



# International Covenant on Civil and Political Rights

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## Human Rights Committee

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Consideration of reports submitted by States parties  
under article 40 of the Covenant

### List of issues in relation to the fifth periodic report of Senegal

Addendum

### Replies of Senegal to the list of issues\*

[Date received: 31 July 2019]

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\* The present document is being issued without formal editing.



## **Replies to the list of issues in relation to the fifth periodic report of Senegal,<sup>1</sup> submitted to the Human Rights Committee**

### **Constitutional and legal framework within which the Covenant is implemented (art. 2)**

#### **Replies to paragraph 1 of the list of issues**

1. The principle of the primacy of the Covenant over domestic law and its direct application in the domestic legal system is proclaimed in article 98 of the Constitution, which states that: “Treaties or agreements duly ratified or approved shall, upon publication, take precedence over other laws, subject to their application, in the case of each agreement or treaty, by the other party.”
2. This provision establishes that the Covenant prevails over domestic law and may be directly applied in the domestic legal system.

#### **Replies to paragraph 2 (a) of the list of issues**

3. In order to comply with the Paris Principles, the Government has taken the following steps:
  - Providing new headquarters
  - Preparing a bill to amend and replace the 1997 Act, which has already been submitted to the relevant stakeholders for consideration and comment before it is tabled for adoption

#### **Replies to paragraph 2 (b) of the list of issues**

4. Over the last five years, the Senegalese Human Rights Committee has seen an increase in its budget, from 34 million to 50 million CFA francs (CFAF), as well as an increase in its human resources.

### **Efforts to combat impunity and address past human rights violations (arts. 2, 6, 7 and 14)**

5. The aim of the national human rights institutions is to promote and protect human rights effectively.

#### **Replies to paragraph 3 of the list of issues**

6. Article 6 (4) of the Covenant provides that: “Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.”
7. In Senegal, amnesty laws have indeed been adopted in respect of those who committed crimes or lesser offences during the crisis in Casamance. However, far from wishing to grant impunity to anyone, the authorities considered that passing these amnesty laws, before and in the days following the negotiations with the rebels, would help to quieten resentment, ease tensions and pave the way for a lasting dialogue.

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<sup>1</sup> Adopted by the Committee at its 125th session (4–29 March 2019).

## **Non-discrimination (arts. 2, 7, 24, 25 and 26)**

### **Replies to paragraph 4 of the list of issues**

8. Discrimination is defined in article 3 of Act No. 81-77 of 10 December 1981 on 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. In order to establish a more comprehensive definition of discrimination, a draft amendment to Act No. 81-77 of 10 December 1981 is being prepared, taking into account all the forms of discrimination that have been identified.

9. To date, the national courts have not recorded any complaints of discrimination.

## **Non-discrimination and equality between men and women (arts. 2, 3, 23, 25 and 26)**

### **Replies to paragraph 5 of the list of issues**

10. In Senegal, the competent judicial and administrative institutions strictly enforce and monitor the application of article 2 of Act No. 2010-11 of 28 May 2010, establishing gender parity. By way of example, in judgment No. 17 of 26 February 2015, the Administrative Chamber of the Supreme Court ruled as follows: “With respect to the single legal argument that Act No. 2010-11 of 28 May 2010, establishing absolute gender parity, and its implementing decree No. 2011-819 of 16 June 2011, have been violated, inasmuch as the contested judgment states that the Act does not set out the practical arrangements for ensuring parity in elections involving individual candidates, such as mayoral and deputy mayoral elections, and that, in the absence of special legislation applicable to these elections, the constitutional principles of freedom to run for office and the free access of citizens to public service management should take precedence over general provisions on parity, whereas article 1 of the Act states that ‘gender parity shall be established in Senegal in all institutions in which some or all posts are elective’ and article 2 of the implementing decree lists these institutions, which include municipal councils, their officers and their commissions.

11. It is therefore right that the Court of Appeal, having determined that these texts require that both sexes be equally represented among the elected officers of municipal councils, annulled the election of the officers of the municipal council of Keur Massar, with the exception of the mayor, Moustapha Mbengue, as only one of the eight deputy mayors elected was a woman.”

