



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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Committee against Torture

**Fifth periodic report submitted by Senegal under
article 19 of the Convention pursuant to the
simplified reporting procedure, due in 2022***

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* The present document is being issued without formal editing.



1. Senegal has the honour to submit, in accordance with article 19 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, its fifth periodic report. The Convention, adopted by the United Nations General Assembly on 10 December 1984, was ratified by Senegal on 26 August 1986.
2. The Committee against Torture considered the fourth periodic report of Senegal (CAT/C/SEN/4) at its 1619th and 1622nd meetings (see CAT/C/SR.1619 and CAT/C/SR.1622), held on 25 and 26 April 2018, and adopted its concluding observations at its 1647th meeting, held on 15 May 2018.
3. In paragraph 45 of its observations, the Committee invited the Government of Senegal to agree to prepare its fifth periodic report under the optional procedure, whereby the State party is sent a list of points to address, which is drawn up before the periodic report is submitted. Our replies to the list of issues thus constitute our fifth periodic report under article 19 of the Convention.
4. The list of issues submitted to the Senegalese authorities is in two parts:
 - The first part relates to specific information on the implementation of articles 1–16 of the Convention, including with regard to the Committee’s previous recommendations.
 - The second part relates to general information on the human rights situation in the country, including new measures and developments relating to the implementation of the Convention.

Part one

Specific information on the implementation of articles 1–16 of the Convention, including with regard to the Committee’s previous recommendations

Issues identified for follow-up in the previous concluding observations

Reply to the issues raised in paragraph 1 (a) of the list of issues (CAT/C/SEN/QPR/5)

5. Making legal aid accessible to the most disadvantaged people was the main objective of the introduction of legal aid in 2005. Management of the legal aid fund is entrusted to the President of the Bar Association, under the supervision of an ad hoc committee, as stipulated in a protocol signed on 7 March 2005 between the Ministers of Justice and Finance on the one hand and the President of the Bar Association on the other. This is a temporary solution, pending the passage of a law on legal aid, as stipulated in the protocol. A bill has been validated by the Ministry of Justice and submitted to the General Secretariat of the Government. It contains provisions guaranteeing all defendants access to a lawyer and provides for more transparent management of legal aid and the possible diversification of funding sources. Pending its adoption, the Government is continuing to increase the budget allocated to legal aid every year. The budget rose to 800 million CFA francs (CFAF) in 2022.

Reply to the issues raised in paragraph 1 (b)

6. In legal terms, the National Observatory of Places of Deprivation of Liberty is an independent administrative authority, as stipulated in Act No. 2009-13 of 2 March 2009.

7. In terms of resources, the budget allocated to the Observatory has been gradually increasing and reached CFAF 95 million in 2022. However, despite this progressive increase in the budget, the Observatory is struggling to cover the entire country with unannounced visits to places of detention.

Reply to the issues raised in paragraph 1 (c)

8. Among the initiatives taken by the Government to take care of *talibé* children and protect them from exploitation and ill-treatment are the following. In the law and regulations:

- The adoption on 6 June 2018 by the Council of Ministers of a bill on the status of *daaras*;
 - A circular letter dated 2019 from the Minister of Justice instructing public prosecutors at the courts of appeal to effectively apply criminal provisions against human trafficking.
9. Clearly, any exploitation of children (such as trafficking, forced labour or sexual exploitation) is punishable by law. Victims or their guardians can take their case to the competent authorities, including the Labour Inspectorate and the courts, to put a stop to such abuse, punish the perpetrators and obtain compensation for the victim.
10. Other initiatives have also been taken, including:
- The establishment of Observatories of Vulnerability to School Dropout and of monitoring and early warning committees against school violence;
 - Implementation of the “Strengthening Support for Child Protection in Education in Senegal” project, at eight academies;
 - The development of the “Learn Without Fear” programme, in conjunction with civil society partners;
 - The development and adoption of a national framework for identifying and managing situations of risk affecting students, as part of the Strengthening Support for Child Protection in Education programme.
11. Regarding institutions and programmes:
- The establishment of the National Committee to Combat Trafficking in Persons, Especially Women and Children, by Prime Ministerial Order No. 09051 of 8 August 2010;
 - The establishment of the National Committee to Combat Human Trafficking and Migrant Smuggling, by Decree No. 2020-2064 of 27 October 2020;
 - The establishment of the Inspectorate for *Daaras*, responsible for defining and implementing a modernization policy for the *daaras*;
 - The creation of a *Daara* Modernization Support Project;
 - With the support of partners, including the Islamic Development Bank (IDB), the State included in the Programme to Improve Quality, Equity and Transparency in the Education and Training Sector for 2018–2030 a *daara* modernization policy in order to make *daaras* an instrument for diversifying education;
 - A national action plan to protect children online was drawn up;
 - In September 2019, the establishment, by the Ministry for Family, Women, Gender and the Protection of Children, through the Child Protection Support Unit, of a portal for reporting online sexual abuse of children in Senegal;
 - A project to draw up a guide for protecting children from sexual violence online;
 - The adoption of a national action plan to combat trafficking in persons;
 - Senegal became a member of the West Africa Network for the Protection of Children, which provides a framework for coordinating the care of children on the move, notably on the basis of standards validated by all the countries of the Economic Community of West African States (ECOWAS);
 - The adoption in 2013 of a national reference framework for child protection, the National Child Protection Strategy (evaluated in 2022), which paves the way for the creation of a comprehensive national protection system;
 - The establishment of a database on developments and trends in the prosecution of human trafficking.

12. In addition, other projects and programmes for children include:

- The Investing in the Early Years for Human Development in Senegal Project of the Ministry for Family, Women, Gender and the Protection of Children, to offer community health and nutrition services for 930,000 children up to the age of 23 months;
- The Multisectoral Strategic Plan for Nutrition 2018–2022 of the National Nutrition Development Council, to strengthen the accountability of sectors and other stakeholders for the achievement of the country's 2025 vision for nutrition.

13. With regard to the fight against forced begging by children, the Government of Senegal has, on the instructions of the President, developed a major initiative to remove children from the streets. The initiative is supported by a communication plan for positive social change intended for communities, religious leaders, civil society and technical and financial partners.

14. This has helped to mobilize community leaders, women's organizations and youth movements in the fight against the exploitation of children through forced begging. Significant efforts have also been made in training and capacity-building for actors in the justice system, so as to ensure more effective protection for child victims of trafficking and abuse.

15. As part of the fight against the exploitation of children through begging, and thanks to the implementation of the Project for the Emergency Protection of Children against the Coronavirus Disease (COVID-19), a coordination, monitoring and follow-up unit was set up and made it possible to strengthen collaboration between the various stakeholders to provide better care for street children. In the first half of 2020, over 5,000 children were taken off the streets. The forecast for the year had been for 1,000.

16. As for the protection of children against forced begging, activities were mainly related to their emergency protection against COVID-19. To strengthen the implementation of the emergency plan, at the Council of Ministers meeting of 29 April 2020, the President of the Republic issued instructions to deploy a special operation for the social protection of children in difficult situations throughout the country. It is being implemented by the Ministry responsible for child protection.

17. The Zero Children on the Streets emergency protection project for children in street situations is part of the national contingency plan to meet the specific protection needs of children in the context of COVID-19, in accordance with the fundamental principles of children's rights: non-discrimination, the best interests of the child, life, survival and development and participation, applied in the context of COVID-19, which calls for specialized protection.

