by treating it as an aggravating circumstance in relation to the crime of murder. The Code stipulates that: “Any killing of a person committed with premeditation after lying in wait or by reason of racial, ethnic or religious discrimination is classified as murder.”

28. Article 295 of the Code provides for severe penalties in such cases. It stipulates that: “In cases where the act is committed with premeditation, after lying in wait or by reason of racial, ethnic or religious discrimination, the penalty shall be as follows:

- 5 to 10 years’ imprisonment in the case referred to in the first sentence of article 294;
- 10 to 20 years’ hard labour in the case referred to in the second sentence of article 294.”

29. With regard to the prevention of racial discrimination in the administration and functioning of the criminal justice system, article 166 bis of the Criminal Code states: “Any administrative or judicial official, elected official or official of a public authority, or any official or employee of the State, public institutions, national corporations, public-private corporations or corporations receiving financial support from the Government, who denies any natural or legal person the exercise of a right without just cause on grounds of racial, ethnic or religious discrimination shall be liable to a prison sentence of between 3 months and 2 years and a fine of between 10,000 and 2,000,000 francs.”

30. With regard to the right to security of person and protection by the State against violence inflicted by government officials or by any individual, article 106 of the Criminal Code provides that “Any civil servant or agent, official or member of the Government who orders or commits an arbitrary act or an act that violates the individual liberty or civil rights of one or more citizens or infringes the Constitution shall be penalized by the loss of his or her civil rights ...”.

#### **4. Prohibition of discrimination in the exercise and enjoyment of human rights (art. 5)**

##### **4.1 Civil and political rights**

31. Article 1 of the Constitution of Senegal states that “The Republic of Senegal is a political, economic and social democracy. It guarantees all citizens equality before the law, without distinction as to origin, race, sex or religion. It respects all beliefs.”

32. The legislative framework also guarantees all persons access to justice. It explicitly prohibits discrimination in access to justice.

33. In the context of counter-terrorism, the Senegalese Government has adopted:

- Act No. 2016-29 of 8 November 2016 amending Act No. 65-60 of 21 July 1965 on the Criminal Code;
- Act No. 2016-30 of 8 November 2016 amending Act No. 65-61 of 21 July 1965 on the Code of Criminal Procedure.

34. The legislature has ensured that these new provisions are in line with the Constitution and the International Convention on the Elimination of All Forms of Racial Discrimination. They are also informed by the United Nations counter-terrorism conventions to which Senegal is a party. Act No. 2016-29 of 8 November 2016 amending Act No. 65-60 of 21 July 1965 on the Criminal Code also provides that the glorification of terrorism in any form is punishable as a criminal offence.

35. As regards equal participation in the conduct of public affairs and in political life, article 3 of the Senegalese Constitution guarantees the equality of all citizens before the law, without distinction as to origin, race, sex or religion and provides that: “National sovereignty belongs to the people and is exercised by the people through its representatives or by referendum. No segment of the people and no single individual may claim the exclusive right to exercise sovereignty. Suffrage may be direct or indirect. It shall always be universal, equal and secret. All Senegalese nationals of either sex aged 18 or over and in possession of their civil and political rights shall be entitled to vote under the conditions determined by law.”

36. In order to ensure the effective implementation of these provisions, Senegal adopted an Electoral Code under which votes are counted by commissions made up of representatives of the political parties and presided over by judges and prosecutors. Furthermore, under the Code, polling is supervised by the judicial branch and disputes concerning presidential and legislative elections are settled by the Constitutional Council. Members of the armed forces and of paramilitary units now have the right to vote.

37. In order to ensure equal access to public service, the recruitment of civil servants and public officials is based essentially on the principles of effectiveness and transparency and on objective criteria such as merit, equity and aptitude.

38. The right to freedom of movement and residence within the border of the State is set forth in article 8 of the Constitution, which guarantees freedom of movement. Observance of this provision is ensured by article 9 of the Constitution, which stipulates that: “Any impairment of freedoms or wilful restriction of the exercise of a freedom shall be punishable by law.”

39. The Constitution of Senegal guarantees freedom of movement to all persons. Subject to compliance with administrative formalities, anyone may leave or return to Senegal.

40. Concerning the right to nationality, the Senegalese Nationality Act (No. 61-10) of 7 March 1961 has been amended by Act No. 2013-05 of 8 July 2013.

41. Under article 5 of the amended Act, “Any child born to a Senegalese parent shall be Senegalese”. Under article 7, a foreign national who marries a Senegalese national is entitled to Senegalese citizenship after five years of married life, starting from the celebration or recognition of the marriage and provided that the bonds of marriage have not been broken and that the Senegalese spouse has not lost his or her Senegalese citizenship.

42. In regard to the right to marry and free consent, the first paragraph of article 17 of the Constitution provides that “Marriage and the family are the natural and moral basis of human society. They are protected by the State”. The forced marriage of a girl who has not

reached the age of majority or of a woman constitutes a violation of personal freedom. It is prohibited and punishable in accordance with the law (art. 18 of the Constitution).

43. Article 15 of the Constitution guarantees the right to own property. “It may not be infringed except in the event of duly established public necessity and subject to prior payment of fair compensation.”

44. Senegalese law provides for inheritance rights by way of two separate regimes:

- The ordinary law regime
- The Muslim law regime.

45. In the ordinary legal system, article 515 of the Family Code provides that “Property is inherited by the children and descendants of the decedent and his or her ascendants, collateral relatives and surviving spouse, according to the line and degree of relationship, in the order and in accordance with the rules set out hereafter”.

46. Article 520 of the Code states that “Children and other legitimate descendants shall inherit from their father and mother and other ascendants, irrespective of whether they were born of different marriages. When all the individuals concerned are heirs in the first degree and in their own right, they shall succeed per capita to equal shares of the estate. When some or all of them inherit by representation, they shall inherit per stirpes”.

47. Concerning the Muslim legal system, article 571 of the Family Code states that “The provisions of this chapter apply to the estates of persons who, prior to their death, have either expressly or by their conduct unequivocally expressed the wish for their property to be inherited in accordance with Muslim law”.

48. Individual freedoms are guaranteed in Senegal by the Constitution. Anyone in the territory of Senegal, regardless of nationality, possesses these freedoms. They include freedom of opinion, freedom of expression, freedom of the press, freedom of association, freedom of assembly, freedom of movement and freedom to demonstrate.

