

**INTERNATIONAL
COVENANT
ON CIVIL AND
POLITICAL RIGHTS**



Distr.
GENERAL
CCPR/C/SR.213
2 April 1980
ENGLISH
Original: FRENCH

HUMAN RIGHTS COMMITTEE

Ninth session

SUMMARY RECORD OF THE 213TH MEETING

Held at the Palais des Nations, Geneva,
on Monday, 31 March 1980, at 10.30 a.m.

Chairman:

Mr. MAVROMMATIS

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the Covenant (continued)

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GE.80-11886

The meeting was called to order at 10.50 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Report of Senegal (CCPR/C/6/Add.2)

1. Mr. DIOUF (Senegal) said that his Government's report had been prepared in accordance with the provisions of the International Covenant on Civil and Political Rights. One of the characteristics of Senegal was that it was a legalistic State in which jurists, magistrates and other exponents and practitioners of the legal profession had to deal with a veritable legislative boom. That was why, in his view, Senegalese of all levels of society had a basic horror of injustice, while, conversely, any decision taken by a competent court, regardless of the possible consequences, was accepted simply because it emanated from an organ of justice.
2. Many Senegalese contributed actively to the promotion of human rights at the international level, among them President Senghor, who had recently stated that, in Senegal, one of the main virtues was tolerance, that each individual respected his neighbour and that the concept of human rights was, so to speak, innate and was sanctioned by official ideology and reflected in the country's Constitution. He referred also to all the leading Senegalese citizens who, at the national level, were conducting a discreet but effective campaign to ensure the triumph of the fine and noble cause of human rights and who participated in the policy of promotion, popularization and protection of the fundamental rights and freedoms proclaimed and sanctioned by the United Nations. Senegal had ratified the International Covenant on Civil and Political Rights and the Optional Protocol and it had a legal framework which favoured the fulfilment of the fundamental rights set forth in that instrument - rights which were inherent in the dignity of the human person and essential to his complete fulfilment.
3. The provisions of the Covenant constituted an ideal towards which the States parties should strive. Consequently a symbiosis should exist between those provisions and national legal norms. The provisions enshrined in the Covenant, which dated from 1966, were embodied mutatis mutandis in Senegal's Constitution, adopted three years earlier, in those cases where the two were not identical. The reason for such a degree of coincidence was that, like the Covenant, the Constitution of Senegal and its preamble were based on the fundamental principles defined in the Declaration of the Rights of Man and of the Citizen of 1789 and the Universal Declaration of Human Rights of 1948. Senegal applied the precepts set forth in the Covenant, and any restrictions which it might prove necessary to impose on them were stipulated by law. Such restrictions, which were of an exceptional nature, could be regarded as a safety device since, while the provisions of Covenant must be implemented in their entirety, it was also necessary to protect the established institutions with which Senegalese nationals and aliens alike were obliged to comply. Nevertheless, human rights were scrupulously respected in Senegal and the need to safeguard those rights was not lost sight of in the Constitution, in positive law or in judicial decisions. The judiciary was totally independent and was especially vigilant in matters concerning the respect and protection of individual freedoms. The courts did not hesitate to deal severely with violations of human rights and to impose penalties, while acting in the strictest impartiality, since Senegalese judges countenanced neither arbitrary action nor injustice. In addition to the judges, lawyers represented a valuable arm of justice in ensuring the protection of individuals in all matters and at all stages of proceedings, since they were aware that the Constitution embodied inviolable and inalienable rights.

4. It should be stressed, however, that, necessary though that legal framework was, it might not be adequate in all cases. After all, there was little point in ratifying the Covenant and making it a sort of ornament in the panoply of national legislation if its provisions were not implemented simply because those who should be benefiting from them were unaware of their existence. For that reason, it was of cardinal importance that the national of States parties and aliens residing within such States should be informed of their rights and freedoms to ensure that they were not deprived of them. In that regard, he felt that the Senegalese citizen found himself in a favourable environment, since the Senegalese Government had understood that the promotion of human rights called for the implementation of specific measures designed to assure all individuals of the effective exercise of their fundamental rights. Accordingly, bodies led by jurists had been set up, with a view to increasing public awareness of human rights by holding conferences, informal talks, round tables, symposiums and seminars, by publishing articles, by granting interviews, or by participating in radio or television broadcasts. Such associations were making citizens aware of their rights and duties and were taking steps to help the population to achieve a better understanding of certain fundamental concepts relating to human rights.