18. The Zero Children on the Streets project has removed 5,333 children aged 4 to 17 from the street and placed them in shelters, which have been supplied with food, hygiene and sanitation products and various types of equipment to help ensure proper care. Of these children, over 90 per cent have been reunited with their families, in particular in the regions of Kaffrine, Diourbel, Matam, Kaolack, Tambacounda, Kolda, Ziguinchor, Sédhiou and Vélingara.

Articles 1 and 4

Reply to the issues raised in paragraph 2

19. At present there is no draft or proposed law to include in article 295-1 of the Criminal Code acts aimed at obtaining information from, punishing, intimidating or coercing a third party. However, acts of torture are punishable by a prison sentence of between 5 and 10 years and a fine of between CFAF 100,000 and CFAF 500,000, owing to the gravity of the offence, as mentioned in the Convention. In addition, the Senegalese legislature has ruled out any justification that might be invoked by perpetrators of torture to avoid criminal liability.

Article 2

Reply to the issues raised in paragraph 3

20. On this question, Senegal, in agreement with the Bar Association, has decided to introduce an annual recruitment scheme for a significant number of young lawyers and to help them establish their practices in the country's interior with funds earmarked for legal aid. The total number of people admitted to qualification exams for internships with the Bar since 2018 is 68. The 36 recruits for 2020 have just begun their training period, which will last three years.

21. Financing for the legal aid fund has steadily increased in recent years, rising from an initial level of CFAF 200 million at its creation in 2006 to CFAF 800 million in 2022. However, the fund is not sufficient to cover all eligible persons. It is now used almost exclusively to assist people facing criminal charges. At present, legal aid is limited to the appointment of lawyers to defend persons charged with serious criminal offences.

Reply to the issues raised in paragraph 4 (a)

22. Police custody is not compulsory. A good number of investigations are completed and the suspect presented to the public prosecutor or an examining magistrate without a custodial measure being taken. When such a measure is necessary either for the investigation or because of serious and corroborating evidence justifying the suspect's arrest, it is subject to a strict legal framework and to the oversight of the competent judicial authorities. The maximum duration of police custody is 48 hours, renewable only once if authorized by the above-mentioned judicial authorities for duly justified reasons, except in the case of certain specific offences (such as terrorism).

23. Oversight is carried out by the relevant public prosecutors, who regularly make unannounced visits to police stations and gendarmerie brigades to check custody registers, ensuring that all persons in custody are registered and that the legal time limits are respected.

Reply to the issues raised in paragraph 4 (b) and (c)

24. On first contact with the criminal investigation officer authorized to use this measure, persons undergoing questioning are informed of their right to be assisted by a lawyer of their choice, failing which the procedure will be null and void (Code of Criminal Procedure, art. 55). They then have the option of contacting their lawyer directly or inviting their relatives to do so. If this is not done, the criminal investigation officer is obliged to contact the lawyer who has been selected, who may attend the questioning, confer freely with the client and make written observations, which will be appended to the case file.

25. It should be noted, however, that except in criminal cases and when the person suffers from a disorder likely to compromise his or her defence, a lawyer's assistance remains optional. In cases where it is compulsory, it is the State that, using criminal justice funding, covers legal fees when a court-appointed lawyer assists a defendant.

26. With regard to oversight, the actions of any public official who behaves in such a way as to endanger the life or physical or mental integrity of an arrested person are considered to be torture under article 295-1 of the Criminal Code. Perpetrators of such acts are brought to justice (Code of Criminal Procedure, arts. 661–663, and Code of Military Justice, art. 27). No special treatment is allowed under the Code of Military Justice.

27. The conditions of persons in police custody have always been a major concern for Senegal, which aims to uphold respect for human dignity. Since 2018, new police stations have been built taking into account the recommendations of the Subcommittee against Torture, specifically in relation to facilities for police custody.

28. They are equipped with three cells (for men, women and minors), each of 12m², with a built-in toilet and sufficient ventilation and daylight. The cells are out of sight of the public, so as to ensure respect for human dignity. Older buildings that did not meet these standards have been modified.

29. Access to police premises has been improved for people with reduced mobility and meeting rooms have been made more comfortable, thus enabling lawyers to assist their clients in the best possible conditions. These efforts have been recognized and welcomed by the National Observatory of Places of Deprivation of Liberty during its inspections.

30. The practice known as “*retour de parquet*” or “*ordre de mise à disposition*” is actually neither a custodial measure nor a prolongation of custody. At this stage, custody has already been terminated. The suspect has been handed over to the judicial authorities, who, either to comply with another legal requirement (for example, to seek the opinion of the president of the court for the selection of an examining magistrate in accordance with article 74 of the Code of Criminal Procedure, or to allow defence counsel to assist their clients, as provided for in article 101 of the Code) or to consider the case file before levelling charges, may have to hand the persons in question over to a nearby unit for a short time while awaiting the completion of such formalities. However, for some time now this practice has been the subject of a study by the relevant legal departments. It may very soon be reorganized and better supervised.

Reply to the issues raised in paragraph 5

31. On arrival at the prison, inmates undergo a medical examination to detect any contagious or active infections. This is provided for in article 219 of Decree No. 2001-362 of 4 May 2001, on procedures for enforcing and adjusting criminal penalties. To meet this obligation, infirmaries are set up in prisons and are staffed by nurses under the authority of the prison director and the chief medical officer. This examination also makes it possible to verify that the detainee has not been physically abused at the time of arrest. If traces of abuse are noted on a detainee as a result of a medical examination, they are recorded in the prison register. An application is filed with the regional chief medical officer. A report is made to the public prosecutor, who can order an investigation into the causes and can prosecute the perpetrators. A report is also sent to the Director of the Prison Administration.

32. With regard to the prevention of COVID-19 in prisons, a health safety protocol was drawn up with the Ministry of Health and Social Welfare. Under this protocol, the temperature of detainees is taken on arrival at the prison; they are interviewed to ensure that they show no signs of the disease; and they are held in quarantine for a period that has been reduced from 14 to 7 days. If, at the end of the quarantine period, the detainees show no signs of COVID-19, they are integrated into detention. Otherwise, the regional or district chief medical officer is alerted to take charge of the suspected case.

Reply to the issues raised in paragraph 6

33. The National Observatory of Places of Deprivation of Liberty has not yet been separated from the Ministry of Justice in administrative and budgetary terms because the decree on the organization of the Ministry of Justice places the Observatory under “other administrations”. As a result, its budget remains dependent on that of the Ministry of Justice.

34. Nonetheless, in legal terms, the National Observatory of Places of Deprivation of Liberty is an independent administrative authority under Act No. 2009-13 of 2 March 2009.

35. The State of Senegal considers that the Observatory’s attachment to a government body, such as, in this case, the Ministry of Justice, in no way affects its operational independence. However, it believes that, to complete the process, the separation of the Observatory from the executive branch could be considered.