49. As concerns the return or removal of non-citizens to a country or territory where they are at risk of being subjected to serious human rights abuses, including torture and cruel, inhuman or degrading treatment or punishment, the Senegalese State upholds the rule of law and respect for human rights. It has therefore signed all of the core international and regional human rights conventions, including those against torture. As a State party, Senegal complies with the Convention relating to the Status of Refugees, article 33 of which prohibits the expulsion or return of a refugee to a country where he or she would be at risk of torture. This prohibition is consistent with the spirit of Act No. 2004-38 of 28 December 2004, whereby the death penalty was abolished in Senegal.

50. In the context of developing appropriate arrangements for communication and dialogue between victims and the police, the authorities are conducting information programmes and campaigns to build trust between criminal investigation police and all victims of human rights violations.

## 4.2 Economic, social and cultural rights

51. Article 25 of the Constitution expressly prohibits discrimination in connection with the right to work. It provides that “Everyone has the right to work and to seek employment. No one may be disadvantaged in his or her employment on the basis of his or her origin, sex, opinions, political views or religious belief. Workers may join trade unions and defend their rights through engagement in trade union action”. Article L.1 of the Labour Code is based on the constitutional provisions on the right to work.

52. The Constitution guarantees all workers, whether or not they are expatriates, the right to organize. Article L.9 of the Labour Code provides that “All foreign nationals who belong to a trade union may, if they fulfil the above conditions and have been domiciled in Senegal for at least five years, hold office in that union, provided that their country of origin grants the same right to Senegalese nationals”. Article 9 of the Constitution ensures the implementation of these rights by prohibiting any impairment or wilful restriction of the exercise of these freedoms.

53. Regarding the right to housing, no cases of discrimination in housing have been reported to date. The Government of Senegal indicates that there are no victims or potential victims of racial discrimination.
54. Article 8 of the Constitution guarantees all citizens the right to health. The vision for health policy is based on the idea of a country where all individuals, households and communities have universal access to quality promotional, preventive and curative health services, without exclusion of any kind.
55. The right to education and the modalities for exercising this right are guaranteed and set forth in articles 21, 22 and 23 of the Constitution, under which the State is responsible for ensuring the education and training of young people by establishing public schools. Under article 21, the State and public authorities are required to create the conditions and public institutions necessary to ensure children's education. Under article 23, private schools may operate alongside public schools, subject to State permission and oversight.
56. Regarding the right to equal participation in cultural activities, article 8 of the Constitution guarantees cultural freedoms. As in the case of other constitutional freedoms, any impairment or wilful restriction of the exercise of this freedom is punishable by law.
57. The Government of Senegal is committed to the promotion of an egalitarian mass culture invested with a constant value for everyone. The Senegalese Constitution enshrines the right of all citizens to participate in cultural life.
58. Concerning the right of access to any place intended for use by the general public, the Constitution guarantees all citizens equal access to public services without discrimination.
59. With regard to the issue of refugees, non-citizens and stateless persons, the term "refugee" means any foreign national who has sought asylum in Senegal within the meaning of Act No. 68-27 of 24 July 1968 relating to the status of refugees.
60. For each step of the asylum procedure, the asylum seeker is required to apply to the National Commission on Eligibility for Refugee Status, which is chaired by a judge and made up of representatives of all relevant departments; a representative of the United Nations High Commissioner for Refugees participates as an observer.
61. Article 1 of the 1961 Convention on the Reduction of Statelessness provides that:
- "A Contracting State shall grant its nationality to a person born in its territory who would otherwise be stateless. Such nationality shall be granted:
- (a) at birth, by operation of law, or
- (b) upon an application being lodged with the appropriate authority, by or on behalf of the person concerned, in the manner prescribed by the national law."
62. At the regional level, the Abidjan Declaration of Ministers of the States members of the Economic Community of West African States (ECOWAS) on the eradication of statelessness, which was signed in Abidjan on 25 February 2015 by the Ministers of the Interior and Justice of the States members of ECOWAS, underlines the ECOWAS States' undertaking to prevent and reduce statelessness by reforming constitutional, legislative and institutional regimes related to nationality in order to include appropriate safeguards against statelessness. This includes, in particular, the implementation of safeguards to ensure that every child acquires a nationality at birth and of appropriate measures in order to enable stateless persons to obtain a legal status in accordance with the 1954 Convention and international human rights standards, thereby allowing them to live in dignity.
63. The Declaration also calls for the inclusion in Community law of measures for the integration and protection of stateless persons.
64. The country's successive development policies have provided an enabling environment for the promotion and protection of women's economic and social rights.
65. Senegal is a party to the core international and regional instruments for the promotion and protection of women's rights. In order to guarantee equality between men and women, the Constitution of Senegal reaffirms the principle that all forms of discrimination, in particular gender-based discrimination, are prohibited.

66. The Constitution gives women the right of access to land, the right to the improvement of their living conditions, access to health and welfare, the right to own their own property on the same footing as their husbands, and the right to manage their own property. It prohibits the forced marriage of girls who have not reached the age of majority and of women, and all forms of discrimination between men and women regarding employment and remuneration.

67. To give effect to these rights and freedoms and to ensure that they are guaranteed, the following laws have been adopted:

- Act No. 2013-05 amending Act No. 61-10 of 7 March 1961 on Senegalese nationality, which allows the foreign husband of a Senegalese woman and their children to acquire Senegalese nationality;
- Act No. 2010-11 of 28 May 2010 establishing absolute parity between men and women in all institutions in which some or all posts are elective; implementation of the Act is monitored by a national equality observatory;
- The Mining Code of 2016, article 109 of which requires the owners of mining concessions and their subcontractors to promote equal employment opportunities for women and men and to guarantee equal pay to women and men who are equally qualified;
- Decree No. 2017-313 of 15 February 2017 introducing gender units in ministry secretariats;
- Prime Ministerial Circular No. 009159 of 26 March 2013 calling on sectoral ministries to mainstream gender in their activities, which has led to the establishment of 22 gender units in the public administration.

68. Through the Gender Equity and Equality Directorate established in 2008, Senegal implements the National Gender Equity and Equality Strategy adopted in 2006, which has made a significant contribution to women's advancement, including in rural areas.