5. By undertaking vigorous action for the promotion of human rights, Senegal, which was a country of tolerance and democracy, was simply complying with dignity and with an acute sense of humanity with the recommendations of the United Nations. It had, in full knowledge of the facts, ratified the Covenant and the Optional Protocol and, by that irrevocable decision, had acted as a country which was not only independent, but which was also mature and responsible and had come of age, in the legal sense of the term. The fact that it was a developing country could in no way constitute a mitigating circumstance if it failed to honour its commitments. In that respect there were no large or small, rich or poor countries. What mattered was that all individuals, without exception, should be able to enjoy fully their human rights as defined in the Universal Declaration of 1948 and in the Covenant, and that they should be able to claim the same freedoms and accept the same obligations. Senegal, for its part, would endeavour at all times to make a positive contribution, even though within the community of nations, its means were limited. He expressed the hope that his Government's report would be received favourably by members of the Committee and that they would encourage Senegal to continue on the course on which it had resolutely embarked, a course which was intended to create a climate of peace favourable to the full enjoyment of human rights and to ensure the protection of and respect for the provisions of the Covenant and the Protocol.

6. In conclusion, he said that the members of his delegation would endeavour to reply objectively, impartially, honestly and without prejudice to any questions put to them. He hoped that his Government would be able to establish a continuing dialogue with the Committee, whose pertinent remarks and observations should always be acted on.

7. The CHAIRMAN thanked the representative of Senegal for introducing his Government's report and for providing the Committee with additional information. He noted with special satisfaction the great importance attached by Senegal to the promotion of human rights and fundamental freedoms and the large number of Senegalese who had played an active role in that regard.
8. Mr. TARNOPOLSKY spoke of the remarkable achievements of Senegal in the field of human rights. He was particularly pleased that Senegal had ratified the Optional Protocol to the International Covenant on Civil and Political Rights. Indeed, it was extremely important that the vast majority of States parties should grant their nationals the possibility of submitting communications concerning violations of human rights to the Committee. He hoped that Senegal would be the first non-Western country to make the declaration provided for in article 41 of the Covenant, thus giving further proof of the major role it played in the matter of respect for human rights. He was aware of the care with which Senegal attended to those rights at the domestic level. The fact that, in the preamble to its Constitution, Senegal had proclaimed its adherence to the Declaration of the Rights of Man and of the Citizen of 1789 and to the Universal Declaration of Human Rights of 1948 showed that it took that question very seriously. Furthermore, the Senegalese Constitution stressed the independence of the judiciary, a fact which in his opinion was particularly important since that independence was the very basis of the protection of human rights. For all those reasons, he thought that the Senegalese Government deserved to be congratulated.
9. Moving on to the consideration of the report of Senegal, article by article, he asked first, concerning article 2 of the Covenant, where that instrument ranked in the legal and constitutional system of Senegal. It seemed to him, on reading the report and the Senegalese Constitution, that in Senegal the Covenant prevailed over national legislation but not over the Constitution and he wondered if there was not some conflict between article 79 of the Constitution, according to which treaties and agreements duly ratified and approved had greater authority than the law, and article 56, pursuant to which the law laid down the rules in respect of civic rights and fundamental guarantees granted to citizens for the exercise of public liberties. He would also like to know what was the difference between a "decree", an "act" and an "order" because the report did not make that clear.
10. With regard to article 3 of the Covenant, he noted that article 7 of the Senegalese Constitution limited itself to affirming the equality of men and women before the law. Article 3 of the Covenant, however, provided that "The States Parties (...) undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant." In his opinion, it was not enough to proclaim the equality of rights between men and women or to prohibit discrimination on the grounds of sex; it was also necessary to take specific measures to ensure that equality. He would like to know whether any such measures had been taken in Senegal.
11. He noted that both in the Senegalese report and in the Constitution of that country, mention was frequently made of "a state of siege", "a state of emergency" and "a period of political crisis"; he wondered whether there were differences of degree in those emergency situations and what bodies were responsible in each case when article 47 of the Senegalese Constitution had to be applied, giving effect to the provisions of article 4 of the Covenant.