36. Concerning legislative measures, in particular the amendment of provisions on the Director of the Observatory, the relevant authorities have been approached by the Observatory in this regard. Following an audience granted to the Observatory on 6 June 2021, the Minister of Justice, in letter No. 06581/MJ/Dacg/ss of 18 August 2021, indicated that “the amendment of the law instituting the National Observatory of Places of Deprivation of Liberty will, to the extent possible, be considered in due course”. The Minister added that, when the time came, he and the relevant departments would be sure to give careful consideration to the Observatory’s request for recognition of its status as an independent administrative authority, in accordance with the legislation in force.

37. Although the Observatory's budget has improved in recent years, it is no longer commensurate with the workload, which has grown considerably as a result of the mechanism's increasing visibility. Discussions are under way with a view to providing the Observatory with an adequate budget.

38. The number of annual visits conducted by the institution since 2018 are distributed as follows:

- 2018: 48 visits
- 2019: 46 visits
- 2020: 58 visits
- 2021: 26 visits

39. The Observatory can indeed make unannounced visits to police and gendarmerie stations and headquarters, as illustrated in the table below.

<i>Summary of unannounced visits, 2019–2021</i>				
<i>Visit type</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>	<i>Total</i>
	<i>No.</i>	<i>No.</i>	<i>No.</i>	
Police station or headquarters	16	16	6	38
Gendarmerie station or headquarters	19	17	6	42
Prison	8	14	13	35
Psychiatric facility	0	4	1	5
Juvenile prison	0	2		2
Total	43	53	26	122

40. At the Thiès remand and short-stay prison, Bathie Sene and Pape Dady Simanta, the two prison officers suspected of having subjected an inmate to physical abuse, were punished with disciplinary sanctions including compulsory transfer, a 10-day punishment and the deduction of 10 days' salary. Another allegation of torture involving an inmate known as Mor Seck was reported in 2018. An investigation was opened and eventually culminated in a decision to dismiss the case, as the charges were deemed insufficient.

41. For the time being, the Senegalese Government has no plans to introduce any amendments to allow civil society organizations to make unannounced visits to places of deprivation of liberty.

Reply to the issues raised in paragraph 7

42. The State has taken significant measures to bring the Senegalese Human Rights Committee into conformity with the Paris Principles, including:

- Drafting a bill to reform the Committee, which has been filed with the General Secretariat of the Government and is awaiting adoption;
- Increasing the budget from CFAF 36 million to CFAF 50 million in 2014 and CFAF 100 million in 2021;
- Providing new, functional, fit-for-purpose premises;
- Partially redressing the shortcomings in staff numbers and status by regularizing permanent staff and strengthening the technical team and temporary staff.

Reply to the issues raised in paragraph 8

43. The bill on the status of Qur'anic schools (*daaras*) and its implementing decrees were endorsed by the various stakeholders – Qur'anic teachers, representatives of religious denominations, representatives of ministerial departments, civil society and partners – following wide-ranging consultations held from September 2016 to December 2017.

44. The bill was adopted by the Government at the 6 June 2019 meeting of the Council of Ministers.
45. There is political will to create a regulatory framework, and the draft text was examined by the Supreme Court in a consultative general assembly. The final phase, adoption by the National Assembly, is still to come.
46. In line with the mandate of the Directorate of Supervised Education and Social Protection, unannounced child protection visits and raids are conducted whenever violations are reported or suspected.
47. It should be pointed out that the juvenile justice system (justice for minors who are perpetrators, victims or witnesses) has a specific structure, which consists of the following:
- Child protection units;
 - Juvenile courts (presidents of the juvenile courts, examining magistrates in charge of juvenile cases, deputy public prosecutors in charge of juvenile cases);
 - Educational and social protection services in open institutions;
 - Reception and accommodation facilities.
48. The State has a set of legal tools to effectively combat the exploitation of children for economic or sexual purposes, as the case may be, provided that such cases are brought to the attention of the defence and security forces and the judicial authorities.
49. Initiatives taken to combat violence in schools include:
- The incorporation of material on children’s rights and protection from violence into the elementary-level teaching guide for science and social education, and coverage of early and unwanted pregnancy in middle- and secondary-school textbooks;
 - A project to overhaul primary- and secondary-school curricula, which could provide enhanced and more in-depth coverage of these topics;
 - Preparation of a guide on best practice for preventing and addressing violence in schools, currently pending approval;
 - A teacher training programme on adolescent reproductive health and gender-based violence in schools;
 - A training programme for monitoring and early warning committees on the topics covered by the “Learn Without Fear” campaign;
 - A guidance programme for administrative and teaching staff on school violence and adolescent reproductive health;
 - A training programme for school mediators. It is clearly stated in the programme that all victims should report violence in complete safety to members of the institution’s monitoring mechanism, members of the youth advice centre, service delivery point (health centre) staff, the Senegal chapter of the Forum for African Women Educationalists (FAWE), the Women’s Rights Observatory against Violence, police stations or gendarmeries, or services for the non-institutional supervision of minors;
 - A project to combat gender-based violence in schools, supported by the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Children’s Fund (UNICEF) and Plan International, with funding from France, aimed at strengthening curriculum content and teacher training to include gender-based violence in schools, and enhancing policy and regulatory frameworks to combat the problem. The project began with a diagnostic analysis of the response to gender-based violence in Senegalese schools (August 2017); a draft code of ethics for teachers in Senegal, pending adoption since 2014;
 - School rules and regulations.
50. More recently, the preparation of a five-year project to strengthen support for child protection in education in Senegal has been under way, with support from Canada. Two elements of the approach adopted seem promising: the creation of an internal framework

within the Ministry of Education, bringing together several departments in the design and implementation of the project (heads of preschools and elementary, middle and secondary schools and the Qur'anic school (*daara*) inspectorate, under the coordination of the Directorate of Educational Planning and Reform; and a multi-stakeholder approach – involving the Ministry of Education, UNICEF and Plan International – combined into a single logical model for action. The two cooperation agencies had in the past supported independent programmes (the UNICEF integrated package of services and the Plan International programme for the protection of children in schools, developed in a decentralized manner with the education and training inspectorates).

51. The Ministry of Justice organizes training workshops throughout the country for the various actors in the justice system, to build synergy in their actions in order to combat child exploitation and abuse more effectively.

52. In addition, the Ministry of Justice, through the Directorate of Supervised Education and Social Protection, has developed harmonized intervention tools such as model investigation reports and child fact sheets which, once completed, are submitted to judges to help them make legal decisions. These tools were evaluated in 2019 and 2020 with the involvement of all the relevant judicial and social actors.

53. Since 2019, the Directorate of Supervised Education and Social Protection has held workshops for training, discussion and coordination between stakeholders in the field of criminal justice, namely judges in charge of juvenile cases, criminal investigation police, specialized educators and grass-roots community organizations.

54. Mechanisms have been established to bring together local child protection and care entities through departmental child protection committees and neighbourhood or village child protection committees, which are frameworks for coordination, exchange, planning and implementation of child protection initiatives.

55. With support from UNICEF and the project Strengthening Support for Child Protection in Education, funded by Global Affairs Canada, the Ministry of Education carried out an initiative to detect cases of violence in schools.

56. This was a first step; in the future, careful consideration will need to be given to ways of protecting children's rights in the school environment. However, every time a violation has been detected, the case has been referred to the courts and the victim has benefited from the support of social services.

57. In terms of prevention, the educational and social protection services run awareness-raising sessions in schools on issues such as:

- Early marriage;
- Female genital mutilation;
- Sexual violence;
- Drugs and their consequences.