## **5. The right to a remedy for victims of racial discrimination (art. 6)**

### **5.1 Jurisprudence related to racial discrimination**

69. Senegalese courts have not received any complaints from individuals who are victims of racial discrimination.

### **5.2 Measures taken to raise awareness and ensure access to justice for victims of racial discrimination**

70. Communication and outreach activities are organized on a regular basis. These include television broadcasts (18 in 2017) and radio broadcasts on legal issues, outreach and awareness activities on the relevant laws, open houses and free legal consultations. All these activities have helped raise public awareness of the existence and purpose of legal service centres that are tasked with the provision of conciliation and mediation services to settle minor disputes at the local level. The centres also provide advice to the public and inform people of their rights.

### **5.3 The role of the national human rights institution, the Ombudsman and similar institutions in considering complaints of racial discrimination**

71. The Senegalese Human Rights Committee and the Ombudsman's Office were established to ensure respect for human rights in Senegal. They have authority to receive and consider complaints lodged by victims of any form of racial discrimination.

72. Conversely, at the present time Senegal does not have a body that is competent to receive and consider petitions under article 14 (2) of the Convention, although, in practice, the Human Rights Directorate receives petitions from civil society organizations working in the field of human rights.

#### 5.4 Types of reparation

73. Senegalese law provides for different types of reparation. Under the first paragraph of article 2 of the Code of Criminal Procedure, “A criminal indemnity action for loss or injury caused by any offence may be brought by anyone who has personally suffered loss or injury caused directly by the offence”.

74. According to article 3 of the Code, “A criminal indemnity action may be brought at the same time as the criminal prosecution and before the same court. It shall be admissible for all types of loss or injury, both material and physical or mental, resulting from the acts in respect of which the proceedings are brought”, including cases of racial discrimination.

75. When the act of racial discrimination is committed in the circumstances referred to in article 166 bis of the Criminal Code, the victim is entitled to compensation under article 141 of the Code of Obligations of Public Servants, which states: “Reparation for any loss or injury caused by the operation of a public service or the execution of public works, whether to third parties, users or persons taking part in the activity of the service, may only take the form of damages”.

#### 5.5 Declaration recognizing the Committee’s competence

76. On 3 December 1982, the Government of Senegal made a declaration under article 14 of the Convention recognizing the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals within its jurisdiction claiming to be victims of a violation.

### 6. Measures to combat prejudices that lead to racial discrimination (art. 7)

#### 6.1 Education and teaching

77. In the area of education policy, Senegal adopted Act No. 91-22 of 16 February 1991 containing guidelines for national education, as amended by Act No. 2004-37 of 15 December 2004. Article 5 of the Act stipulates that national education is democratic, that it gives everyone equal opportunity to succeed and that it is based on the right of everyone to receive an education corresponding to his or her abilities, without discrimination based on sex, social origin, race, ethnicity, religion or nationality.

78. Efforts to give practical effect to General Assembly resolution 59/113 B on the plan of action for the first phase (2005–2007) of the World Programme for Human Rights Education in primary and secondary school systems are reflected, at the national level, in the development and implementation of projects and programmes such as the Programme for the Improvement of Quality, Equity and Transparency in the Education and Training Sector (PAQUET), 2013–2015.

79. The Programme is aimed at:

“Creating a Senegalese society in which individuals consciously exercise active citizenship in a democratic republic, respect and promote national and African values, embrace sustainable behaviours and lifestyles, demonstrate competence and motivation in performing an occupation and serving the nation, become integrated into the scientific and technological culture of the twenty-first century, and engage in lifelong learning;

Promoting an inclusive society that subscribes to the rule of law, good governance, democracy, respect for fundamental rights and freedoms, citizen participation, cooperation and solidarity, social justice and people-centred development, gender equality and empowerment of women and girls, social protection and health for all, environmental sustainability, and a spirit of tolerance and peace.”

80. Under the Programme, the Government of Senegal, through the Ministry of Education and in close cooperation with civil society organizations, has further improved the basic curriculum for human rights education.

81. The curricula for preschool, primary school and non-formal education were developed using a skills-based learning approach. The approach is based on a set of key learning benchmarks for which these three types of education have adopted a single, integrated framework, thus facilitating students’ progress from one subsector to another.

82. Within these components of the education system, in addition to providing student skills inventories (programmes), in the formal (preschool and elementary) and non-formal (literacy initiatives and grass-roots community schools) sectors, the authorities have developed tools to facilitate implementation: handbooks for teachers at all levels and educational materials such as exercise books and textbooks. The goal is to ensure that schools provide basic learning content (knowledge, skills, attitudes, values such as human rights, democracy...) that is conducive to the effective exercise of citizenship within the educational setting.

83. In order to equip law enforcement officers with the necessary skills, the Police Training and In-Service Training College and the Gendarmerie colleges are offering human rights training modules.

84. This training for State agents is reinforced by seminars and workshops organized jointly with technical and financial partners and other human rights actors.

## 6.2 Culture

85. Senegal has put in place an attractive cultural policy devoid of favouritism. Since cultural activities should not be confined to an intellectual elite, the Government of Senegal has been promoting an egalitarian mass culture invested with a constant value for everyone.

86. Concerning the role of cultural institutions, the Cultural Heritage Directorate, the Museum of Black Civilizations, the Arts Directorate and the Cinematography Directorate promote social cohesion and coexistence through:

- The preservation, promotion and celebration of the country's cultural heritage (national heritage days, the tradition of "friendly banter")
- Support for the production and distribution of educational and cultural documentaries
- The promotion of cultural diversity and expression (Festival of Ethnic Minorities, National Festival of Arts and Culture, continuous support for arts and culture events organized by groups or communities)
- Fairs and exhibits on cultural heritage
- Arts education and cultural education
- Cultural and creative industries (music, publishing, media, urban culture, etc.).

87. Senegal also cooperates with governmental and non-governmental organizations working in the field of culture by co-financing training and cultural projects supported by the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Fund for Cultural Diversity (IFDC) and the International Organization of la Francophonie (OIF) and through bilateral cooperation.

88. The language policies developed and implemented by Senegal promote the main national languages and maintain French as the official language and language of international communication. Article 1 of the Constitution establishes French as the official language of the Republic of Senegal. The national languages are Jola, Mandingo, Pulaar, Serer, Soninke and Wolof.