12. He would be glad if the Senegalese Government would state whether the rights from which there could be no derogation, pursuant to article 4, paragraph 2, of the Covenant, were expressly guaranteed by the Constitution or by some other Senegalese legislative text.

13. Referring to article 6, he said that in his opinion it would be useful if the Senegalese Government could specify the "particularly serious crimes" for which the death penalty could be imposed and state the number of times the death penalty had been pronounced over the last five years, indicating the crimes for which it had been pronounced.

14. Concerning article 7, he observed that a great number of legislative measures had been taken in Senegal to prevent torture and cruel, inhuman or degrading treatment or punishment. Nevertheless he would like to know whether the law authorized solitary confinement and corporal punishment and, if so, in what circumstances those penalties could be imposed and for what type of crime or offence.

15. He noted that, in the commentary on article 8, it was stated that "there is no forced labour in Senegal except as a penalty". He would be pleased if the Senegal Government would specify what was covered by the expression "forced labour" and in what circumstances that penalty could be imposed.

16. With regard to article 9, he asked for details on the "precautionary measures" mentioned on page 11, paragraph 6, of the Senegalese report. In connexion with the protection given to detainees, he would like to know whether in recent years the penalties laid down in the Penal Code for officials of the prison service who had overstepped their rights had been imposed.

17. Concerning article 10 of the Covenant, relating to conditions of detention, he thought that the regulations established by Decree No. 66-1081 of 31 December 1966 concerning the organization of penal establishments by Order No. 08683/M/INT/CABET of 29 June 1976 were excellent. He would like however, to have some information on the way in which the supervisory committees set up pursuant to article 97 of Decree No. 66-1081 functioned. Since those committees were entrusted in particular with the task of receiving and considering detainees' complaints and taking action on them as appropriate, it would be useful to know exactly how many complaints those committees had considered since they had been set up and what action they had taken on them.

18. In connexion with article 11, it was clearly stated in the report that "the non-fulfilment of a contractual obligation can give rise only to a civil penalty, in the form of payment of damages to the injured party". Nevertheless the fact that in the commentary on article 10, on the same page of the report, mention was made of "persons imprisoned for debt" led to the conclusion that, contrary to the provisions of article 11 of the Covenant, a person could in fact be imprisoned merely on the ground of inability to fulfil a contractual obligation. It would be useful to have some information on that subject.

19. Concerning article 12 of the Covenant, which proclaimed the right to liberty of movement, he had the feeling that in Senegal that right might be much more restricted than the Covenant required. Indeed, whereas article 12, paragraph 3, of

the Covenant stipulated that the right to liberty of movement "shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant", article 11 of the Senegalese Constitution simply stated that that right could not be restricted except by law. It thus seemed that any law could place restrictions on the right to liberty of movement. Furthermore, Senegalese citizens wishing to go abroad had to meet a whole series of requirements which at first glance would appear to restrict their liberty of movement considerably. It would be interesting to know in what way the repatriation deposit that each Senegalese citizen leaving the country was required to pay into the Treasury protected Senegalese workers, who often lived in inhuman conditions abroad, as stated on page 15 of the report. With regard to Act No. 61-10 of 1961, establishing the regulations relating to Senegalese nationality, it might be thought that the fact of distinguishing between acquired nationality and nationality by birth, and of stating, as did the Act, that acquired nationality could be withdrawn and that in certain cases an individual could be deprived of acquired nationality within 15 years of its acquisition, was tantamount to discrimination vis-à-vis naturalized Senegalese and thus constituted a violation of article 2 of the Covenant.

