



Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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**Subcommittee on Prevention of Torture and Other Cruel,
Inhuman or Degrading Treatment or Punishment**

Comments of Senegal on the recommendations and observations addressed to it in connection with the Subcommittee visit undertaken from 5 to 16 May 2019*, **

[Date received: 26 February 2025]

* The present document is being issued without formal editing.
** On 26 March 2025, the State Party requested the Subcommittee to publish its comments, in accordance with article 16 (2) of the Optional Protocol.



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I. Introduction

1. In accordance with article 12 of the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Subcommittee on Prevention of Torture visited Senegal from 5 to 16 May 2019 and submitted observations and recommendations to the Government.

2. The Government's replies to these recommendations are set out below.

II. National preventive mechanism

Reply to the recommendation contained in paragraph 19 of the report (CAT/OP/SEN/ROSP/R.1)

3. A bill has already been prepared by the Ministry of Justice and submitted to the Secretary-General of the Government, who is responsible for validating draft instruments. The purpose of this bill, which takes into account the recommendations made by the Subcommittee, is to:

- Set up a true National Observatory of Places of Deprivation of Liberty, rather than a simple observer, with the fundamental aim of creating an institution that is capable of performing all aspects of the mandate of national mechanism for the prevention of torture, as set out in the Optional Protocol.
- Transfer authority over the Observatory to a different institution and revise the scope of its powers. It is planned that the Observatory will be attached to the Office of the Prime Minister in order to guarantee its independence from the ministries concerned by its activities, in particular the Ministry of Justice (prisons), the Ministry of the Armed Forces (gendarmerie stations) and the Ministry of the Interior (police stations).
- Specify in law the Observatory's administrative and financial autonomy.
- Strengthen the Observatory's governance bodies, in particular through the creation of the post of Secretary-General within it.
- Strengthen the Observatory's independence in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), in particular by reaffirming its status as an independent administrative body, its functions, the criteria for appointing its members, their rank and benefits and the immunity of its Secretary-General and observers.

4. The Government notes subparagraph (c) of the recommendation with interest and will ensure that it is taken into account in the bill, which is currently under examination by the competent State bodies.

5. With regard to subparagraph (e) of the recommendation, it should be noted that the Observatory's annual report is submitted to the President and made public. Elected representatives are then able to debate it in the National Assembly. It is essential that the report be made public so that anyone can discuss its content. In this connection, upon the presentation of the latest report in July 2024, the President undertook to include this event on the national agenda.

6. Lastly, with respect to subparagraph (f) of the recommendation, the Government is working to enhance the transparency of and democratize the appointment process for certain positions by issuing calls for candidates, such as for the post of President of the national human rights institution, which, following its reform, is known as the National Human Rights Commission. Accordingly, the Government takes note of this recommendation and will ensure that it is taken into account in the bill on the National Observatory of Places of Deprivation of Liberty.

Reply to the recommendation contained in paragraph 20

7. The Government, recognizing that the preventive nature of the national preventive mechanism's mandate needs to be consolidated and strengthened, notes this recommendation with interest and will ensure that it is taken into consideration.

Reply to the recommendation contained in paragraph 22

8. This recommendation has been taken into account in the bill on the reform of the National Observatory of Places of Deprivation of Liberty. It is expected that the Observatory will be provided with sufficient funding to carry out its mission from the State budget and from contributions, aid and grants paid by bilateral and multilateral partners. The budget allocated to the Observatory is placed in a deposit account (current transfer) that the body administers autonomously.

Reply to the recommendation contained in paragraph 24

9. The Government will give effect to this recommendation through its efforts to make this institution a true observatory. The fundamental purpose of this change and the creation of the post of Secretary-General is to strengthen the Observatory's capacities so that it can effectively carry out its mission throughout the country.

10. It will also be possible to appoint observers to work at the central level and in the decentralized offices opened in the regions.

11. With regard to the Government's efforts to involve the Observatory in activities that come under the latter's mandate, it should be underscored that the Observatory works closely with the National Advisory Council on Human Rights and International Humanitarian Law, which is the government mechanism responsible for the promotion and protection of human rights. In particular, the two bodies work together to prepare and draft national periodic reports and action plans and organize training courses on human rights and international humanitarian law.