89. On 21 May 1971, the Government adopted Decree No. 71-566 on the transcription of national languages. National language teaching in schools was first introduced in 1977.

90. Act No. 2004-37 of 15 December 2004 amending Act No. 91-22 of 16 February 1991, which sets out the goals of education in Senegal, provides in article 6 that "National education is of a Senegalese and African character: it includes the teaching of national languages as valuable tools for bringing learners into living contact with their culture and rooting them in their history. It educates Senegalese students to be aware of their heritage and identity".

91. In December 2014, the parliament was equipped with a simultaneous interpretation system that enables members to use the national languages. This innovation is in line with the Government's commitment to the promotion of linguistic diversity.

### 6.3 The right to information

92. Under article 11 of the Constitution, “Press organs providing information on politics, the economy, culture, sports, social matters, leisure or science may be freely established without prior authorization of any kind. This freedom shall be subject by law only to prior statutory declaration and legal deposit requirements.”

93. The creation, by Act No. 2006-04 of 4 January 2006, of the National Broadcasting Regulation Council was intended to promote media self-regulation. The Council ensures the independence of the media and freedom of information and freedom of communication within the audiovisual sector, but also respect for the country’s cultural and linguistic diversity in the programmes broadcast to the public.

94. The Council ensures compliance with codes of ethics in the presentation of information and in the programming of the various media outlets, including respect for State institutions, personal privacy, and the honour and integrity of the human person. It also ensures that audiovisual content is respectful of national unity, territorial integrity and the secular nature of the Republic.

## II. Follow-up to specific recommendations of the Committee

### 1. Demographic composition of the population

#### 1.1 Distribution of the population of Senegal by ethnic group (percentages)

##### Ethnic composition of the population of Senegal

<i>Ethnicity</i>	<i>Number</i>	<i>Proportion (%)</i>
Bainouck	22 905	0.2
Badiaranké	8 209	0.1
Balante	98 632	0.7
Bambara	212 930	1.6
Bassari	14 433	0.1
Bédick	3 148	0.0
Coniagui	4 839	0.0
Créole	3 811	0.0
Diahanké	62 041	0.5
Dialonké	10 306	0.1
Diola	537 721	4.0
Fula	17 397	0.1
Khassonké	2 812	0.0
Laobé	74	0.0
Lébou	306 484	2.3
Mancagne	37 867	0.3
Manding	397 061	3.0
Manjaag	113 189	0.9
Maure	131 831	1.0
HalPulaar	3 521 997	26.5
Sarakholé	99 372	0.7
Sérer	2 025 843	15.2
Socé	160 113	1.2
Soninké	99 895	0.8
Soussou	11 476	0.1
Tandanké	508	0.0

<i>Ethnicity</i>	<i>Number</i>	<i>Proportion (%)</i>
Toucouleur	103	0.0
Wolof	5 184 059	39.0
Other	220 397	1.7
<b>Total</b>	<b>13 309 454</b>	<b>100.0</b>

*Source:* National Statistics and Demography Agency, general census of population, housing and agriculture, 2013.

## 1.2 Ethnic composition of the population of Senegal, by gender (percentages)

<i>Ethnicity</i>	<i>Gender</i>		<i>Total</i>
	<i>Male</i>	<i>Female</i>	
Bainouck	51.2	48.8	22 905
Badiaranké	50.5	49.5	8 209
Balante	50.1	49.9	98 632
Bambara	49.8	50.2	212 930
Bassari	48.5	51.5	14 433
Bédick	48.9	51.1	3 148
Coniagui	49.1	50.9	4 839
Créole	46.6	53.4	3 811
Diahanké	49.1	50.9	62 040
Dialonké	50.8	49.2	10 306
Diola	49.9	50.1	537 721
Fula	51.3	48.7	17 397
Khassonké	51.3	48.7	2 813
Laobé	52.7	47.3	74
Lébou	49.7	50.3	306 484
Mancagne	48.3	51.7	37 867
Manding	50.4	49.6	397 062
Manjaag	47.4	52.6	113 189
Maure	49.8	50.2	131 831
HalPulaar	50.6	49.4	3 521 997
Sarakholé	50.1	49.9	99 372
Sérer	49.5	50.5	2 025 842
Socé	50.4	49.6	160 113
Soninké	48.1	51.9	99 896
Soussou	50.7	49.3	11 476
Tandanké	46.7	53.3	508
Toucouleur	81.6	18.4	103
Wolof	49.2	50.8	5 184 059
Other	50.0	50.0	220 397
<b>Total</b>	<b>49.7</b>	<b>50.3</b>	<b>13 309 454</b>

*Source:* National Statistics and Demography Agency, general census of population, housing and agriculture, 2013.

### 1.3 Ethnic composition of the immigrant population with permanent residence (percentages)

<i>Ethnicity</i>	<i>Number</i>	<i>Proportion (%)</i>
Bainouck	127	0.1
Badiaranké	70	0.1
Balante	1 181	1.1
Bambara	5 114	4.6
Bassari	146	0.1
Bédick	13	0.0
Coniagui	178	0.2
Créole	340	0.3
Diahanké	755	0.7
Dialonké	140	0.1
Diola	4 537	4.0
Fula	423	0.4
Khassonké	82	0.1
Lébou	1 564	1.4
Mancagne	608	0.5
Manding	3 491	3.1
Manjaag	4 051	3.6
Maure	1 456	1.3
HalPulaar	48 493	43.2
Sarakholé	2 053	1.8
Sérer	4 014	3.6
Socé	2 298	2.0
Soninké	1 540	1.4
Soussou	927	0.8
Tandanké	16	0.0
Wolof	22 828	20.3
Other	5 832	5.2
<b>Total</b>	<b>112 274</b>	<b>100.0</b>

*Source:* National Statistics and Demography Agency, general census of population, housing and agriculture, 2013.