20. In the commentary on article 13 of the Covenant, it was stated on page 16 of the report that an alien could be expelled only "if his general conduct and actions justify the conclusion that he is unwilling to adapt to the established order" and "if he is guilty of serious and evident interference in Senegal's internal affairs". He wondered what was to be understood by "general conduct and actions" and by "serious and evident interference".

21. With regard to article 14 of the Covenant, he noted with satisfaction that in a criminal case involving a minor "the witnesses, his close relatives, members of the bar, representatives of services or institutions for juveniles and probation officers are allowed to be present during the proceedings" (page 17). He had a question to ask, however, concerning one of the rights guaranteed to persons on trial. It was stated on page 19 of the report that "the victim of a miscarriage of justice is always compensated if he has already suffered punishment". He wondered whether that right to compensation was explicitly stated in the Penal Code or in the Constitution.

22. Concerning article 17 of the Covenant, the report indicated, on the one hand, that the Penal Code prescribed penalties for any suppression or opening of postal communications committed or facilitated by a Government or Postal Administration official or agent but, on the other hand, that article 10 of the Constitution, while guaranteeing the secrecy of correspondence and of postal and telegraphic communications, provided that such inviolability was subject to such restrictions as were made applicable by law. Clearly, therefore, postal communications could be opened in certain circumstances pursuant to certain laws. It would be useful if the Senegalese delegation could specify what were those cases and what were those laws. Furthermore, it was stated in the report that "Insult and calumny are also punishable offences". He wondered what was to be understood by insult and whether it meant insult to private individuals or insult to public officials, authorities, etc.

23. He did not think that article 8 of the Senegalese Constitution was altogether in conformity with the provisions of articles 18 and 19 of the Covenant respectively, which proclaimed the right to freedom of expression. It was true that article 8 stipulated that "everyone has the right freely to express and disseminate his opinions by speech, writing or illustration" but it also stated that those rights "shall be subject to the provisions of the laws and regulations ...", without specifying what were those laws and regulations. Under the Covenant, however, freedom of thought, conscience and opinion could not be made subject to any restrictions whatsoever, while freedom of religion and expression could be limited only in the very special cases listed in articles 18 and 19.

24. In the commentary on article 20 of the Covenant, it was stated on page 21 of the report that pursuant to article 4 of the Constitution " ... any regionalist propaganda ... shall be punished by law". He doubted whether Senegal could invoke article 20 of the Covenant to justify the prohibition of any regionalist propaganda. In fact, if the propaganda was peaceable, it should not, in his opinion, be punishable by law. Nor was he certain that the provisions of the Penal Code whereby penalties were provided for all those who "have uttered seditious shouts or chants in public places or at public meetings" were in absolute conformity with article 20 of the Covenant. The fact of uttering such shouts or chants did not necessarily constitute an incitement to national, racial or religious hatred or a form of propaganda for war.

25. In the case of article 22, he would like to know what were "the requirements of the laws and regulations" that the Senegalese citizens had to comply with, under article 9 of the Constitution, if they wanted to form associations or groupings. With regard to article 23, there seemed to be a contradiction in Senegalese law: On the one hand, it was stated on page 23 of the report that the law "ensures equality of rights and responsibilities of spouses as to marriage" and, on the other hand, that "the husband is the head of the family." He wondered how it was possible to ensure the equality of rights and responsibilities of the spouses if the role of head of the family was conferred on the husband.

26. Concerning article 26, it was stated in the report that under the Constitution "the Republic of Senegal ... shall guarantee equality before the law to all citizens, without distinction as to origin, race, sex or religion". The equality proclaimed by those texts, however, was a purely formal equality and it would be useful to know what the Senegalese Government had done in practice to ensure that each citizen, as provided in article 26 of the Covenant, was entitled "without any discrimination to the equal protection of the law," in particular against acts of discrimination committed by private individuals.

27. In connexion with article 27, he would like some information on the measures taken by the Senegalese Government to respect the cultural identity of the different minorities living on the national territory and to allow them to enjoy their own cultural life.