Reply to the recommendation contained in paragraph 27

12. The Government takes due note of this important recommendation and recognizes that making the Observatory more visible will undoubtedly enhance the effectiveness of its preventive work. In this vein, as soon as he took office, the President put the reception of the Observatory's annual report in his own agenda before placing it on the national agenda. The Government also undertakes to take all steps necessary to ensure that this report is published annually. It remains open to any other measure that would further enhance this visibility at the national level.

III. Visits to places of deprivation of liberty

A. Police and gendarmerie stations

1. Physical conditions of detention

Reply to the recommendation contained in paragraph 31

13. The Government recognizes the importance of this recommendation for preserving the dignity of persons in custody and meeting their specific needs. It has thus taken this recommendation into account in the newly constructed police and gendarmerie stations. The Government will ensure that this new policy is followed in all places where persons are deprived of their liberty.

Reply to the recommendation contained in paragraph 32

14. The Government attaches particular importance to the dignity of persons in custody. Accordingly, it takes due note of this recommendation and will ensure that such persons have guaranteed access to food and drinking water.

Reply to the recommendation contained in paragraph 33

15. In recent years, the Government has begun to build and refurbish premises housing police and gendarmerie stations.

2. Fundamental legal safeguards**(a) Right to be informed of one's rights and the reasons for one's arrest****Reply to the recommendation contained in paragraph 36**

16. Criminal investigation officers routinely notify detainees of their rights and the reasons for which they are being held in custody and take steps to ensure that the information provided is clearly understood. This obligation derives from the strict application of the provisions of the Code of Criminal Procedure on police custody.

17. On this point, it is important to note that national law does not distinguish between nationals and non-nationals. Senegalese law makes no distinction on any grounds when it comes to the enjoyment of fundamental legal guarantees by persons deprived of their liberty.

(b) Right of access to a lawyer**Reply to the recommendation contained in paragraph 39**

18. While the regulation of the West African Economic and Monetary Union is immediately applicable, the Government has also taken many steps to ensure its effective implementation. Prior to the amendment of the relevant law, the Government had issued circulars instructing public prosecutors to ensure that this regulation was fully and properly applied. These efforts culminated in 2016 in the reform of the Code of Criminal Procedure in order to provide for the invalidation of proceedings as a sanction for failure to respect this fundamental guarantee.

Reply to the recommendation contained in paragraph 40

19. The assistance of a legal counsel is a key element of the right of access to justice. Accordingly, in 2018, in recognition of the difficulties linked to the accessibility of lawyers throughout the country, the Government initiated discussions with the Bar Association on holding the Bar Association entrance examination annually and supporting lawyers to establish practices nationwide. This matter was also discussed at the justice conference held from 28 May to 4 June 2024.

20. The recommendations made on reducing the shortage of lawyers and enhancing access to them across the country are among those that should be implemented as a matter of priority, as they contribute to improving the public justice service.

21. The new regulations of the West African Economic and Monetary Union, in particular implementing regulation No. 001/2019, require the establishment in each member State of a professional training centre for lawyers.

22. In view of the seriousness of this issue, on 16 January 2025, at the official opening of the courts and tribunals, the President asked the President of the Bar Association to contact the Minister of Justice as soon as possible in order to determine how the preparatory courses for the Bar Association entrance examination should be organized.

23. With regard to legal aid, the authorities' determination to enhance protection of citizens' rights and freedoms led them to increase the legal aid fund from 600 million CFA francs (CFAF) in 2019 to CFAF 800 million in 2022.

24. The participants in the justice conference confirmed the importance of legal aid and access thereto by calling for the adoption of the relevant bill drawn up by the Ministry of Justice, the creation of a dedicated fund for minors and the introduction of free or low-cost legal aid services for vulnerable groups.

25. A bill and a draft decree have already been drawn up to definitively regulate legal aid, which must be available to victims and defendants in criminal cases and complainants and defendants in civil cases.

26. Legal aid is currently available only in criminal cases and only for those who are being prosecuted. The fact remains, however, that victims often need such aid, in particular in civil cases, in which the proceedings are generally more costly than in criminal cases.

(c) Right to a medical examination

Reply to the recommendation contained in paragraph 42

27. The Government notes this recommendation with interest and will consider the steps to be taken with a view to its implementation.