58. Regarding article 285 of the Family Code, for the moment no measures have been taken to repeal it. However, true to its commitment to child protection, survival and development, the Government of Senegal has developed consistent child protection programmes. For example, article 14 of Decree No. 79-1165 of 20 December 1979 strictly prohibits corporal punishment.

59. Statistical data for the period 2018–2021 show that there have been cases where children between the ages of 12 and 18 have been victims of violence in schools. These cases, all of which were followed up by the Directorate of Supervised Education and Social Protection, are spread across all regions, particularly Dakar, Saint-Louis, Matam, Ziguinchor and Kolda.

60. The services for the non-institutional supervision of minors and the centres of the Directorate of Supervised Education and Social Protection, respectively, have provided support and shelter for child victims of abuse.

Reply to the issues raised in paragraph 8 (a)

61. This case led to the arrest of the head of the *daara* concerned, who was found guilty and sentenced by the Louga court of major jurisdiction (*tribunal de grande instance*) to a suspended sentence of three months' imprisonment.

Reply to the issues raised in paragraph 8 (b)

62. In the case of the five boys, the main suspect, Khadim Gueye, was arrested by gendarmes, brought before the Louga public prosecutor, tried and convicted by the court, along with three of his co-defendants, namely the metalworker and two parents of the children who had been chained. A suspended sentence of two years' imprisonment was imposed.

Reply to the issues raised in paragraph 9

63. All acts of gender-based violence, whether committed by public officials or other persons acting on behalf of the State or on their instructions, are punishable by law without discrimination. The law is impersonal and impartial.

64. Provisions criminalizing gender-based violence are particularly strict. In most cases, the fact that the victim is a woman constitutes an aggravating circumstance of the offence, and judges are not allowed to suspend sentences in cases involving assault or other acts of violence against a person of the female sex. With the adoption of Act No. 2020-05 criminalizing certain sexual offences, including rape and paedophilia, penalties have been further increased.

65. In addition, all acts of violence and threats are punishable under Senegalese law, regardless of the victim (see arts. 290–297 bis of the Criminal Code).

66. The Government's political will is reflected in the various measures it has taken and the institutional mechanisms it has set up to prevent and address gender-based violence and to promote and protect the rights of women and girls at different levels.

67. In this connection, Senegal has signed and/or ratified almost all international, regional and national legal instruments protecting women and girls. These include:

68. At the international level:

- International Labour Organization (ILO) Equal Remuneration Convention, 1951 (No. 100);
- ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111);
- International Covenant on Economic, Social and Cultural Rights, together with the Optional Protocol thereto;
- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others;
- Convention on the Elimination of All Forms of Discrimination against Women;
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Convention on the Rights of the Child;
- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;
- Convention on the Rights of Persons with Disabilities;
- 1957 Nationality Convention, under which women can acquire their husband's nationality without losing their own;
- Convention against Discrimination in Education, adopted by UNESCO.

69. At the regional level:
- African Charter on Human and Peoples' Rights;
 - African Charter on the Rights and Welfare of the Child;
 - Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa;
 - Solemn Declaration of Heads of State and Government on Gender Equality in Africa;
 - Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children.
70. At the national level:
- The Constitution, the preamble of which clearly affirms the State's recognition of the rights of women and girls, as well as the equality of men and women, through its firm adherence to international treaties;
 - Articles 7, 15, 18, 19, 22 and 25 of the Constitution, which reinforce the State's determination to combat violence against women and girls;
 - Act No. 2020-05 of 10 January 2020 criminalizing rape and paedophilia;
 - Decree No. 2018 1070 of 30 June 2018 on the organization of the Ministry of Justice, which, in article 22, designates the Directorate of Supervised Education and Social Protection as the competent central authority in matters of intercountry adoption;
 - Decree No. 1573-2018 of 27 August 2018, under which the National Civil Status Centre became the Civil Status Directorate.
71. The following innovative actions have been taken in recent years by various stakeholders (the State, non-governmental organizations (NGOs), civil society organizations, the private sector, associations, etc.) to promote the eradication of violence against women and girls:
- Creation, in 2008, of the National Directorate for Gender Equity and Equality;
 - Creation, by Decree 2010 of 8 July 2010, of the National Observatory on Gender Parity;
 - Establishment, in 2010, of the National Committee to Combat Trafficking in Persons, Especially Women and Children;
 - Establishment of gender units in the various ministerial departments;
 - Promotion of public declarations of abandonment of the practice of excision. To date, 6,959 communities have made such declarations;
 - Establishment, in 2021, of 10 community mechanisms to monitor compliance with the declarations, in the regions of Matam and Kolda;
 - Commitment to implementing the Beijing Platform for Action through the development and implementation of the first and second National Action Plans for Women and, subsequently, of the first and second National Strategies for Gender Equality and Equity;
 - Adoption and implementation of national action plans to accelerate the abandonment of excision;
 - Development and implementation of the national action plan for the implementation of resolution 1325 (2000);
 - Implementation of the national action plan for the eradication of gender-based violence and the promotion of human rights (2017–2021, currently undergoing final evaluation);
 - Development and dissemination of standard operating procedures for preventing and addressing gender-based violence;

- Development and promotion of a toll-free helpline (116) for reporting and the referral of victims;
- Introduction of a portal for reporting online sexual abuse of children;
- Medical and financial support programme for women with obstetric fistulas;
- Implementation of a programme of scholarships for excellence (from the ECOWAS Gender Development Centre) for girls specializing in scientific fields and vocational or technical training;
- Implementation of a national strategy to disseminate information on Act No. 2020-05 of 10 January 2020 criminalizing rape and paedophilia (targeting all 46 departments of Senegal) and the translation of Act No. 2020-05 into 14 national languages;
- In the field of women’s economic empowerment, the Expedited Entrepreneurship Office, the Sovereign Strategic Investment Fund, the Priority Investment Guarantee Fund and many other specific funds contribute to the promotion of women’s entrepreneurship;
- In addition to these high-impact mechanisms, the National Strategy for the Empowerment of Women and Girls 2021–2025 is intended, among other things, to foster the emergence of inclusive, sustainable and growth-generating entrepreneurship through the promotion of equitable and value-creating wage employment;
- Adoption of the Girl Child Agenda (2020–2024) for the promotion and protection of girls’ rights, which includes the elimination of child marriage among its six priorities.

72. The prevalence rate of female genital mutilation has fallen significantly, according to the 2019 population and health survey. The regions most affected are Matam (77 per cent), Sédhiou (48 per cent), Kolda (57 per cent), Kédougou (35 per cent) and Tambacounda (36 per cent).

73. With regard to the number of convictions, account should be taken of the difficulties in enforcing Act No. 99-05 prohibiting the practice of female genital mutilation. Since the law was enacted, only about a dozen cases have come before the courts, owing to the lack of reporting by communities where this practice continues.

74. In 2021, judgments were handed down in six cases of female genital mutilation in the Dakar region, mainly in Guédiawaye and Rufisque, and three cases in the Kolda region, thanks to reports from neighbourhood godmothers known in Wolof as “*Bajenu gox*”.

75. Under article 305 of the Criminal Code and Act No. 2005-18 of 5 August 2005 on reproductive health, voluntary termination of pregnancy remains prohibited.