28. Mr. BOUZIRI congratulated Senegal on the excellent report submitted to the Human Rights Committee. The report, which could not be more comprehensive or objective, bore witness to the respect Senegal, as a resolutely democratic country, and its President, Mr. Senghor, paid to human rights. He was greatly impressed by the substantial guarantees enjoyed by the citizens of Senegal in the event of arrest or imprisonment. His study of the report had, however, prompted a few questions, which he would like to put to the Senegalese delegation.

29. It was stated in the report that the judges were independent and irremovable, but the information given on the subject was insufficient. It would be interesting to know how, and according to what criteria, judges were appointed. In respect to changes in the bench, he would like to know whether a decision to transfer any judge would be taken by the administration or by some special body.

30. With reference to article 6 of the Covenant, more particularly the death penalty, it was stated on page 6 of the report that under article 6 of the Constitution, if "a minor above the age of 13 incurs the death penalty, he shall be sentenced to between 10 and 20 years' imprisonment". It would be useful to know the exact age up to which minors could not be sentenced to death.

31. In respect to article 12, which proclaimed the right to liberty of movement, he appreciated that it might be appropriate to ask citizens of the country who wished to go abroad to leave a repatriation deposit with the Treasury but he did not altogether understand why such persons should also be required to obtain an exit visa. In connexion with Act No. 61-10 of 1961, which established the regulations relating to Senegalese nationality and provided in particular that any person who was not Senegalese by birth could be deprived of his nationality within 15 years of its acquisition if he had "behaved in a manner incompatible with Senegalese status", he would be grateful if the country's delegation would be good enough to specify what was to be understood by "behaviour incompatible with Senegalese status". It was also stated on page 16 of the report that withdrawal of nationality was pronounced by decree. It would be useful to know whether a person deprived of his nationality had any appeal and, if so, to what body.

32. Passing on to article 17, he noted that in Senegal "measures affecting or restricting the inviolability of the home" might be taken "in order to safeguard the public order against any impending threat, and especially to fight against any risk of epidemic or to protect young people in danger." He would like to be informed of the meaning attached by the authorities to the expression "young people in danger", which seemed to him exceedingly vague. Furthermore, it appeared that under article 10 of the Constitution the secrecy of correspondence and of postal and telegraphic communications could be lifted: it would be helpful to know what were the legal provisions which so restricted the principle of inviolability of correspondence and of postal and telegraphic communications. The Senegalese delegation should also state whether in some cases the secrecy of telephone communications, too, could be lifted.

33. Concerning article 20, it was stated on page 22 of the report that "penalties are provided by the Penal Code ... against persons who have uttered seditious shouts or chants in public places or at public meetings": He would like to know what acts constituted the offence of uttering "seditious shouts or chants". There was a reference on the same page of the report to Act 60-40 of 1965, which provided for the dissolution by decree of a whole series of seditious associations: it would be useful to know whether that list was exhaustive or if there were other associations regarded as seditious.

34. In respect to article 23 of the Covenant, it was stated on page 23 of the report that in Senegal "Unless, for serious reasons, the age limit is waived by the President of the Republic, marriage may not be contracted other than between a man of over 20 years of age and a woman of over 16 years of age". The minimum age for men did not seem very realistic. It would be helpful to know what the authorities meant by "serious reasons" and how many waivers on account of age had been granted in recent years.

35. In connexion with article 24, he would like to be informed about the legal status of illegitimate children: whether they had the same rights as legitimate children and whether they could, for instance, inherit. He would also like to know whether the concept of adulterine child existed in Senegalese law and, if so, what such a child's legal status might be.

36. Article 3 of the Senegalese Constitution provided that there should be at most four political parties (conservative, liberal, socialist and marxist-leninist or communist). He would like to know what would happen if the doctrines, ideology or programme of a party included, for instance, the seizing of power by force. He wondered whether there were any conditions with which parties seeking registration had to comply and whether, in the case he had mentioned, a party would be obliged to renounce that feature of its programme in order to be able to register.