### **Replies to paragraph 6 of the list of issues**

12. The process of amending the Family Code in order to bring it into line with the Convention has reached a very advanced stage.

13. In reality, the minimum age for marriage in Senegal is 18 years for boys and 16 years for girls. Dispensations enabling girls to marry at the age of 15 are not always granted. Such dispensations must be based on a serious reason and are subject to the final decision of the judge, who, after an investigation, may refuse to allow the marriage.

## **Non-discrimination on the grounds of sexual orientation and gender identity (arts. 2, 7, 9, 13, 14, 17 and 26)**

### **Replies to paragraph 7 of the list of issues**

14. The Government is committed to respecting social attitudes in Senegal and is not yet ready to decriminalize sexual relations between persons of the same sex.

## Violence against women and harmful practices (arts. 2, 3, 6, 7, 8 and 26)

### Replies to paragraph 8 of the list of issues

15. With regard to rape, article 320 of the Criminal Code states: “Any act of sexual penetration, whatever its nature, committed on another person by force, coercion, threat or surprise constitutes rape. Rape is punishable by 5 to 10 years’ imprisonment.” This provision is of a general nature.

16. Act No. 1999-05 of 29 January 1999 increased the penalties applicable to some offences, such as rape, female circumcision, indecent assault, incest and sexual harassment.

17. Shortly after the adoption of this law, a case of female circumcision occurred in July of the same year and a woman was prosecuted and sent to prison for having circumcised her little girl. In November 2001, three persons aged between 55 and 75 years old were arrested in the Department of Vélingara, tried and convicted. These prosecutions have had a deterrent effect on some communities.

18. In 2010, a study commissioned by the Ministry for Women on the application of this law concluded that it was rarely applied. This study, which was based on a sample of 565 persons in the Regions of Dakar, Saint-Louis, Matam, Kédougou, Tambacounda and Kolda, found that there had been five convictions for female circumcision: two in 2004, one in 2007, one in 2009 and one in 2010.

19. As regards the latest statistics available from the Dakar *Tribunal de Grande Instance Hors Classe* (special court of major jurisdiction), none of the 250 decisions handed down in cases of gender-based violence between January and April 2015 concerned the offence of female genital mutilation. In May 2015, one case of female genital mutilation was registered by the Dakar court that deals with flagrante delicto cases.

## Death penalty (art. 6)

### Replies to paragraph 9 of the list of issues

20. Senegal is prepared to ratify the Second Optional Protocol to the Covenant, especially as it was one of the first countries to abolish the death penalty, with the adoption of Act No. 2004-38 of 28 December 2004. The State’s intention to ratify this instrument stems, in part, from its acceptance of the recommendation that was made in this regard when its national report for the third cycle of the universal periodic review was considered on 5 November 2018.

## Right to life, prohibition of torture and cruel, inhuman or degrading treatment, conduct of the security forces and treatment of persons deprived of their liberty (arts. 6, 7 and 10)

### Replies to paragraph 10 of the list of issues

21. The statistics on abortion are as follows:

#### Statistics on infanticide and abortion in Senegal

Indicator	Number of women convicted (all types of offence)	Number of cases of infanticide or abortion	Number of acquittals	Indicator in per cent	Year
Proportion of women prosecuted for infanticide or abortion	283	68	n/a	24.0	2010
	283	86	n/a	30.4	2011
	287	49	n/a	17.1	2012
	276	128	n/a	46.4	2013
	284	60	n/a	21.1	2014

<i>Indicator</i>	<i>Number of women convicted (all types of offence)</i>	<i>Number of cases of infanticide or abortion</i>	<i>Number of acquittals</i>	<i>Indicator in per cent</i>	<i>Year</i>
	312	65	n/a	20.8	2015
	345	43	n/a	12.5	2016

*Source:* National Agency for Statistics and Demography. Data provided by the Prison Administration Directorate.

n/a = not available.