(d) Right to notify one's family members and diplomatic representation

Reply to the recommendation contained in paragraph 44

28. The Government notes this recommendation with interest and will ensure that it is given effect.

(e) Duration of police custody

Reply to the recommendation contained in paragraphs 47 and 48

29. This practice has been the subject of a study by the relevant legal departments. It may very soon be reorganized and better supervised. At the most recent justice conference, it was highlighted as one of the practices that needed to be reformed, together with the use of detention orders.

Reply to the recommendation contained in paragraph 49

30. The implementation of this recommendation was the key matter discussed during the dialogue on justice. The participants in the dialogue recommended that the Government should take a number of steps to strengthen the efficiency of the judicial system, including by:

- Increasing the financial resources allocated to the public justice system and improving its infrastructure, with a view to consolidating the rule of law and equitable access to justice
- Introducing a recruitment policy for justice professionals
- Improving working conditions for judges, court registrars and other court staff
- Addressing the shortage of lawyers to ensure that they are able to cover the whole country

3. Registers

Reply to the recommendation contained in paragraph 51

31. The Government takes note of this important recommendation and will ensure that reforms are initiated along these lines. The Ministry of the Interior is running a project to digitize registers, including police custody registers.

4. Allegations of torture and ill-treatment

Reply to the recommendation contained in paragraphs 53 and 54

32. The Government takes due note of this recommendation and will take steps to further reinforce the training of law enforcement officers. It should be noted that, in addition to the human rights training modules offered in police and gendarmerie academies and the academy

for prison staff, many State bodies organize in-service human rights training courses for law enforcement officers.

B. Prisons

1. Overcrowding

Reply to the recommendation contained in paragraph 60

33. As part of its efforts to reduce prison overcrowding, the Government regularly grants pardons on national holidays, such as Independence Day, and during the end-of-year celebrations. On 31 December 2024, for instance, the President granted pardons to 1,223 prisoners.

34. With regard to the construction of prisons, the Government has developed a project to build nine new facilities, with the aim of more effectively combating prison overcrowding.

35. In order to promote alternatives to deprivation of liberty, provisions on electronic surveillance were introduced into criminal law through Act No. 2020-29 of 7 July 2020. This measure, which reinforces the existing system, has led to a large number of people being spared detention in recent years.

36. Reducing prison overcrowding is one of the Government's current priorities.

37. To support these efforts, the following recommendations were made at the justice conference:

- Establish a sufficiently resourced unit for the enforcement of sentences within each court
- Promote the adjustment of sentences and the use of non-custodial measures
- Expand the use of electronic bracelets following a review of the system for their management
- Limit the pretrial detention period in criminal cases to two years, with a possible extension of six months

2. Separation of persons deprived of liberty

Reply to the recommendation contained in paragraph 64

38. This recommendation has already been implemented. Nonetheless, the Government will take steps to enhance its effectiveness through the project to build new prisons.

Reply to the recommendation contained in paragraph 65

39. The Government takes due note of this recommendation and will ensure that this matter is addressed as part of the reform of the justice system.

40. It should be pointed out, however, that Decree No. 66-1081 of 31 December 1966 on the organization and regulation of prison facilities provides for the separation of pregnant women in a special unit for at least two months before they give birth and two months after the delivery (art. 12).

41. In the same vein, children who live with their mothers in prison have access to recreational facilities (nurseries), and pregnant or breastfeeding prisoners are supported in managing their diet (supplementary rations).

3. Conditions of detention

(a) Physical conditions

Reply to the recommendation contained in paragraph 70

42. As highlighted in the reply to the recommendation contained in paragraph 60, the Government already has a project to build nine prisons, with the aim of more effectively combating prison overcrowding.

43. The construction plans for future prisons will take into account concerns linked to cell and dormitory ventilation and hygiene, in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

(b) Living arrangements

Reply to the recommendation contained in paragraph 77

44. Physical and sporting activities are organized within prisons. They foster a sense of balance, cohesion and accountability and an acceptance of societal rules. Such activities include football, basketball, traditional wrestling, draughts, word games and fencing.