### 1.4 Ethnic composition of the population of recent immigrants, by occupational status (percentages)

<i>Ethnicity</i>	<i>Occupational status</i>								<i>Total</i>
	<i>Employed</i>	<i>Previously in-work unemployed</i>	<i>Looking for first job</i>	<i>Working in the home</i>	<i>Students/pupils</i>	<i>Rentiers</i>	<i>Retired and seniors</i>	<i>Other inactive</i>	
Bainouck	58.3	0.0	8.3	25.0	0.0	0.0	0.0	8.3	12
Badiaranké	66.7	0.0	16.7	0.0	16.7	0.0	0.0	0.0	6
Balante	44.6	1.8	16.1	14.3	14.3	1.8	3.6	3.6	56
Bambara	46.1	2.1	11.3	13.7	14.1	0.7	3.2	8.8	284
Bassari	33.3	0.0	16.7	16.7	16.7	0.0	0.0	16.7	6
Coniagui	42.9	0.0	42.9	0.0	0.0	0.0	0.0	14.3	7
Créole	8.3	0.0	0.0	25.0	16.7	0.0	0.0	50.0	12

Ethnicity	Occupational status								Total
	Employed	Previously in-work unemployed	Looking for first job	Working in the home	Students/pupils	Rentiers	Retired and seniors	Other inactive	
Diahanké	40.3	1.7	26.9	1.7	11.8	1.7	0.0	16.0	119
Dialonké	0.0	0.0	50.0	0.0	50.0	0.0	0.0	0.0	2
Diola	37.6	1.7	13.7	15.1	18.4	0.2	2.2	11.2	591
Fula	35.0	10.0	30.0	10.0	5.0	0.0	0.0	10.0	20
Khassonké	28.6	0.0	0.0	0.0	14.3	0.0	0.0	57.1	7
Lébou	59.4	1.7	6.3	5.9	15.4	0.3	6.3	4.5	286
Mancagne	51.4	2.7	2.7	5.4	21.6	0.0	2.7	13.5	37
Manding	43.4	2.4	22.0	10.0	12.0	0.4	1.3	8.5	459
Manjaag	36.9	1.8	11.6	9.3	23.1	0.0	7.1	10.2	225
Maure	51.8	1.6	9.0	10.2	15.5	0.0	0.4	11.4	245
HalPulaar	45.0	2.6	17.1	9.2	11.7	1.0	2.3	11.0	5 160
Sarakholé	29.1	1.8	36.5	6.6	13.4	1.6	4.5	6.6	381
Sérer	60.9	2.4	6.8	7.4	12.7	0.5	2.1	7.3	1 102
Socé	52.1	0.9	11.2	10.2	12.6	0.5	1.9	10.7	215
Soninké	44.1	1.2	15.5	6.1	11.8	0.0	5.7	15.5	245
Soussou	72.4	3.4	0.0	13.8	3.4	0.0	0.0	6.9	29
Wolof	62.2	2.3	9.1	5.1	10.5	1.2	1.5	8.1	5 159
Other	44.3	1.2	12.3	12.8	16.4	0.0	1.0	12.0	415
<b>Total</b>	<b>51.6</b>	<b>2.3</b>	<b>13.4</b>	<b>7.9</b>	<b>12.2</b>	<b>0.9</b>	<b>2.2</b>	<b>9.5</b>	<b>15 080</b>

Source: National Statistics and Demography Agency, general census of population, housing and agriculture, 2013.

## 2. Legal actions relating to acts of racial discrimination

### 2.1 Relevant legislation

95. The absence of complaints of racial discrimination does not result from a legal void. Act No. 81-77 of 10 December 1981 relating to the punishment of acts of racial, ethnic or religious discrimination condemns all forms of racial discrimination. Also, the State's recognition of the Committee's competence enables persons within its jurisdiction to submit individual communications once domestic remedies have been exhausted.

96. Ensuring barrier-free access to an impartial and independent justice system that affords procedural safeguards is an ongoing concern of the Government of Senegal. Article 91 of the Constitution provides that the judiciary is the guardian of rights and freedoms, while the principle of judicial independence is laid down in article 88 of the Constitution.

97. The State's commitment to reforming and modernizing the judicial system is embodied in the establishment of a new judicial structure under Act No. 2014-26 of 3 November 2014 on the organization of the judiciary.

98. To protect the rights and freedoms of individuals from arbitrary administrative decisions, article 92 of the Constitution provides for:

- A remedy for ultra vires acts, which allows any person with locus standi to petition the Administrative Chamber of the Supreme Court for the annulment of a decision of an administrative authority
- Remedies before administrative courts, which are open to persons seeking redress for harm they claim to have suffered by reason of acts of the State.

99. The Ministry of Justice has made access to justice one of the strategic objectives of the Justice Sector Programme; this has involved the establishment of a community justice mechanism aimed at bringing the justice system closer to the people. Decree No. 2018-

1070 of 31 May 2018 on the organization of the Ministry of Justice enhanced these efforts by elevating the mechanism to the status of a directorate.

100. The administrative assistance provided consists primarily of measures to help individuals obtain administrative documents, but it can also extend to assistance in the drafting of complaints. In terms of receiving, informing and referring members of the public, in 2017 the legal service centres provided 15,443 people with information on their rights.

## **2.2 The public's awareness of their rights, including the legal remedies available in cases of racial discrimination**

101. Communication and outreach activities have been organized in order to improve the public's awareness of their rights. These include television broadcasts (18) and radio broadcasts on legal issues, outreach and legal awareness activities, open houses and free legal consultations. All these activities have helped raise public awareness of the existence and purpose of legal service centres and to inform people of their rights.

## **3. Direct or indirect discrimination**

### **3.1 Peacebuilding efforts in Casamance**

102. Since the conclusion of the comprehensive peace agreement between the Government of Senegal and the Mouvement des Forces Démocratiques de la Casamance on 30 December 2004, the State has shown a strong political will to find a lasting solution. Following the change of government in 2012, the President of the Republic expressed his willingness to settle the conflict by signalling his readiness to meet with the Mouvement in any location of their choosing in order to broker a lasting peace for Casamance.

103. In this new context, which is underpinned by a steadfast political commitment to combating acts of torture and impunity, Senegal fully endorses the statement that "a democracy must, whatever the circumstances, ensure that only legitimate means are used to protect the security of the State, peace and stability".

### **3.2 Programme of reparations for civilian victims**

104. The Government has established a programme of reparations that is being implemented discreetly and progressively.

### **3.3 Boosting economic development and opening up Casamance**

105. The Government of Senegal is committed to boosting economic development in Casamance by classifying the region as a priority area for the development of tourism. To this end, it has created tax incentives to stimulate investment and promote employment creation, but also to help existing operators in Casamance to relaunch their activities.