22. The efforts made to ensure access to safe contraceptive methods and to education and information on contraception and sexual and reproductive health throughout the country are as follows:

- Implementation of the Yeksina Strategy, which consists of making contraceptives more widely available by ensuring last-mile delivery to health centres
- Implementation of the family planning communication plan
- Training of staff in family planning (post-partum intrauterine devices, subcutaneous depot medroxyprogesterone acetate (DMPA-SC))
- Provision of contraceptives at the community level
- Provision of contraceptives in the private sector

23. Measures to prevent early pregnancies include:

- Awareness-raising in order to prevent child marriages
- Behaviour change communication aimed at adolescents and young persons
- Improved access to reproductive health services

24. As regards the estimated number of clandestine abortions per year, no studies are being conducted in this field, so no statistics are available.

25. Maternal and infant mortality:

- The maternal mortality rate fell from 401 deaths per 100,000 live births in 2005 to 236 per 100,000 in 2017.
- The infant mortality rate fell from 61 deaths per 1,000 live births in 2005 to 42 per 1,000 in 2017 (*source:* demographic and health surveys)

26. Measures taken to ensure access to health services for pregnant women:

- Improved availability of quality services at all levels
- Improved quality of care:
  - Prenatal consultations focused on women's needs
  - Humanized childbirth
  - Mobile midwives initiative
  - Creation of a network of referral maternity units providing emergency obstetric and neonatal care
  - Home care for mothers and newborns
  - Maternal and neonatal death surveillance and response
- Improved health facility infrastructure and equipment:
  - Refurbishment of hospitals and health centres
  - Construction of emergency obstetric and neonatal care units
  - Maternity waiting homes

- Boosting human resources:
  - Recruitment of more than 700 midwives (2016–2017)
  - Universal health coverage and free caesarean sections
- Increased availability of life-saving commodities for maternal and child health
- Increased demand
- Bajenu Gox Programme, aimed at improving health service access, demand and use
- Improved communication/advocacy to mobilize authorities and communities in support of reproductive, maternal, neonatal, child and adolescent health
- Improved governance at all levels

### **Replies to paragraph 11 of the list of issues**

27. Freedom to demonstrate is guaranteed by the Constitution. In Senegal, anyone wishing to exercise the right to demonstrate by means of a peaceful march simply has to make a prior declaration to that effect; there is no requirement to seek prior authorization. However, in the interests of public order and safety, the administrative body responsible for overseeing public meetings by virtue of its policing functions can set the route of the demonstration or postpone it by a duly reasoned decision that is subject to administrative and judicial appeal.

28. According to the statistics for 2016 on the exercise of the right to demonstrate, 981 out of 999 requests to hold demonstrations were granted and only 18 were blocked by duly reasoned orders.

#### *Deaths that have occurred during demonstrations over the past five years*

29. Two cases of deaths during demonstrations have been brought to the attention of the judicial authorities. The two cases are those of:

##### Bassirou Faye

30. On 14 August 2014, violent protests took place on the Cheikh Anta Diop University campus in Dakar. The police tried to control the rampaging students and even had to storm the campus. Several students and law enforcement officers were injured in the incident and were treated by the emergency services of the various hospitals in Dakar. Unfortunately, at 4.30 p.m., a student named Bassirou Faye died as a result of a bullet wound. The senior investigating judge, Mahawa Sékou Diouf, investigated the case. He discharged Tombong Oualy and Saliou Ndaw. However, he felt that he had assembled enough evidence against Mouhamed Boughaleb. He therefore sent this police officer to be tried for murder by the criminal division of the Dakar *Tribunal de Grande Instance* (court of major jurisdiction). The police officer was sentenced to 20 years of forced labour and the State was ordered to pay CFAF 50 million in damages. The verdict was delivered on 24 June 2016.

31. Killing of Bassirou Faye: a new development in the case. After the student Bassirou Faye was shot and killed at Cheikh Anta Diop University in Dakar during a protest in 2014, an investigation was immediately opened, followed by the prosecution of the suspected murderer, Sidy Mohammed Boughaleb, a police officer.