45. Education and training activities are run in prisons in order to support prisoners' social rehabilitation. These activities include:

- Literacy courses in French, English and national languages such as Wolof, Pulaar and Serer. Specific classes for prisoners are run through the national literacy programme for young people and adults
- Compulsory primary education for minors
- Vocational training covering various trades

46. In 2019, 2,210 of the 6,743 convicted prisoners (32.77 per cent) received training.

47. Productive activities are also carried out in prisons.

48. Prisoners may participate in a wide range of such activities, including:

- Agricultural activities (farming, market gardening, cattle fattening, poultry farming and fish farming)
- Craft activities (such as sewing, makeup and embroidery)
- Industrial and semi-industrial workshops

4. Healthcare services in prisons

Reply to the recommendation contained in paragraph 86

49. See the reply to the recommendation contained in paragraph 87.

Reply to the recommendation contained in paragraph 87

50. The right to health of persons deprived of their liberty has always been a priority for the Government. Accordingly, upon arrival at the prison and where feasible, inmates undergo a medical examination to detect any contagious or developing illnesses. A general practitioner is assigned to each prison to ensure the physical and mental health of inmates. In his or her absence, that responsibility is assumed by a prison nurse.

51. Prison nurses can decide whether to admit an inmate to the prison infirmary. Decisions regarding hospitalization are made by the designated doctor. The treatment and medication prescribed may be administered only by the attending doctor, the prison nurse or his or her assistant.

52. If the prison doctor considers that the necessary care cannot be provided on-site, he or she may send sick inmates to local hospitals.

53. The necessary care and the pharmaceutical products duly prescribed by the attending doctor are provided to sick inmates free of charge. Also free of charge are all examinations or specialist treatments required by prisoners, with the exception of prostheses and corrective lenses.

54. Efforts are undertaken to prevent tuberculosis and all transmissible diseases in prisons in accordance with the general regulations applicable in this area. Prisoners with leprosy are transferred to a specialist facility to undergo the appropriate treatment.

55. At the end of each year, the doctor (or the nurse standing in for him or her) prepares a report providing an overview of the prisoners' health. This report is submitted to the head of the prison, who forwards it, along with his or her own observations, to the sentence enforcement judge and the Director General of the Prison Service, with a view to its transmission to the Minister of Justice.

56. These efforts attest to the great importance attached to the right to health of persons deprived of their liberty. The Government is of the view that this issue must be addressed through a specific policy geared towards the ongoing improvement of the prison service in areas such as logistics, finance, human resources and the training of prison health staff.

57. Healthcare for prisoners was one of the key issues addressed at the national justice conference, one of the outcomes of which was the formulation of recommendations on the creation of a prison medical service comprising doctors, psychologists, social workers, psychiatrists and specialist educators.

5. Internal regulations and disciplinary measures

Reply to the recommendation contained in paragraph 93

58. The Government takes due note of this recommendation and will take the appropriate steps to give effect to it.

6. Torture and other cruel, inhuman or degrading treatment or punishment

Reply to the recommendation contained in paragraph 95

59. In terms of legislation, article 295-1 of the Criminal Code provides for the imposition of severe penalties on public officials, including prison officers, who commit torture or inflict injuries, beatings, physical or mental violence or other forms of assault. In practice, prison officers have been brought before the courts and convicted for committing such acts. Any victim of ill-treatment may lodge a complaint against the alleged perpetrator with the public prosecutor.

60. In this connection, at the Thiès remand prison and detention centre, two prison officers found guilty of subjecting an inmate to physical abuse were punished with disciplinary sanctions including compulsory transfer, a 10-day punishment and the deduction of 10 working days' salary. Another allegation of torture of a prisoner was made in 2018. An investigation was opened, following which a decision was made to close the case owing to the fact that there were insufficient grounds on which to press charges.

Reply to the recommendation contained in paragraph 96

61. The Government attaches the utmost importance to the training of prison staff on prisoners' rights. Accordingly, in addition to the in-service training regularly organized for such staff by the relevant government departments, human rights modules are offered as part of the curricula of the national police, gendarmerie and prison service academies.

C. Minors in detention

Reply to the recommendation contained in paragraph 100

62. The articles of the Code of Criminal Procedure governing detention in prisons provide for the creation of special wings for minors and the establishment of a special prison, the

Hann remand prison and detention centre (ex-Fort B), in the capital city, where the crime rate is highest for a number of reasons.

63. Article 576 of the Code of Criminal Procedure establishes that a minor over the age of 13 years may be placed temporarily in a remand prison by the investigating judge only if this measure is deemed absolutely necessary or it is impossible to make other arrangements. In such cases, the minor must be placed in a special wing or, if no such facility exists, in special premises. Wherever possible, minors are to be held in isolation at night.