106. To this end, it adopted Act No. 2015-13 of 3 July 2015 granting special tax status to tourism businesses in the Casamance tourism hub. This status is granted for a period of 10 years. The beneficiaries are operators in the Ziguinchor, Sédhiou and Kolda administrative regions. They are now entitled to tax and customs benefits for 10 years, starting from the date of accreditation.

107. Eligible companies are entitled to the following benefits:

- Exemption from tax on the company's securities income deducted from distributed dividends
- Exemption from all taxes based on salaries, in particular the flat-rate contribution payable by employers
- Exemption from trade tax, real estate tax on buildings, real estate tax on land and business licence tax
- Exemption from poll tax
- Exemption from value added taxes and financial transaction taxes invoiced by local suppliers of goods, services and work required for the implementation of the

investments planned, in accordance with arrangements to be established in the implementing decree of the Act

- Exemption from corporate tax and the business profit tax.

108. Furthermore, in order to improve air traffic in the region, a kerosene tank was installed at Cap Skirring, Casamance.

109. In order to build lasting peace and development in Casamance, the Government has established the following projects and programmes, among others:

- The Development Support Programme for Casamance, which was implemented until 2015 and helped to improve the living conditions of women and men by increasing the income generated by business operators, broadening the range of services offered and strengthening the management of the operational capacity of technical agencies. As a result, the factors of production are more efficient and profitable marketing channels have been established.
- The Casamance Development Hub Project, which has the following components:
  - Support for agricultural production and commercialization of value chains
  - Rural accessibility
  - Disarmament, demobilization and reintegration
  - The Casamance programme for self-sufficiency in rice production, which includes subsidies for agricultural inputs and equipment.
- The Ministry of Livestock has launched a livestock development project in Basse Casamance with a budget of 9.565 billion CFA francs (CFAF). The programme is intended to promote the economic development of the Ziguinchor and Sédhiou regions.
- The Ministry of Higher Education, Research and Innovation has refurbished the national technical and vocational teacher training centre, setting up digital workspaces in Casamance.
- The project to support the promotion of young people's and women's employment has provided funding for Casamance in the amount of some CFAF 3 billion for the period 2014–2018, which has facilitated:
  - The creation of eight agricultural and poultry farms
  - The creation of eight aquaculture farms
  - The installation of three multifunctional platforms attached to agrifood processing companies (mangoes, cashews and palm oil)
  - The creation of marketing opportunities for agricultural and agrifood products
  - The refurbishment and equipment of the national technical and vocational teacher training centre in Guérina (Department of Bignona)
  - Support in the form of training, coaching and other support from non-financial service providers for at least 2,000 project developers
  - Funding for at least 400 projects for an overall amount of CFAF 600 million.

110. The Government is rebuilding Casamance and is committed to taking all necessary measures to facilitate the return of refugees and displaced persons to their homes and to support their social reintegration.

111. Substantial efforts have been made to make maritime links available between Dakar and Ziguinchor, with the launch of a new passenger vessel and the planned entry into service of a cargo vessel to support the marketing of products.

#### **4. Discrimination based on descent (castes)**

112. The word “caste” is defined as a social group whose members usually have an inherited occupation and are situated at a given rank within the social hierarchy. It refers to

a stratification of society and also a social division of labour. These groups include, for example:

- Blacksmiths, who work with iron
- Cobblers (*oudés*), who work with leather
- *Laobés*, who work with wood
- Weavers (*maabo*), who produce textiles and colourful cotton fabric (*pagne*)
- Potters, who work with clay
- *Griots* (itinerant poets and musicians), who carry on the oral tradition and are known as traditional communicators.

113. The phenomenon of castes does not constitute racial discrimination, as the term “racial discrimination” refers to exclusion or distinction in public life. This does not occur in Senegal.

114. The State makes no distinction between castes in relation to the enjoyment of human rights in political, economic, social or cultural life. The phenomenon of castes is an element of the culture.

115. With regard to further detailed information on the phenomenon and its scale, the Ministry of Culture, through its advisory, warning and inspection activities in the field of culture and the arts, has established a mechanism to identify and prohibit any act that encourages the practice or promotion of racial discrimination.

## 5. *Talibé* child beggars

### 5.1 The *daara* modernization programme: standard curriculum for Qur’anic schools

116. The Council of Ministers considered the bill on *daara* modernization on 6 June 2018. The Ministry of Education has developed a partnership that is based not only on a clear vision for *daara* modernization (the concept of the modern *daara*), but also on simple and effective strategies for safeguarding achievements and identifying actions for short- and medium-term development.

117. Since 2000, this subsector has received increasing support from technical and financial partners and the Government. As a result, more funding has been made available (Islamic Development Bank, World Bank, United Nations Children’s Fund (UNICEF), United States Agency for International Development (USAID), etc.) to meet the cultural, religious and socioeconomic needs of the population and thus promote equity and equality of opportunity.

118. Among the strategies worthy of note are the following:

- The implementation of modern *daara* curricula that include memorization of the Qur’an, religious education and the basic skills taught in primary schools
- Investment in the building, refurbishment and equipment of *daara* schools in order to create physical and pedagogical conditions that are conducive to quality education
- The implementation of the Islamic Development Bank-funded project to support *daara* modernization, the World Bank-funded project to improve quality and equity in primary education, the UNICEF-supported *daara* preschool project and the USAID-funded “Lecture pour tous” (Reading for All) project.

119. In short, these efforts involve devoting more attention to *daara* schools as part of a holistic approach to strengthen the protection of children and help to eradicate child begging.

### 5.2 Measures to protect children from exploitation (complaints, trafficking in persons)

120. Senegal is a party to all international and regional conventions on combating trafficking in persons and related practices. At the national level, Senegal has also adopted the necessary instruments. Cross-sectoral cooperation has been enhanced through the creation of an appropriate institutional environment and a central coordination mechanism

called the National Anti-Trafficking Unit. This entity has developed an action plan for 2017–2020 whose implementation is based on the following strategic objectives: prevention, protection, capacity-building and evaluation, and research.