37. Mr. SADI noted that the report by Senegal was couched in very straightforward terms. He hoped that the Senegalese delegation would convey to its Government the points on which there might be some contradiction between Senegalese law and the Covenant so that it could seek to eliminate them. It emerged from the report that in general Senegalese law was largely in conformity with the spirit of the Convention, but there were some significant gaps and contradictions in respect to the letter of the Convention.

38. The principal question was, first, to ascertain what status the Covenant had in Senegalese law. As Mr. Tarnopolsky had pointed out, it seemed that the Covenant ranked below the Constitution of Senegal but above the other laws. He therefore wondered what its exact status was, whether it could be cited, whether an individual could invoke the provisions of the Covenant if he was deprived of his rights and liberties, and what happened in the event of a divergence between the provisions of the Covenant and those of Senegalese law.

39. It was a matter for satisfaction that the Constitution prohibited any discrimination based on sex or religion. As Mr. Tarnopolsky had pointed out, however, it was not sufficient simply to proclaim those principles; it was necessary to show that such kinds of discrimination did not exist in practice. With regard to the equality of men and women, countries reporting to the Committee usually furnished it with statistics: it would be interesting, in the case of Senegal, to know what percentage of women there were in the civil service, in the judicial system, in the liberal professions, etc. Similarly, in the case of religion, statistics were desirable to show how far freedom of religion was effectively respected in connexion with government institutions, employment, etc.

40. With reference to article 6 of the Covenant, he asked what was meant by "particularly serious crimes" for which the death penalty could be pronounced. In the words of article 6, paragraph 2 of the Covenant, sentence of death could be imposed only for "the most serious crimes". It would be helpful if the Senegalese delegation could give further information on that subject.

41. With respect to article 7, he would like to have details on the doubling of the period for which a person could be held by the police "during a political crisis". It would be surprising indeed if mere political disturbances, possibly arising in connexion with the holding of elections, could be treated on the same footing as a state of siege or state of emergency; it hardly seemed that a political crisis should be a sufficient reason for doubling the period during which a person could be held in custody.

42. Questions might also be asked concerning the exit visa referred to in the report in connexion with article 12 of the Covenant. He, for his part, was opposed in principle to such visas, which enabled a State to deprive its nationals of their freedom to come and go as they wished. In so democratic a country as Senegal such a provision seemed quite unusual. The provisions of Senegalese law concerning loss of nationality were also somewhat disconcerting. He wondered on what basis the period during which a person who had acquired Senegalese nationality could be deprived of it had been set at 15 years. It seemed in any event excessive to impose withdrawal of nationality on a person condemned for an ordinary offence even if the sentence amounted to more than five years' imprisonment.

43. In respect to article 13 of the Covenant, concerning aliens, it was not stated in the report for what particular "crime or offence" an alien might be expelled or what was meant by "serious and evident interference in Senegal's internal affairs".

44. In connexion with article 14 of the Covenant, the report referred to article 7 of the Senegalese Constitution, which laid down that "all human beings are equal before the law". It was noteworthy, however, that article 1 of the Constitution, proclaiming the equality of all citizens without distinction as to origin, race, sex or religion, did not mention political opinion. There seemed to be a contradiction there with the spirit and the letter of the Covenant.

45. Mr. TOMUSCHAT said that the report of Senegal was of special interest in that it was the first report from a black African country to be submitted to the Committee. Since the beginning of its session, the Committee had considered the reports of an Asian and an American country, which clearly illustrated the universality of the Covenant and the fact that it was acceptable to countries in all parts of the world. That universality was also demonstrated in the preamble of the Senegalese Constitution, which referred to the Universal Declaration of Human Rights of 1948. All that showed clearly that there was no distinction to be made between national and international law as far as the protection of human rights was concerned.