32. At first instance, Mr. Boughaleb was sentenced to 20 years of forced labour.

33. Ruling on an appeal lodged by the defence, the criminal division of the Dakar Court of Appeal commuted the sentence to 10 years of forced labour and a fine of CFAF 50 million. Mr. Boughaleb's lawyers have lodged an appeal on points of law with the Supreme Court.

##### Fallou Sene

34. Fallou Sene, a student, was allegedly shot and killed during protests at Gaston Berger University in Saint-Louis. An officer of the gendarmerie is accused of committing the act, which constitutes a military offence. An investigation was conducted by the provost

brigade and the case was referred to the prosecutor. The prosecutor referred the case to an investigating judge, who charged the suspect and placed him under judicial supervision.

#### **Replies to paragraph 12 of the list of issues**

35. Senegal has 37 prisons across its 14 regions. As at 31 December 2016, the actual number of detainees was 9,310.

36. The budget allocated to the prison service for 2019 is CFAF 1,768,443,872.

#### **Replies to paragraph 13 of the list of issues**

##### *With regard to torture*

37. In Senegal, there are various mechanisms and remedies available. They are regulated by article 2 of the Code of Criminal Procedure and the texts governing the National Observatory of Places of Deprivation of Liberty. Victims of torture can file a complaint with the public prosecutor, the public prosecutor of the court of appeal and the Minister of Justice.

38. When allegations of torture are brought to the attention of the competent authority, the case is always investigated and prosecuted.

#### **Replies to paragraph 14 of the list of issues**

39. Senegalese penal policy ensures that not only men but also women and minors receive training and rehabilitation to facilitate their reintegration into society.

40. The prison population is essentially composed of adults. Out of a prison population of 9,310 persons (as at 31 December 2016), 94.4 per cent of prisoners are men, 3.7 per cent are women and 2 per cent are minors.<sup>2</sup> These statistics were published in the 2016/17 report of the Prison Administration Directorate.

### **Maternal mortality and voluntary termination of pregnancy (arts. 3, 6 and 7)**

#### **Replies to paragraph 15 of the list of issues**

41. The proportion of women convicted for performing an abortion is 4 per cent.<sup>3</sup>

### **Forced labour, contemporary forms of slavery and trafficking in persons (arts. 6, 7, 8, 24 and 26)**

#### **Replies to paragraph 16 of the list of issues**

42. The Government has organized numerous training sessions on Act No. 2005-06 of 10 May 2005 on combating trafficking in persons and related practices, as well as on victim protection, in order to encourage the security forces (police and gendarmerie), local governments, health workers and communities to show greater resolve in dealing with traffickers.

43. These training sessions run by the National Unit to Combat Trafficking in Persons have had a range of objectives, as described below.

##### *Mixed training for justice and law enforcement officers (gendarmes, police officers and judges)*

44. Thirty-three justice and law enforcement officers received training on victim protection, investigation techniques and inspection methods. This comprehensive justice-oriented training was an opportunity to shed light on international and national texts and to

<sup>2</sup> Source: Prison Administration Directorate, 31 December 2016.

<sup>3</sup> Ibid.

analyse the operational means of investigating and handling cases within the justice system, as well as the criteria for identifying victims so as to be able to provide them with protection and care. In the wake of this training, various procedures were initiated and brought to the attention of the Unit.

*Training for justice officers (latest cohort of trainee judges)*

45. The Unit organized a training session for the latest cohort of trainee judges (30 trainees) on trafficking and smuggling of migrants and on the implementation of Act No. 2005-06.

46. The logistical and technical organization of the workshop was rated positively by 68 per cent of the participants, according to the workshop feedback forms, which were completed by 30 people, 3 of whom were women. The content and materials used were also praised by the participants, who noted that the collaboration between participants from different jurisdictions and backgrounds had had a positive impact on the learning process. Overall, 88 per cent of participants felt that the objectives and learning outcomes of the training module had been achieved.