### 5.3 Complaints mechanism accessible to children

121. As part of the current process of bringing domestic legislation into line with ratified conventions, Senegal has undertaken to adopt, as soon as possible, a children’s code that provides for the creation of a complaints mechanism accessible to children: a children’s ombudsman. In this regard, article 118 of the relevant bill expressly provides that “The Children’s Ombudsman can receive complaints from children themselves, their legal representatives, medical or social services or any other person or association with knowledge of circumstances that have impaired children’s rights. When a complaint is received directly from a child, the Children’s Ombudsman may immediately notify the child’s parents or legal representative and the authorities with competence to take action in the child’s interest. The Children’s Ombudsman may act on his own initiative when he has knowledge of circumstances that place a child’s welfare at risk.”

### 5.4 Rescue and rehabilitation of street children

122. The Government has conducted several operations to rescue street children, most recently in 2016 and 2018.

#### *Plan for the rescue of street children, 2016*

123. On 30 June 2016, the ministry responsible for the protection of children launched a plan to rescue street children, consisting of three components: rescue and rehabilitation of street children, communication, and coordination. This initiative resulted from a presidential directive issued at a Cabinet meeting on 22 June 2016, whereby the Government is urged “to continue the considerable efforts made to combat child begging, in particular through effective implementation of the National Child Protection Strategy and the *daara* modernization and support programme”.

124. This plan was implemented through a steering committee established by Decree No. 13476 of 6 September 2016. The committee was coordinated by the Rights of the Child Directorate of the Ministry of Good Governance and Child Protection and consisted of all relevant stakeholders (State services, civil society organizations and technical and financial partners).

125. The rescue operations were carried out by a mobile child protection unit established within the Ministry. This unit works with the child protection squad of the Ministry of the Interior and with dedicated reception and accommodation centres such as the Ginddi Centre and SOS Children’s Village, which support the framework for providing shelter and care to children rescued from the street.

126. Thus far, the implementation of the plan has led to the rescue of 1,585 children from the street, 440 of whom (225 boys and 215 girls) were accompanied by their mothers. Of these, 278 were Senegalese, 107 were from Mali and 55 were from Guinea. There were 199 accompanying mothers. Of the 1,145 unaccompanied children (1,131 boys and 14 girls), 676 were Senegalese, 407 were from Guinea-Bissau, 13 were from Guinea, 26 were from the Gambia and 23 were from Mali.

#### *Second phase of the plan for the rescue of street children, 2018*

127. This second phase took place during the first quarter of 2018. Rescue operations were carried out in respect of all children in street situations (*talibé* children, children separated from their families, accompanying children, etc.). *Talibé* children were nonetheless the priority focus, as children in the other categories are far more difficult to deal with.

128. The police took the lead in the strategy, while departmental child protection committees chaired by the prefects also played a key role. The process was carried out first in the Department of Dakar. Institutional focal points and civil society worked together. The children were referred to public and private reception centres, particularly the Ginddi Centre, and were provided with a package of services.

129. During children's placement in such centres, preparations are made for their return to their families, which is carried out by the authorities. Parents are required to collect their child or children in person. The Prefect of Dakar directed that any head of a *daara* who refused to provide the contact information of a child's parents should be reported to the police. More than 250 parents collected their children, thanks to the efforts made by the departmental child protection committees to look for the families. Before a child was handed over, the parent had to sign an undertaking with the Prefect. Ninety per cent of the heads of *daara* schools where begging is practised are members of the National Qur'anic Teachers Federation, which has offered reception centres (*daaras*) to accommodate children.

130. In the first quarter, 339 children, 60 per cent of whom were Senegalese, were rescued. Children from neighbouring countries were returned to their families through the West African network for the protection and return of children at the subregional level: 15 children were identified and the parents agreed to their return.

#### *Social reintegration policies*

131. For the social reintegration of these children, the ministry responsible for the protection of children provided 24 families and 15 *daara* schools with food kits, personal care items and cash at a total cost of CFAF 40,141,200. In addition, 60 families were enrolled in the National Family Security Grants Programme and 15 *daara* schools were financed through microprojects to support children's return to their home areas and foster their independence.

132. In order to tackle this question holistically nationwide, the ministry responsible for the protection of children has drafted two projects, in addition to the plan for the rescue of street children, in accordance with the aims of the National Child Protection Strategy:

- The Support, Rescue and Rehabilitation of Street Children Project, at a cost of CFAF 2,692,179,000, including a pilot phase to be conducted in the Dakar region.
- The Support for the Rescue and Socioeconomic Reintegration of Street Children Programme, for which funding in the amount of CFAF 14 billion is currently being sought.

133. Action taken since 2013 to combat child labour includes:

- Reactivation of the six regional intersectoral committees to combat child labour (Dakar, Thiès, Diourbel, Saint-Louis, Kaolack and Fatick), which were no longer functioning; in addition, capacity-building for State and civil society actors in Kédougou on the worst forms of child labour in traditional gold washing. The themes covered during those training sessions included the relevant International Labour Organization (ILO) conventions, the national legal framework, the National Framework Plan, national legislation on child labour and the aims set out in the national policy document. Some 210 participants took part in the sessions (held in 2013 and 2014).
- The action plan under the Framework Plan, which mainly emphasizes the strengthening and harmonization of the national legal framework in relation to the relevant ILO conventions. Thus far, all draft legislation has been reviewed by the National Advisory Council on Labour and Social Security.
- Implementation of joint actions (advocacy, awareness-raising and education) during the annual celebration of the World Day against Child Labour, in partnership with the Committee of Trade Unions to Combat the Worst Forms of Child Labour, the National Employers' Council and the National Confederation of Employers.
- Capacity-building for labour inspectors in the area of trafficking in persons, in partnership with the United Nations Office on Drugs and Crime (UNODC) (2016).

134. It should nonetheless be noted that the objective of eliminating the worst forms of child labour worldwide by 2016 has not been achieved. In view of this situation, the new strategy looks to 2030 through the prism of target 8.7 of the Sustainable Development Goals: "Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour ... and by 2025 end child labour in all its forms".

## **6. Refugees, asylum seekers, migrants and non-citizens**

### **6.1 The status of refugees**

135. In Senegal, asylum seekers are dealt with by the National Commission on Eligibility for Refugee Status, which is chaired by the President of the Supreme Court. On arrival in Senegal, asylum seekers can submit an application to the Commission, which issues an acknowledgement of receipt. This document allows them to reside legally in Senegalese territory while awaiting a decision on their application for refugee status.