76. However, article 35 of the Senegalese Code of Medical Ethics provides for a single exception: “Therapeutic abortion may be carried out only if it is the sole means of safeguarding the mother’s life.”

Article 3

Reply to the issues raised in paragraph 10 (a) and (b)

77. Regarding statistics:

- Between May 2018 and December 2021, the Senegalese authorities registered 424 asylum applications, broken down as follows:

Year	May 2018–December 2019	2020	2021	Total
Number of cases	64	180	180	424

- In 2021, of the 180 asylum-seekers, 50 per cent, or 90 applicants, 70 per cent of whom were men and 30 per cent women, were granted refugee status. The statistics for 2021 are summarized in table 1.

- In 2020, of the 180 asylum-seekers, 70 were granted asylum. The statistics for the year 2020 are summarized in table 2.
- It is not possible to produce a table of statistics with the data currently available for 2018 and 2019. Nonetheless, it should be noted that:
 - Of the 64 requests, 19 were approved and 45 rejected;
 - The 19 refugees are distributed as follows:
 - Sixteen are citizens of the Central African Republic, which is experiencing a political and security crisis;
 - Two are citizens of Burundi who left their country due to the deterioration of the political and security situation following the constitutional reform in 2018;
 - One is a citizen of Türkiye and a member of Fethullah Gülen's *Hizmet* movement.
- As at 31 December 2021, the total number of refugees in Senegal was 14,440.

Table 1
Statistics for 2021

2021	Sex	Asylum-seekers	Beneficiaries of refugee status	Men	Women	Adults	Minors	Central African Republic	Other	Appeals lodged	Beneficiaries of refugee status due to war
January		15	6	4	2	6	X	6	X	X	6
February		15	12	8	4	12	X	12	X	X	12
March		15	9	7	2	9	X	8	1	X	8
April		15	6	3	3	6	X	6	X	X	6
May-June		30	18	14	4	18	X	18	X	X	18
July		15	8	6	2	8	X	8	X	X	8
August-September		30	9	7	2	9	X	8	1	X	8
October-November		30	13	9	4	13	X	13	X	X	13
December		15	9	5	4	9	X	9	X	X	9
Total		180	90	63	27	90	X	88	X	X	88
Per cent of total		100%	50%	70%	30%	100%	0%	98%	2%	0%	98%

Table 2
Statistics for 2020

Month	No. of applications examined	No. approved	No. rejected	No. of returns	No. of unfounded cases
January 2020	12	2	3	6	1
February 2020	18	2	11	4	1
March 2020	15	8	5	2	0
April 2020	15	6	9	0	0
May 2020	15	2	9	1	3
June 2020	15	4	10	1	0
July 2020	15	4	10	1	0
August 2020	15	4	10	1	0
September 2020	15	12	3	0	0

<i>Month</i>	<i>No. of applications examined</i>	<i>No. approved</i>	<i>No. rejected</i>	<i>No. of returns</i>	<i>No. of unfounded cases</i>
October 2020	15	4	11	0	0
November 2020	15	14	1	0	0
December 2020	15	8	7	0	0
Total	180	70	89	16	5
Percentage		39	49	9	3

Reply to the issues raised in paragraph 10 (c) and (d)

78. Statistical data are not available on the number of persons extradited, expelled or returned or on the number of appeals against expulsion decisions.

Reply to the issues raised in paragraph 10 (a) and (b)

79. With regard to measures taken to improve protections for refugees and stateless persons, Act No. 2022-01 of 14 April 2022 on the Status of Refugees and Stateless Persons was adopted unanimously by the National Assembly. This law, which repealed Act No. 68-027 of 24 July 1968 on the Status of Refugees, contains important innovations designed to bring the refugee system into line with the 1951 Convention, including:

- Establishment of a National Commission for Refugees and Stateless Persons to provide asylum-seekers, refugees and stateless persons with legal and administrative protection;
- Protection of applicants for refugee status from prosecution for entering the country without authorization, provided that they present themselves to the authorities responsible for refugees within a reasonable time period;
- A family reunification policy for refugees that enables family members to apply for refugee status;
- A prohibition on the expulsion or return of refugees to territories where their lives would be in danger;
- Extension of the educational assistance provided for under the Code of Criminal Procedure to child applicants for refugee status and placement of such children under the protection of the National Commission for Refugees and Stateless Persons.

80. This Act provides for the adoption of an implementing decree on the procedure for determining eligibility for refugee status. The decree will, inter alia, provide for more expeditious processing of such applications.

Reply to the issues raised in paragraph 12

81. Since 2018, the State of Senegal has not carried out any expulsions following diplomatic assurances.

Articles 5–9

Reply to the issues raised in paragraph 13

82. Senegal has not received a request for extradition on the grounds of acts of torture since the examination of its previous report.

Article 10

Reply to the issues raised in paragraph 14 (a)–(d)

83. Prison staff receive training on human rights in the prison environment at the National School of Prison Administration. This training places particular emphasis on the definition of torture and on the provisions of international human rights instruments prohibiting torture and other cruel, inhuman or degrading treatment or punishment, including article 5 of the Universal Declaration of Human Rights, article 7 of the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, and international and national mechanisms for the prevention of torture. Capacity-building on the rights and protection of prisoners is also organized as part of ongoing training with the support of the National Observatory of Places of Deprivation of Liberty and Amnesty International.

84. In 2022, the Human Rights Directorate trained 45 police officers, 45 gendarmes and 30 prison officers on the criminal and disciplinary liability of law enforcement officers in cases of torture or other cruel, inhuman or degrading treatment.

85. The Convention is taken into account in training programmes for the armed forces and security forces, as well as in their rules of engagement. For example, military training schools offer training modules for officers and non-commissioned officers. The same is true of ongoing training, in which contingents departing for peacekeeping operations are systematically trained in international humanitarian law. In addition, the defence and security forces often receive legal training at workshops and training seminars. Recently, the Advisory Council, together with the Human Rights Directorate, established partnerships with the National Police Academy on human rights and international humanitarian law.

86. In addition, trainee judges are taught courses in human rights at the Judicial Training Centre.

87. Police officers undertake a human rights training programme. The programme begins at the National Police Academy, with various modules including human rights and democratic crowd management.

88. Law enforcement and security officers are regularly made aware of the criminal liability they incur in cases of torture or similar acts, in accordance with the provisions of article 295-1 of the Senegalese Criminal Code.

89. During their careers, police officers undertake capacity-building on the protection of minors, victims of gender-based violence and vulnerable persons. For example, a practical guide was drawn up in December 2019 on building the capacity of security forces to deal with victims of gender-based violence as part of the Development Solutions Partnership programme between the United Nations Development Programme (UNDP) Seoul Policy Centre and UNDP Senegal.

90. In the interests of efficiency, specialized services have been set up to deal with issues relating to vulnerable persons and asylum claims.

Reply to the issues raised in paragraph 15

91. Senegal has not yet introduced training programmes for judges and prosecutors on detecting the physical and psychological consequences of torture in order to ascertain whether torture has occurred and verify the admissibility of confessions.

Reply to the issues raised in paragraph 16 (a)

92. Although there is not yet a provision in the Code of Criminal Procedure that explicitly sets out the circumstances that may justify pretrial detention, such detention is not automatic, nor is it the rule. The classic criteria set out in case law are applied very rigorously, and judges imposing pretrial detention are obliged to set out the reasons (lack of guaranteed appearance in court, risk of reprisals, risk of serious disturbance of public order or of hindering the gathering of evidence).