64. The juvenile detention regime places particular emphasis on combating the marginalizing effect of detention on minors. Efforts are made to help them to maintain family and social ties and to facilitate the social reintegration process through the organization of activities as part of a social and educational programme.

65. Certain specific features of the juvenile detention regime stem from the procedural provisions contained in article 591 (2) of the Code of Criminal Procedure on the review of sentences. These provisions establish that the president of the juvenile court may at any time review a decision that he or she has handed down. That power of review enables the president to maintain his or her authority over a given case, irrespective of any previous decisions made.

Reply to the recommendation contained in paragraph 101

66. In order to ensure the successful social reintegration of minors who have been held in detention, the Government has:

- Set up social and educational services in all Senegalese prisons
- Established individual and group support programmes
- Signed agreements with partners to introduce vocational training courses
- Allowed specialist educators employed by services for the non-custodial supervision of minors to work in prisons in all regions
- Appointed a specialist educator for the juvenile prison system

67. To complement those efforts, the juvenile courts ensure that their decisions place more emphasis on educational measures than on punishments.

68. Such educational measures include:

- Entrusting minors to their parents or guardians under the non-custodial supervision regime
- Placing minors in the reception and care facilities run by the Directorate General for Judicial and Social Protection of the Ministry of Justice or in approved private facilities (such as those run by the associations Village Pilote and Futur au Présent).

D. Women in detention

Reply to the recommendation contained in paragraph 105

69. The Government wishes to point out that the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) are already being applied in Senegal.

70. With regard to the importance of prioritizing non-custodial sentences for women, in particular pregnant women, it should be noted that the reform of criminal legislation has led to positive changes in the Senegalese justice system in recent years, such as the introduction of electronic surveillance. This development is also the result of efforts to raise awareness among justice officials of the alternatives to detention provided for by law, which has been done by organizing seminars and workshops on sentence adjustment.

71. This issue remains a priority for the Government, which, at the national justice conference, made a number of recommendations relating to the use of alternatives to detention.

IV. Healthcare facilities (Thiaroye psychiatric hospital and the special wing of the Aristide le Dantec hospital)

Reply to the recommendation contained in paragraph 122

72. See the reply to the recommendation contained in paragraph 87.

Reply to the recommendation contained in paragraph 123

73. The Government takes due note of this recommendation and will ensure that it is implemented.

Reply to the recommendation contained in paragraph 124

74. As a general rule, an autopsy is ordered by the public prosecutor in the event of a suspicious death. Deaths in the special wing and in prisons are no exception. The Government does, however, take note of the need to pay particular attention to deaths that occur in places of deprivation of liberty.

V. Specific case of the *daaras*

Reply to the recommendation contained in paragraph 130

75. The Government has launched a communication campaign to spread awareness of the dangers and consequences of the exploitation and abuse of *talibé* children and to encourage communities to participate in the Zero Children on the Streets project. In addition, the ministry responsible for children held a workshop with agents of the child protection squad to strengthen their involvement in operations to get children off the streets and facilitate prosecution procedures. In this connection, 32 judicial investigations of Qur'anic teachers were opened between 2007 and 2019, resulting in 29 prosecutions and 25 convictions for forced begging, child abuse or death of a child.

76. There is a system for reporting, treating and referring child victims of violence, including a multisectoral child protection platform at the local level.

77. The Ministry of the Interior also has a database on child victims of ill-treatment, abuse and exploitation.

78. The SYSTRAITE database managed by the Ministry of Justice allows for the collection of data on trafficking in persons, in particular women and children.

79. Indicators for monitoring violence have been integrated into the information systems of the Ministry of Education and the Ministry of Health, making it possible to produce data disaggregated by type of abuse, gender and age.

80. The bill on the Children's Code has been finalized by the Ministry of Justice following the incorporation of contributions from members of the Government. The bill was submitted to the office of the Secretary-General of the Government, which then called for wider consultations with stakeholders on certain provisions.

VI. Legal and institutional considerations

Reply to the recommendation contained in paragraphs 133 and 134

81. The Government takes due note of this recommendation and the significant impact that such action could have in effectively reducing the risk of torture and ill-treatment during police custody. The Government will thus take steps to ensure its implementation.

A. Definition of torture and impunity

Reply to the recommendation contained in paragraph 136

82. See the replies to the recommendations contained in paragraphs 133 and 136.

83. 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 CAF 100,000 and CAF 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.