*Training for relevant actors in Saint-Louis*

47. With technical and financial support from the International Organization for Migration (IOM) and France terre d'asile, the National Unit to Combat Trafficking in Persons organized a training workshop on trafficking in persons and migrant smuggling, for persons responsible for providing protection, at Le Rogniat hotel in Saint-Louis.

48. Saint-Louis is a city where trafficking in persons occurs because it is a transit and destination city for Talibé children. This situation is due to the fact that Saint-Louis has a long history of Qur'anic schools. Today, these children are exploited for fishing, domestic slavery and sexual purposes. These child victims of trafficking are between 7 and 17 years old, hence the importance of strengthening local capacities as regards not only victim identification and support but also the prosecution and conviction of traffickers.

*Round table (community radio stations)*

49. After the training for relevant actors in Saint-Louis, an interactive round-table discussion was broadcast by the radio station RSL. The debate was thus taken up by the media and members of the public were able to participate in the programme by giving their point of view on the issue of trafficking in Saint-Louis.

*Visit to the Maison de la Gare (Station House) shelter*

50. The Maison de la Gare shelter provides refuge for street children. Delegations from the National Unit to Combat Trafficking in Persons and IOM visited the centre and appreciated the impressive work being done there to support this vulnerable sector of the population.

*Visit to La Liane centre*

51. This centre provides shelter for women and children, as well as vocational training. It offers support to single mothers who live alone with their children, having been abandoned by their husbands, divorced or widowed, for example. The centre provides them with shelter by renting out rooms, provides schooling for their children and offers them the opportunity to participate in income-generating activities.

*Study on trafficking in persons for domestic slavery*

52. A study on trafficking in persons for domestic slavery has given an insight into this problem by providing information as to:

- The economic impact of the huge influx of girls
- The invisible nature of the problem, which is rarely reported
- Issues such as the lack of security, abuse, *confiage* and recruitment agencies



- The rise in the use of personal networks as a means of recruitment (and the fall in the use of media advertising)

*Training on the protection of vulnerable migrants in Tambacounda (identification, assistance and referral)*

53. This workshop, which was held in the city of Tambacounda (452 km from Dakar), was led by the National Unit to Combat Trafficking in Persons, the Air and Border Police Directorate, the non-governmental organization (NGO) Unies vers'elle (In Solidarity with Her), Caritas Internationalis and IOM, with technical support from the NGO La Lumière (Light).

54. The aim of this activity was to provide the various actors working in the Tambacounda Region with a platform for capacity-building, exchanges and discussions relating to the protection of vulnerable migrants. The feedback on both the technical and the logistical aspects of this activity was generally positive. The participants welcomed the initiative and requested that further activities of this kind be organized in their region.

*Training on the protection of vulnerable migrants in Kédougou (identification, assistance and referral)*

55. A second training course on the protection of vulnerable migrants was held in Kédougou, a region in the east of Senegal. As a result of its geographical location, bordering Mali and Guinea, and the richness of its subsoil, Kédougou attracts many nationals of West African countries to its various traditional gold mining sites, where cases of trafficking in persons have been identified, including cases where children have been forced to work in the mines and women, mostly from Nigeria, have been forced into prostitution.

56. This workshop was attended by around 30 participants, including local actors and community leaders; border police officers and members of the gendarmerie; representatives of the services for the non-institutional supervision of minors, the social services, civil society organizations working in this field, health facilities and women's groups; and host families from the Departments of Kédougou, Saraya and Salémata.

*Punishment of trafficking*

57. The number of prosecutions and convictions of Qur'anic teachers increased between 2018 and 2019. This achievement can be attributed to the numerous training sessions held for criminal justice workers, civil society and local authorities.