93. This measure is strictly regulated and limited in time. In correctional matters, for offences carrying a maximum prison sentence of three years or less, an accused person lawfully domiciled in the jurisdiction of the court hearing the case may not be detained, while an accused person domiciled in Senegal may not be detained for more than five days.

94. In the case of other offences, a detention order issued in accordance with the above-mentioned principles is only valid for a non-renewable period of six months and the judges involved take such decisions in light of the specific circumstances of each accused person.

95. This means that judges also use judicial supervision and temporary release measures, and only resort to detention orders when it appears that detention is the only means of ensuring the smooth running of the proceedings.

96. In fact, it was this desire to give priority to alternatives to pretrial detention that led the Senegalese legislature to introduce house arrest with electronic surveillance into the Code of Criminal Procedure through Act No. 2020-29 of 17 July 2020.

97. It should also be pointed out that the detention regime is currently being revised to incorporate all the relevant observations that have been identified. The related bill is currently being drawn up and should be finalized shortly.

Reply to the issues raised in paragraph 16 (b)

98. The bill on juvenile justice has not yet been adopted.

99. As regards measures to prevent prison overcrowding, the Senegalese Government, through the Directorate of Criminal Affairs and Pardons, encourages and promotes conditional releases, sentence reductions and pardons. The introduction of legislative provisions on the use of electronic bracelets is also helping to reduce prison overcrowding. The regulations on pretrial detention were amended by Act No. 2020-28 of 7 July 2020 amending the Criminal Code and providing for placement under electronic surveillance as a non-custodial sentence, and house arrest with electronic monitoring was provided for under Act No. 2020-29 of 17 July 2020.

100. In the same vein, since 2018 the State has recruited several judges who have been trained and posted across the country.

101. The table below contains statistical data on the number of pretrial detainees and convicted prisoners, as well as the occupancy rate of each detention centre:

Number of pretrial detainees and convicted prisoners, 2018–2021

<i>31.12.2018</i>			
<i>Nationality</i>	<i>Pretrial detainees</i>	<i>Convicted prisoners</i>	<i>Total</i>
Senegalese	4 173	5 724	9 897
Foreign	447	670	1 117
Total	4 620	6 394	11 014
<i>31.12.2019</i>			
<i>Nationality</i>	<i>Pretrial detainees</i>	<i>Convicted prisoners</i>	<i>Total</i>
Senegalese	4 137	6 032	10 169
Foreign	696	711	1 407
Total	4 833	6 743	11 576
<i>31.12.2020</i>			
<i>Nationality</i>	<i>Pretrial detainees</i>	<i>Convicted prisoners</i>	<i>Total</i>
Senegalese	4 458	5 051	9 509
Foreign	530	493	1 023
Total	4 988	5 544	10 532

<i>31.12.2021</i>			
<i>Nationality</i>	<i>Pretrial detainees</i>	<i>Convicted prisoners</i>	<i>Total</i>
Senegalese	4 810	5 745	10 555
Foreign	589	531	1 120
Total	5 399	6 276	11 675

Reply to the issues raised in paragraph 17

102. With regard to places of deprivation of liberty, efforts continue to be made to reduce overcrowding in certain prisons.

103. The public authorities have made efforts to improve conditions of detention for prisoners, including by raising the daily maintenance allowance from CFAF 461 in 2012 to CFAF 1,152 in 2021, which is an increase of CFAF 691 in the space of nine years, and by building and refurbishing prisons (480 places at the Koutal prison camp, the extension of the Sébikotane short-stay prison (300 places) and the Diourbel (160 places), Mbour (300 places) and Bignona (150 places) remand and short-stay prisons. In addition, a project to build nine new prisons has already been approved.

104. In Senegal, inmates with mental health conditions are transferred to psychiatric centres for better care.

105. Prisoners accused of terrorism enjoy the same rights as ordinary prisoners (food, hygiene, health and visits, etc.).

106. The prison health service is an integral part of the public health system. All prisoners have access to public health facilities and receive free treatment, medical consultations and pharmaceuticals, with the exception of corrective lenses and prostheses.

107. Different categories of prisoners are separated in prisons. There are specific prisons for women and minors in Dakar (Hann remand and short-stay prison, Liberté VI women's remand prison and Rufisque women's remand and short-stay prison).

108. For children in conflict with the law, rehabilitation and education services are equipped with recreation rooms and sports facilities and offer schooling and vocational training.

109. In other mixed prisons housing all categories of prisoners, separate areas are set up for women and juvenile inmates. Pregnant women are placed in a separate facility for the last two months of their pregnancy, where they remain for two months after giving birth. Children may also remain with their mothers in prison until the age of three years, after which they are entrusted to their families or to charitable institutions. Educational, training and recreational activities are also provided in facilities for convicted prisoners to facilitate their social reintegration, including for specific categories (women and juvenile inmates).

110. In addition, vulnerable prisoners do not suffer any form of discrimination in the country's detention facilities.

Reply to the issues raised in paragraph 18

111. Placement in solitary confinement is subject to certain conditions. The inmate must have committed an act such as the use of threats, insults or violence, either towards the director or prison staff or towards other inmates, or a refusal to comply with regulations for the maintenance of good order or to carry out instructions. Prisoners must be informed in advance of the act of which they are accused and given the opportunity to provide an explanation to the director of the prison or the director of the Prison Administration, depending on the seriousness of the act committed and the penalty incurred.

112. With regard to preventing and combating corporal and psychological punishment of uncooperative prisoners by some prison officers, the State created the National Observatory of Places of Deprivation of Liberty through Act No. 2009-13 of 2 March 2009. The role of this body is to prevent torture and ill-treatment in places of deprivation of liberty through

regular and unannounced visits. In the event of complaints of violations of fundamental rights, it may approach the competent authorities to suggest disciplinary or criminal sanctions.

Reply to the issues raised in paragraph 18 (a)

113. In the event of an emergency, the inmate is taken immediately to the punishment cell on a provisional basis pending a decision. This is done in cases of escape, rebellion and assault and battery on a member of the prison administration, or attempts to commit these offences. An inmate may be placed in a punishment cell only on written instructions from the director. The duration of placement in a punishment cell is eight days when it is set by the prison director. The prison director may request the director of the Prison Administration to authorize an increase to 30 days.

114. The sentence enforcement judge must be promptly notified of all disciplinary penalties imposed on prisoners.

115. Prisoners who have received a penalty have the opportunity to submit their case to the sentence enforcement judge, either directly or through their counsel, with any useful observations concerning the decisions taken in their regard.

Reply to the issues raised in paragraph 18 (b)

116. Placement in a cell is a measure of last resort taken by the prison director. Other penalties may be imposed by the prison director, such as reprimand, suspension of yard privileges for up to eight days, suspension of all correspondence for up to two weeks, suspension of the use of savings for eight days and suspension of visits for eight days.

Reply to the issues raised in paragraph 18 (c)

117. Every prison has a punishment and reward register.

118. With regard to prioritizing the installation of detection devices to replace body searches, there are scanners and metal detectors in place in some prisons, such as the Rebeus remand prison.