136. No bill has been prepared to amend Act No. 68-27 of 24 July 1968, as amended by Act No. 75-109 of 20 December 1975, on the status of refugees. However, a bill has been drafted to amend Decree No. 78-484 of 5 June 1978 establishing the National Commission on Eligibility for Refugee Status. The purpose of the amendment is to give applicants for refugee status the option to lodge an appeal before an authority other than the one that ruled on the initial application.

### **6.2 Regularization of refugees, integration of all refugees living in Senegal and issuance of identity papers**

137. With respect to the integration of refugees, the National Commission on Eligibility for Refugee Status includes an official who is responsible for helping asylum seekers and individuals with refugee status to integrate quickly into society. This assistance is provided at health facilities in connection with medical care, at schools in connection with the education of refugee children, and at reception centres in connection with assistance for persons in situations of vulnerability. It also includes measures to help refugees and displaced persons enter the workforce.

138. With regard to identity papers, Senegal issues refugee passports and refugee identity cards. These documents are issued by the National Commission on Eligibility for Refugee Status. The proposed amendments referred to above are aimed at improving both the issuance procedure and the quality of identity papers.

### **6.3 Economic and social rights of asylum seekers**

139. Refugees and asylum seekers enjoy the same rights as nationals. As a result, they have access to employment, medical care and free schooling at public institutions.

### **6.4 Holding of migrants in places of deprivation of liberty and excessive length of administrative detention**

140. Under Senegalese positive law, migrants are treated as victims unless they have knowingly participated in the organization of smuggling. Article 12 of Act No. 2005-06 of 10 May 2005 on combating trafficking in persons and related practices and providing protection to victims sets forth the principle of immunity for victims of migrant smuggling.

141. As a result, Senegal does not have a practice of detaining migrants. Under no circumstances are migrants detained in Senegal simply for being in an irregular situation. At both the Léopold Sédar Senghor International Airport, which is no longer in service, and the Blaise Diagne International Airport, which was recently opened, there is an administrative holding facility commonly known as the “salle des bloquées”. This room is not the same as a police custody cell. It is reserved for passengers who are in the process of regularizing their situation or who are awaiting refoulement or deportation. The room is equipped to ensure the comfort of these persons while they wait.

142. However, any immigrant who is found guilty of an offence under Senegalese criminal law may, where appropriate, be detained. After being released from prison, he or she is placed in administrative detention at the central police station in Dakar before being deported in a manner consistent with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The individual is not deported until a transport ticket has been made available by his or her country of origin. Migrants who are found guilty of less serious offences are released after serving their sentence.

**6.5 Revision of the Nationality Code to ensure that Senegalese women married to foreigners are able to pass their nationality on to their children or their husbands in the same way as Senegalese men**

**7. National human rights institution: Senegalese Human Rights Committee**

143. In order to bring the functioning of the Senegalese Human Rights Committee into line with the Paris Principles, the Government has taken the following measures:

- Provided the Committee with new headquarters
- Increased its budget from CFAF 34 million to CFAF 50 million
- Drafted a bill to amend and replace Act No. 97-04 of 10 March 1997, which has already been submitted to the relevant stakeholders for consideration and comment before it is put forward for adoption.

**8. Steps taken to give effect to the Durban Declaration and Programme of Action, adopted in September 2001 at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance**

144. With regard to the follow-up to the Durban Declaration and Programme of Action, all the legislative and regulatory provisions referred to in the present report are intended to follow up on the Durban Programme of Action. The same is true of all the programmes that the Senegalese Government has introduced to combat racism, racial discrimination, xenophobia and intolerance.

145. In addition, the Government has taken important measures of a preventive and coordinated nature to combat racism, racial discrimination, xenophobia and intolerance through the adoption of Act No. 2008-11 of 25 January 2008 on cybercrime. Under article 431-41 of the Criminal Code, “anyone who creates, downloads, disseminates or makes available in any form whatsoever written material, messages, photographs, drawings or any other representation of racist or xenophobic ideas or theories by means of a computer system shall be liable to a prison term of 6 months to 7 years and a fine of 500,000 to 10,000,000 francs”. Article 431-42 adds that “threatening, through a computer system, with the commission of a criminal offence, persons for the reason that they belong to a group distinguished by race, colour, descent, national or ethnic origin or religion, or a group of persons that is distinguished by any of these characteristics, shall be punishable by a prison term of 6 months to 7 years and a fine of 500,000 to 10,000,000 francs”. Improved human rights education is another element of the Government’s follow-up to the Durban Declaration and Programme of Action.

**9. Expanding the dialogue with civil society organizations in the preparation of reports**

146. Senegal has a National Advisory Council on Human Rights and International Humanitarian Law.

147. This body is responsible for preparing the reports submitted to the United Nations treaty bodies.

The Council is made up of the following members:

- A representative of the Office of the Prime Minister
- A representative of each ministerial department
- Representatives of several civil society organizations working in the area of human rights protection and international humanitarian law.

148. The Government works in close collaboration with civil society organizations in the preparation of all reports and documents to be submitted to regional and international mechanisms concerning human rights and international humanitarian law. Civil society organizations are not only consulted in this regard; they are fully involved in every stage of the drafting of such reports and documents.

**10. Accelerating the ratification of the amendments to article 8 (6) of the Convention**

149. Senegal, which has been a party to the Convention since 19 April 1972, encourages the proper functioning of the Committee. It is therefore receptive to any initiative designed to improve its effectiveness.

**11. Dissemination of the report and follow-up to the Committee's concluding observations**

150. Senegal has a National Advisory Council on Human Rights and International Humanitarian Law. It is attached to the Office of the Minister of Justice by Decree No. 2018-1969 of 15 November 2018, which sets out its tasks, composition and functioning.

151. The Council disseminates reports and coordinates the implementation of and follow-up to the recommendations made by the Human Rights Council and all other regional and international human rights bodies following the presentation of the State's periodic reports.

**Conclusion**

152. Ensuring the effective enjoyment of the human rights set out in ratified international legal instruments has always been one of the main objectives of development policy in Senegal. The prevention of human rights violations is a fundamental principle in that mission, particularly with regard to combating racial discrimination. This is why, even though Senegal is not a State blighted by that phenomenon, it has long had legislation in place to deal with the problem – bearing in mind the evolving nature of societies – and a strict State policy to promote national cohesion and to thwart any attempt to tear apart the country's social fabric through acts of racial discrimination.

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