B. Criminal procedure

Reply to the recommendation contained in paragraph 140

84. 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 (such as where it cannot otherwise be guaranteed that the individual will appear in court or there is a risk of reprisals, serious disturbance of public order, hindrance to the gathering of evidence or possible influencing of witnesses). This measure is strictly regulated and limited in time. In correctional matters, for offences carrying a maximum prison sentence of 3 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.

85. 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 the light of the specific circumstances of each accused person. 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. 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.

86. 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 bill that would limit the duration of detention orders in criminal cases is currently being drawn up and should be finalized shortly.

87. Limiting the length of pretrial detention has become a priority in Senegal, as demonstrated by the fact that a recommendation was made at the justice conference to set its duration at two years in criminal cases, with a possible extension of six months.

Reply to the recommendation contained in paragraph 141

88. In order to tackle prison overcrowding, the Government, through the Directorate of Criminal Affairs and Pardons of the Ministry of Justice, encourages and promotes the use of conditional releases, sentence reductions and pardons.

89. 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. In the same vein, house arrest with electronic surveillance was provided for under Act No. 2020-29 of 17 July 2020.

Reply to the recommendation contained in paragraph 142

90. Senegalese criminal legislation provides for a fairly wide range of alternatives to detention, namely:

- Suspended sentences
- Probation
- Community service
- Semi-custodial sentences
- Sentence enforcement in instalments
- Discharge and sentence deferment
- Placement under electronic surveillance

91. The Government often organizes meetings of justice officials in order to raise awareness of alternatives to detention.

Reply to the recommendation contained in paragraph 143

92. Significant thought has always been given to how to improve national criminal policy. In recent years, for example, the Government has initiated many reforms of criminal law in order to bring it into compliance with the international commitments assumed by Senegal.

C. Legal aid

Reply to the recommendation contained in paragraph 145

93. Making legal aid accessible to the most disadvantaged people was the main objective of the introduction of such 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.

94. 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 office of the Secretary-General of the Government.

95. It contains provisions guaranteeing all accused persons 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 has continued to increase the budget earmarked for legal aid services since 2022. This budget is currently set at CFAF 800,000,000 under the initial Finance Act for 2024.

96. With regard to the matter of increasing the number of lawyers, the Government, in agreement with the Bar Association, has decided that a significant number of young lawyers should be recruited on an annual basis and that they should be provided with funds earmarked for legal aid in order to help them establish their practices in the country's regions. The total number of people admitted to qualification exams for internships with the Bar since 2018 is 68.

D. Complaints mechanism

Reply to the recommendation contained in paragraph 147

97. There is no specific State mechanism for the reception of complaints of torture and ill-treatment.

98. The Government takes due note of the importance of this recommendation and will take steps as part of the legislative reform process to ensure that it is implemented with a view to strengthening the torture prevention regime in Senegal.

VII. Next steps

Reply to the recommendation contained in paragraphs 148 and 149

99. To date, the Government has not recorded any cases of reprisals or sanctions against persons who have been in contact with or attempted to contact the Subcommittee.

100. In any event, such behaviour is discouraged under the Senegalese Criminal Code. Article 106 of that Code, for instance, stipulates that any public official or government agent or employee who orders or commits an arbitrary act or an act violating the Constitution or the personal freedom or civic rights of one or more individuals will be sentenced to the deprivation of his or her civic rights. If, however, an official or government representative can prove that he or she was acting on the orders of his or her superiors in matters within their competence and to whom he or she owed a duty of obedience, he or she will be exempted from the penalty, which in such cases will be applied only to the superiors who gave the order.

Reply to the recommendation contained in paragraph 150

101. As part of its efforts to prevent torture and other ill-treatment, the Government has taken the following legislative, regulatory and policy measures:

- The preparation of a draft bill on the establishment, organization and functioning of the National Observatory of Places of Deprivation of Liberty
 - The submission, in July 2024, of the Observatory's annual report to the President and the inclusion of this event in the national agenda
 - The transfer of authority over the Observatory away from the Ministry of Justice
 - The considerable increase, in 2023, in the Observatory's budget, which enabled it to recruit more staff
 - The increase in the daily allowance for prisoners
 - The establishment of new operational headquarters for the Observatory
 - The ongoing construction of nine prisons
 - The delivery of vehicles to be used by the prison service to transfer prisoners
 - The expansion of the Sébikotane prison
-