119. Searches are security measures provided for under article 135 of Decree No. 2001-362 of 4 May 2001 concerning procedures for the execution and adjustment of criminal penalties, which provides that “all prisoners must be searched on entering the prison and each time they are removed from it to be taken to an investigation or hearing and brought back to the prison. They may also be searched during detention as often as the prison director deems necessary”.

120. Prison directors take the necessary steps to ensure that searches take place in rooms reserved for this purpose and that they are carried out by staff of the same sex as the prisoner.

Reply to the issues raised in paragraph 19

121. On the number of deaths in prison, the following statistics have been recorded: 30 in 2018, 31 in 2019, 24 in 2020 and 25 in 2021. Most deaths take place in public health facilities (hospital or health district) or during an evacuation. These are natural deaths often linked to illness, with the exception of the prisoner Mbaye Diop, who died on 29 February 2020 following a fight with fellow prisoner Khadim Fall (Diourbel remand and short-stay prison), the prisoner Fallou Ka, who died on 2 May 2019 following injuries sustained during his arrest by the police (Diourbel remand and short-stay prison), and the prisoners Babacar Mane and Cheikh Ndiaye, who died on 27 August 2019 by electrocution (Rebeus remand prison).

122. In the Yamadou Sagna case, an investigation was opened and the two customs officers involved were arrested and brought before the Dakar military court.

Reply to the issues raised in paragraph 19 (a)

123. As for the prisoner Louise Ndiaye, not Dieng, the investigation revealed that he died as a result of his illness.

Reply to the issues raised in paragraph 19 (b)

124. The detainee Fallou Ka was not beaten to death at the Diourbel remand and short-stay prison. He was placed under a detention order on 29 April 2019 and arrived the same day complaining of abdominal pains. When questioned about the causes, he claimed to have been assaulted during his arrest. He was examined by the prison nurse, who treated him.

125. In accordance with the regulations governing the organization and operation of prison facilities, a report was submitted to the public prosecutor attached to the Diourbel court of major jurisdiction. The prosecutor ordered an autopsy and an investigation to clarify the cause of death and where responsibility lay.

126. The results of the investigation revealed that the four officers, including two police officers and two local security officers (Baba Condoul, Daouda Ndiaye, Ndongo Kane and Louis Diouf), who arrested him were responsible for his death. They were placed under a detention order on 27 May 2019 and on 7 January 2020 they were sentenced to two years' imprisonment for assault and battery causing death without intent and 2 million in damages.

Reply to the issues raised in paragraph 19 (c)

127. In the case of the prisoners Babacar Mane and Cheikh Ndiaye, an investigation was opened by the public prosecutor attached to the Dakar special court of major jurisdiction. The investigation revealed that the prisoners had died of electrocution.

Reply to the issues raised in paragraph 19 (d) and (e)

128. In the case of the prisoners Séni Sane and El Hadji Ousmane Diop, the investigation revealed that they died as a result of their illnesses.

Reply to the issues raised in paragraph 20

129. Senegal recognizes the right to immigration and is known as a welcoming and hospitable country. Senegalese law is tolerant of people arrested in the context of immigration.

130. For example, migrants are virtually immune from criminal liability, even if they have entered the country illegally. This is the meaning of article 12 of Act No. 2005-06 of 10 May 2005 on the fight against human trafficking and similar practices and the protection of victims. In other words, Senegalese law only punishes the smuggling of migrants or the perpetrators of human trafficking.

131. Between 1 January 2018 and 11 February 2022, the National Police received 733 asylum applications for investigation. The police investigation identifies vulnerable people among asylum-seekers, including victims of torture, trafficking or gender-based violence, as well as minors who are unaccompanied or have been separated from their families. At the end of the investigation, the file is forwarded to the National Commission on Eligibility for Refugee Status, which, in its opinion addressed to the President of the Republic, takes account of the person's situation of vulnerability and the provisions enshrining the principle of non-refoulement.

132. In any case, all these categories of people receive appropriate treatment and are interviewed using non-coercive methods.

Articles 12 and 13**Reply to the issues raised in paragraph 21 (a)**

133. No measures are currently being taken to repeal the 2004 amnesty law for acts committed in the context of the Casamance conflict.

Reply to the issues raised in paragraph 21 (b)

134. Since 2018, the authorities have taken measures in Casamance for the security and protection of civilians, including patrols, border controls and identity checks.

Reply to the issues raised in paragraph 21 (c)

135. No one has been reported missing after being arrested by the law enforcement authorities.

Reply to the issues raised in paragraph 21 (d)

136. Relatives of detained persons are kept informed of the place of detention and enjoy fairly extensive visiting rights. Nevertheless, it is envisaged that an ongoing reform will strengthen the right to information of relatives of persons deprived of their liberty.

137. Impartial and independent investigations were opened into the case of the 15 people killed in the forest of Boffa Bayotte, leading to the arrest of all those suspected of involvement in these crimes. The trial, which opened on 21 March 2022 after several years of investigations, was conducted in accordance with the adversarial principle and the principle of fairness. A judgment is expected on 13 June 2022. All defendants and victims were assisted by counsel, whose fees were covered by the State.

138. The investigation into the killing on 27 October 2019 of Abdou Elinkine Diatta of the Movement of Democratic Forces of Casamance resulted in the identification of two suspected perpetrators, who are still at large. The case is still pending before the office of the investigating judge of the Ziguinchor court of major jurisdiction.

Reply to the issues raised in paragraph 22

139. At present there are no government or parliamentary bills to reform the Supreme Council of Justice so that the President of the Republic and the Minister of Justice are no longer members, since it has not yet been sufficiently demonstrated that the Council's current membership is detrimental to the independence of the judiciary and the transparency of appointments. In this respect, it is important to note that decisions taken on the Council's recommendation may be annulled by the administrative division of the Supreme Court (cf. judgment No. 8 of 10 March 2022, *Ngor Diop v. State of Senegal*).

140. The most recent reform of the Council increased the number of members who are judges.

Reply to the issues raised in paragraph 22 (a) and (b)

141. No legislative measures have yet been taken to abolish either the authority of the Minister of Justice to give instructions to prosecutors or the requirement to obtain a prosecution order to prosecute law enforcement officials for offences committed in the course of or in connection with the performance of their duties.

142. In 2018, the Government drafted a circular on general criminal policy, setting out general guidelines for public prosecutors on combating various forms of crime.

143. Although there are special investigative units that deal with offences committed by law enforcement agencies, it is up to the prosecutor in charge of the case to entrust the investigation to the unit of his or her choice. Prosecutors are not obliged to entrust the investigation to the unit to which the officer involved belongs; they are free to choose another body, depending on their expectations, objectives and the importance or complexity of the case.

Reply to the issues raised in paragraph 23

144. Whenever acts of torture or ill-treatment are reported or brought to the attention of the prosecuting authorities, the latter will open an investigation whose outcome will determine the course of the proceedings (prosecution, discontinuance, dismissal, conviction or acquittal).

Article 14

Reply to the issues raised in paragraph 24

145. Measures to compensate victims of torture in cases where the perpetrators have not been identified are not yet envisaged.

Reply to the issues raised in paragraph 25

146. After the trial of former Chadian President Hissène Habré by the Extraordinary African Chambers in Dakar, some CFAF 82 billion were due to be paid out to 7,396 identified victims through an African Union trust fund. This remains the largest amount of compensation awarded by an internationalized criminal court. The African Union Commission is working hard to make this fund operational as soon as possible for the victims. After the closure of the Extraordinary African Chambers, Senegal donated the remainder of the budget to the African Union trust fund.