*Some figures for the period 2017–2019*

- Case of B. Diallo, exploitation for purposes of begging, hearing of 18 January 2018, found guilty, fined (Saint-Louis *Tribunal de Grande Instance* (court of major jurisdiction))
- Case of C. Edeth, trafficking in minors for purposes of sexual exploitation, hearing of 26 October 2017 (Saint-Louis *Tribunal de Grande Instance* (court of major jurisdiction)), sentenced to 5 years' imprisonment, including 2 years without remission
- Case of D. Thiam, M. Sama, trafficking in persons, including 2 years without remission (Kolda *Tribunal de Grande Instance* (court of major jurisdiction))

58. As far as women domestic workers are concerned, a memorandum of understanding has been signed by trade union confederations and Senegalese employers, who managed to reach an agreement on raising the inter-occupational minimum wage and the minimum wage for agricultural workers. This memorandum established that the inter-occupational minimum hourly wage, which was CFAF 209.10 at the time, should be raised to CFAF 302.89 as of 1 June 2018. It was raised to CFAF 317.313 as of 1 January 2019, then to CFAF 333.808 as of 1 December 2019.

59. The Mining Code prohibits all forms of exploitation.

**Treatment of aliens, including refugees and asylum seekers (arts. 7, 13 and 26)****Replies to paragraph 17 of the list of issues**

60. The draft legislation is being finalized by the National Commission for Refugees of the Ministry of the Interior.

**Liberty and security of person and administration of justice (arts. 9 and 14)****Replies to paragraph 18 of the list of issues**

61. No statistics are available on police custody rates for offences against national security or terrorism or the number of penal or disciplinary sanctions for violations of statutory time limits.

62. The length of pretrial detention is limited to six months for ordinary and minor offences only. Discussions are under way on the possibility of restricting the length of pretrial detention for serious offences to three or four years.

63. The special judicial commission that rules on claims for compensation relating to pretrial detention has just been reformed under Organic Act No. 2017-09 of 17 January 2017 on the Supreme Court. These commissions have started to hand down decisions on claims for compensation but statistics on this subject are not yet available.

**Replies to paragraph 19 of the list of issues**

64. Legal counsel must be present from the moment of arrest. This rule cannot be waived under any circumstances.

65. The legal aid budget that is managed by the Directorate of Civil Affairs and the Official Seal has risen from CFAF 350 million to CFAF 500 million. The Chairman of the Bar is closely involved in the appointment of lawyers and the payment of their fees.

**Replies to paragraph 20 of the list of issues***Higher Council of the Judiciary*

## Composition

66. The Higher Council of the Judiciary is chaired by the President of the Republic. The Minister of Justice is the Vice-Chair.

67. The following persons are ex officio members:

- The President of the Supreme Court and the public prosecutor attached to the Supreme Court
- Five presidents of courts of appeal and five public prosecutors attached to those courts

68. The Higher Council of the Judiciary also includes four members who are elected by the various bodies of electors within the judiciary, for a two-year term that is renewable once.

69. These members of the Higher Council of the Judiciary and their substitutes are elected in accordance with the following procedures.

70. The judiciary is divided into three collegial electoral bodies:

- Collegial bodies of the highest ranking judges and prosecutors
- Colleges of first-grade judges and prosecutors
- Collegial bodies of second-grade judges and prosecutors

71. Each collegial body elects a regular member and a substitute member from within its ranks, except the second-grade collegial body, which elects two regular members and two substitute members.

#### Appointment of judges and prosecutors

72. When it comes to the appointment of judges and prosecutors, the Higher Council of the Judiciary gives its opinion on proposals made by the Minister of Justice, after a report has been drawn up by a member of the Council.

73. Any member of the judiciary may be appointed to work as a judge, as a prosecutor or for the central Government over the course of his or her career.

74. Judges cannot be removed from office. Other than in the context of first-degree disciplinary sanctions, they cannot be assigned to a new post, even by means of promotion, without their prior consent, subject to certain provisions.

75. As for public prosecutors, they are placed under the management and supervision of their direct superiors and under the authority of the Minister of Justice.

#### Criteria applied and length of placements in the event of transfer

##### Criteria

76. The President of the Supreme Court and the public prosecutor attached to the Supreme Court are selected from among the presidents of the various divisions of the Supreme Court, the presidents of the courts of appeal, the public prosecutors attached to the courts of appeal, the Secretary-General of the Ministry of Justice, the Inspector General for the Administration of Justice and the directors of departments of the Ministry of Justice.