46. Referring to the standing of the Covenant in Senegalese law, he noted, firstly, that the Covenant was encompassed by the provisions of article 77 of the Constitution, which required treaties to be ratified or approved by legislation. He wondered, however, whether a treaty, once it had been ratified or approved in that way, became an integral part of national law. Secondly, it appeared from article 79 of the Constitution that treaties and agreements duly ratified or approved took precedence over national laws. He would like to know whether that was actually so in the case of the Covenant, whether the text of the Covenant had been published in Senegal and whether the provisions of the Covenant had already been invoked in the courts. Furthermore, the reservation appearing in the same article of the Constitution, concerning the reciprocal application of treaties or agreements, was very difficult

to accept in the case of a multilateral treaty. The Covenant endeavoured to establish an objective régime for the protection of civil and political rights, but there was no doubt that many countries had encountered or would encounter difficulties in implementing it. Consequently, it was difficult to require the same reciprocity as in the case of the implementation of bilateral agreements. It would also be useful to know whether any provision of internal law had already been declared inapplicable on the grounds that it was incompatible with an international treaty.

47. Article 82 of the Constitution, under which the Supreme Court dealt with matters concerning the constitutionality of laws and international undertakings, was positive and could be regarded as providing a means of ensuring the implementation of the Covenant. He wondered, however, what its true purpose was and whether there was a code or a law which determined the procedure to be followed in implementing that article. He would like to know whether the Supreme Court of Senegal had already had occasion to declare a provision of international law null and void on the grounds that it was conflicted with the Constitution.

48. The position of aliens was not explained clearly enough in the report. While a number of articles of the Constitution, such as article 13, seemed to apply to all, others (articles 9 and 11) applied specifically to "citizens", whereas the corresponding articles of the Covenant (articles 12 and 22) applied to all persons. There seemed, therefore, to be a degree of inconsistency between Senegalese law and the Covenant in that respect. While the Covenant did not require the rights of aliens to be protected by legislation of the same level as that guaranteeing the rights of Senegalese citizens, their rights must nevertheless be protected by law. It would therefore be useful to have additional information in that regard.

49. Referring to article 7 of the Covenant, he said that it was surprising to see that crimes or offences committed during a period in which "the execution of international undertakings" was threatened were included among the grounds for doubling the period of police custody. In so far as all countries were bound by numerous international undertakings in all areas of activity, that provision appeared to limit the guarantees afforded the individual.

50. With regard to the security measures referred to in the report in connexion with article 9 of the Covenant, he would like to know what was the procedure applicable for the confinement of mentally deranged persons and what guarantees it afforded to the individual concerned.

51. Referring to article 12 of the Covenant, he said that the requirements to be met by Senegalese citizens wishing to travel abroad raised a number of questions. He wondered what were the conditions to be fulfilled in order to obtain a passport or an exit visa. Furthermore, he asked whether the provision requiring a repatriation deposit did not give rise to inequality on the basis of wealth and what remedy was available to those unable to deposit the necessary amount. He also wondered whether citizens whose applications for passports or exit visas were rejected enjoyed any judicial protection. In respect of the same article, it would be useful to know whether individuals who were the subjects of a decree of withdrawal of nationality could appeal against that decision before the courts.

52. With regard to article 19 of the Covenant, it would be helpful if the Senegalese delegation could confirm the adoption, in 1979, of a new law on the press requiring all publications to be subject to prior approval by the authorities and authorizing a quasi-governmental commission to withdraw the press card of any accredited journalist who had failed to act in a responsible manner.

53. With regard to the freedom of association guaranteed in article 22 of the Covenant, he welcomed the fact that article 3 of the Senegalese Constitution provided for the existence of four political parties. That was quite a remarkable guarantee in a continent where many countries had a single-party system. Nevertheless, he wondered whether it was true that the other political groupings, including the Rassemblement nationale démocratique and the Coordination de l'opposition senegalaise Unie, were considered illegal and, if so, on what grounds?

54. Finally, with regard to article 24 of the Covenant, he did not quite understand whether Senegalese law provided for complete equality between men and women, as far as the transfer of nationality to children was concerned. Although Act No. 61-10 provided that "any individual born in Senegal of a first-degree ancestor who was himself born in Senegal shall have Senegalese nationality", it also provided later that "a legitimate child born of a Senegalese mother and of a father of foreign nationality may opt for Senegalese nationality from the age of 18 on". Consequently, the mother and father apparently did not enjoy the same status in that respect.

The meeting rose at 1.10 p.m.