Article 15

Reply to the issues raised in paragraph 26

147. The Government considers that it would not be useful to explicitly mention the inadmissibility of forced confessions in legislation because, like all other evidence, confessions are left to the unfettered discretion of the judge and, given the principle that evidence must be collected fairly, a confession extracted under torture can in no way constitute admissible evidence.

Reply to the issues raised in paragraph 26 (a)–(c)

148. These statistics are not yet available, but the Government is working to obtain reliable data from all places of deprivation of liberty relating to any allegations of forced confessions. Victims of torture can apply to the competent courts so that acts of torture, if proven, can be punished appropriately.

Article 16

Reply to the issues raised in paragraph 27

149. The use of force is strictly regulated by law, including under article 295-1 of the Criminal Code, which provides for the imposition of penalties on law enforcement officers found guilty of acts of torture.

150. Furthermore, the actions of gendarmerie personnel are governed by specific regulations. These include Decree No. 74-571 of 13 June 1974 on the employment of the National Gendarmerie and Instruction No. 20 of 10 November 1970 on the participation of the armed forces in the maintenance of law and order. The gendarmerie strives to remind its personnel of these regulations and to communicate, teach and interpret their content so that their significance is understood.

151. Other training mechanisms, in addition to those mentioned above, have been put in place in the framework of the National Gendarmerie's annual training programme. They have been used in training academies, in-service training centres such as the National Training Centre of the Gendarmerie Intervention Forces, and within units. They generally concern gendarmes' relationship with the public in the course of their duties to maintain or restore order, focusing on the use of weapons and respect for the dignity and physical integrity of every individual.

152. Gendarmerie personnel (targeted due to their contract with the public) also attend seminars and workshops on this subject.

153. As regards demonstrations, new paradigms have been noted, such as the concept of democratic crowd management. All police officers receive training in the legal and regulatory

framework for maintaining public order, including on the use of force and the use of weapons. Democratic crowd management has become a reality, and members of the security forces increasingly engage protesters in dialogue in order to put an end to breaches of the peace without using tear gas.

154. In addition to instruction and training, other measures are adapted by unit commanders and training managers. These include informal talks, briefings, debriefings and weapons and ammunition management.

155. Data on the excessive use of force are unavailable. However, when gendarmes are summoned in a case involving torture, the courts conduct a thorough investigation to determine responsibility. This occurred in the proceedings against two gendarmes that were brought before the Kédougou court of major jurisdiction in 2020: one case that occurred during the application of measures to restrict the spread of COVID-19, and another that related to violence committed against a member of the public in 2021. Both cases are still pending before the first investigating judge of the Dakar special court of major jurisdiction. Gendarmes' training and performance are governed by laws and regulations that are applied with the utmost rigour.

Reply to the issues raised in paragraph 27 (a)

156. Following the death in May 2018 of Fallou Sène, a student at Gaston Berger University in Saint-Louis, an independent investigation was opened, leading to the arrest of the gendarme suspected of firing the fatal shot. The case, which is being handled by the first investigating judge of the Dakar special court of major jurisdiction, is following its normal course.

Reply to the issues raised in paragraph 27 (b)

157. No complaints have been received following the demonstration by the Aar Li Nu Bokk coalition.

Reply to the issues raised in paragraph 27 (c)

158. No information is available in relation to this issue.

Reply to the issues raised in paragraphs 28 (a) and (b)

159. There are currently no legislative initiatives to repeal the third paragraph of article 319 of the Criminal Code punishing unnatural acts.

Other issues

Reply to the issues raised in paragraph 29

160. The prison and public health authorities have taken steps to prevent and combat the COVID-19 pandemic in prisons. These include compliance with the barrier measures laid down by the health authorities (systematic washing with soap and water, use of alcohol-based hand sanitizer and temperature checks using infrared thermometers); the isolation of new arrivals for a 14-day quarantine period; instructions for prison administrators and warders; the suspension of visits to inmates, while giving them the opportunity to call their families free of charge at least once a week; improved food and health care; the production of masks at the Liberté VI prison camp; and the creation of a unit for the production of PeniPro cleaning and hygiene products at the Cap Manuel remand and short-stay prison.

161. The necessary steps were taken to ensure that measures to prevent and combat COVID-19 in prisons complied with the obligations set forth in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

162. In addition, there is a psychosocial unit, staffed by psychologists, psychiatrists and social workers, that is exclusively dedicated to helping persons who are deprived of their liberty and placed in quarantine.

163. At the end of the quarantine period, a certificate is issued attesting to the individual's good health, thus reassuring the prison population and combating stigmatization, which can have psychological impacts. Psychological support is also provided for COVID-19 patients treated in hospital-based Epidemiological Treatment Centres.

Part two

General information on other measures and developments relating to the implementation of the Convention in the State party

Reply to the issues raised in paragraph 30

164. Regarding measures taken by Senegal to better implement the Convention in domestic law, the following developments should be noted:

- The amendment of the Criminal Code pursuant to Act No. 96-15 of 26 August 1996, which added an article 295-1 defining and punishing torture.
- Act No. 2020-05 of January 2020, which criminalized rape and paedophilia. This law is accompanied by a strategic plan for its publicization and effective appropriation by actors and communities.
- Act No. 2022-01 of 14 April 2022 on the Status of Refugees and Stateless Persons.
- Acts No. 2000-38 and No. 2000-39 of 29 December 2000 and implementing decree No. 362-2001 of 4 March 2001 on alternative measures to imprisonment.
- The amendment of the regulations on pretrial detention pursuant to Act No. 2020-28 of 7 July 2020, which amended the Criminal Code and established electronic monitoring as a means of sentence adjustment, and Act No. 2020-29 of 17 July 2020, which introduced house arrest with electronic monitoring.
- A bill has been approved by the Ministry of Justice and submitted to the General Secretariat of the Government. Its provisions will guarantee all defendants access to counsel, increase transparency in the administration of legal aid, and promote the diversification of funding sources. Pending its adoption, the Government has continued to increase the budget allocated to legal aid every year. This budget rose to CFAF 800 million in 2022.
- The adoption by the Council of Ministers, on 6 June 2018, of a bill on the status of *daaras*, which was submitted to the National Assembly for a vote.
- The establishment of the National Committee to Combat Human Trafficking and Migrant Smuggling by Decree No. 2020-2064 of 27 October 2020.
- The establishment in September 2019, by the Child Protection Support Unit of the Ministry for Family, Women, Gender and the Protection of Children in partnership with the Internet Watch Foundation, of a portal for reporting online images of sexual abuse of children in Senegal.
- The Government, in agreement with the leaders of the Bar Association, has decided to introduce an annual recruitment scheme for a significant number of young lawyers and to help them establish their practices in the country's interior with funds earmarked for legal aid.

165. The Senegalese Human Rights Committee, by virtue of its legal mandate, formulates opinions on periodic reports and interacts with all State and non-State actors within the framework of the sessions of the National Advisory Council on Human Rights and International Humanitarian Law. A bill currently being reviewed by the General Secretariat of the Government should enable Senegal to regain A status, with a budget of 100 million in 2021.