77. The members of the judiciary who work for the Supreme Court and the courts of appeal and the heads of the special and first-category courts are appointed from among the longest serving senior members of the judiciary or, if necessary, from among those holding first-grade posts, on a temporary basis.

78. The Supreme Court judges and advocates general are chosen from among the members of the judiciary who have held a high-ranking post for at least four years.

79. Senior members of the judiciary who have not held their post for the required four years may be appointed to the Supreme Court for a maximum period of three years as a deputy judge or a deputy advocate general.

80. The presidents and prosecutors of second-category courts of major jurisdiction must be selected from among the longest serving members of the judiciary in the second tier of the second grade.

81. Only members of the judiciary who have served for at least four years may be appointed as a senior investigating judge, an investigating judge, a children's judge or a judge responsible for the execution of sentences.

##### Length of placements in the event of transfer

82. In order to meet operational requirements, judges may be temporarily transferred by the appointing authority, subject to the Higher Council of the Judiciary issuing a reasoned opinion that specifies the operational requirements and the length of the placement, and only to a position that is higher than or equivalent to their previous position. The length of such placements cannot, under any circumstances, exceed three years.

83. Prosecutors, meanwhile, may be transferred without promotion from one court to another by the appointing authority, at their request or compulsorily, in the interest of the service, after the Higher Council of the Judiciary has given its opinion.

*Statistics***Number of transfers over the last three years**

<i>Year</i>	<i>Number</i>
2017	142
2018	131
2019	13

**Number of resignations over the last three years**

<i>Year</i>	<i>Number</i>	<i>Reason</i>
2017	0	-
2018	1	Personal reasons
2019	0	

**Replies to paragraph 21 of the list of issues**

84. In accordance with the Statute of the Extraordinary African Chambers, a residual mechanism was established after the Appeals Chamber had rendered its decision. Under this mechanism, any claims for compensation for harm suffered by victims who took part in the trial are to be brought before the Dakar Court of Appeal or the N'Djamena Court of Appeal. The compensation fund provided for in the Statute was to be financed by means of a donors' conference, the African States' contribution under the aegis of the African Union Commission. Today, the responsibility for dealing with the compensation of victims of human rights violations or international humanitarian law violations for harm suffered in the context of the trial falls primarily to the African Union, which organized the trial, and to Chad, rather than to Senegal, which hosted the trial.

**Protection of children (arts. 23 and 24)****Replies to paragraphs 22 and 23 of the list of issues**

85. Corporal punishment and violence against children are prohibited. The draft Children's Code contains all the provisions necessary to better protect the rights of the child. The Head of State has given instructions for the draft Children's Code to be adopted under the parliament's urgent procedure.

86. The bill on the modernization of the Qur'anic schools known as *daraas* was examined by the Council of Ministers on 6 June 2018 and is in the process of being adopted.

**Replies to paragraph 24 of the list of issues**

87. The draft Children's Code contains provisions that facilitate the granting of nationality to children who were born or found in Senegalese territory and whose nationality is not known, in accordance with the Convention on the Reduction of Statelessness and the Convention on the Rights of the Child.

**Freedoms of expression and association, right of peaceful assembly and protection of journalists and human rights defenders (arts. 6, 7, 9, 19 and 21)****Replies to paragraph 25 of the list of issues**

88. It is still possible to be charged with press offences. Journalists are mainly convicted of such offences in connection with complaints filed by citizens whose right to the protection of honour and reputation has been violated.

**Replies to paragraph 26 of the list of issues**

89. Article 8 of the Constitution recognizes “fundamental individual freedoms” and “civil and political freedoms”, including, in particular, freedom of opinion and expression, while article 10 of the Constitution states that “everyone has the right to freely express and disseminate his or her opinions through the spoken or written word, images or peaceful marches, provided that the exercise of those rights does not insult or defame others, or disturb the public order”. There have been no cases of violations of the rights of human rights defenders or journalists, brought before the competent courts, which have not resulted in punishment. These courts are independent and are well prepared to deal with any violations of the rights of human rights defenders that are brought to their attention.

**Replies to paragraph 27 of the list of issues**

90. In order to preserve public order and safety, the administrative body responsible for overseeing public meetings by virtue of its policing functions can set the route of the demonstration or postpone it by a duly reasoned decision that is subject to administrative and judicial appeal.

91. According to the statistics for 2016 on the exercise of the right to demonstrate, 981 out of 999 requests to hold demonstrations were granted and only 18 were blocked by duly reasoned orders.

92. *Source:* Public Freedoms Directorate of the Ministry of the Interior.

**Replies to paragraph 28 of the list of issues**

93. Senegal has begun the process of approving and adopting the bill on access to information, which was drafted in consultation with the relevant public sector actors and civil society.

94. As regards access to information on constitutional, legislative and jurisprudential provisions, the Constitution, laws, regulations and court decisions with precedential value have been published on the websites of various institutions. These sites include: [www.gouv.sn](http://www.gouv.sn), [www.ofnac.sn](http://www.ofnac.sn), [www.centif.sn](http://www.centif.sn) and [www.coursupreme.sn](http://www.coursupreme.sn). In addition, budget acts and information on public procurement and public spending are publicly available on the websites of the Government and the Ministry of Finance.

**Participation in public affairs (art. 25)****Replies to paragraph 29 of the list of issues**

95. With the exception of persons who have been deprived of their electoral rights, namely the right to vote and the right to be elected, by a court decision, all citizens, whether detained or at liberty, have the right to vote in Senegal. However, as matters stand, measures allowing for the exercise of this right have not yet been taken in prisons.

96. As for the restriction of rights, article 34 of the Criminal Code, adopted under Act No. 77-33 of 22 February 1977, reads as follows:

The criminal courts may, in certain cases, wholly or partly restrict the exercise of the following civic, civil and family rights:

- (1) The right to vote;
- (2) The right to be elected;
- (3) The right to be called upon or appointed to serve as a juror, public servant or government official and to perform the duties that correspond to these roles;
- (4) The right to carry and possess weapons;
- (5) The right to vote in family deliberations;
- (6) The right to be a guardian, auxiliary guardian or curator;

(7) The right to serve as an expert or witness, except where simply providing information in court.

In cases where the applicable term of imprisonment exceeds 5 years, the courts may impose a total or partial restriction of the rights listed above, for an additional 10 years.

In cases where persons are sentenced to more than 5 years' imprisonment, the courts must impose a permanent restriction on all these rights.

This restriction shall take effect from the day on which the final sentence is handed down. In cases where the applicable term of imprisonment exceeds 5 years, the courts may impose a total or partial restriction of the rights listed above, for an additional 10 years.

In cases where persons are sentenced to more than 5 years' imprisonment, the courts must impose a permanent restriction on all these rights.

This restriction shall take effect from the day on which the final sentence is handed down.

97. As these provisions indicate, restrictions on civic, civil and family rights are not automatically applicable. They are optional additional penalties that the judge may choose to impose. In the case of Khalifa Ababacar Sall, the judge did impose a restriction on the right of Mr. Sall to be elected, as an additional penalty.

## **Dissemination of information relating to the Covenant (art. 2)**

### **Replies to paragraph 30 of the list of issues**

98. On behalf of the Ministry of Justice, the National Advisory Council on Human Rights and International Humanitarian Law led the process of drafting the national report of Senegal, with technical and financial support from the West Africa Regional Office of the United Nations High Commissioner for Human Rights, based in Dakar. The Council is a standing government body, made up of representatives of all ministries and most of the main civil society organizations, as well as representatives of the Senegalese Human Rights Committee, which is the national human rights institution, and the parliament. The Government works in perfect synergy with civil society representatives, inviting them to almost all activities that involve awareness-raising, the dissemination of texts and the provision of training on human rights issues.

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