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## **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\***

### **Senegal**

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## **I. Introduction and methodology for the preparation of the report**

1. This second report coincides with a change of Head of State and of parliament in Senegal, and follows on from the initial report of Senegal, submitted on 6 February 2009 to the Working Group on the Universal Periodic Review at its fourth session.
2. Since 2009, Senegal has worked vigorously and with great commitment towards the realization of human rights of all kinds, in particular through policies to promote good governance and implement projects focused on the population's well-being across all areas of economic and social life. The expected benefits should be felt by Senegalese citizens over the short and medium term.
3. The Ministry of Foreign Affairs led the drafting process, with the Regional Office of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Dakar providing technical and financial support. As part of this process, a consultant first drafted a national action plan on the implementation of recommendations from the universal periodic review and other United Nations human rights mechanisms for 2013–2015, and this was submitted for review by government bodies and civil society respectively.
4. The authors of the report then drew on this national action plan, any relevant documentation, the responses of the relevant ministries and departments and other civil society stakeholders to the recommendations, and the various development programmes, namely the Accelerated Growth Strategy, the Poverty Reduction Strategy and the National Strategy for Economic and Social Development 2013–2017.
5. The draft national report was shared with a validation workshop for national bodies and civil society and then submitted to the Senegalese Human Rights Committee for review and comment, in accordance with the law.
6. The methodology used for the preparation of the report was therefore based on the same broad, participatory approach as that of the national action plan, and this allowed for real consensus to emerge between the State and civil society and gave the report a truly national character.

## **II. Development of the legislative and institutional framework**

### **A. Legislative framework**

7. Senegal, whose Constitution establishes and guarantees fundamental rights, has also ratified virtually all international human rights instruments. This large body of legislation, regional and international, bears witness to the commitment and political will of the Senegalese authorities to protect and promote human rights.
8. Since 2009, several legislative and regulatory measures have been taken in this regard, including:
  - Act No. 2009-13 of 2 March 2009 establishing the National Observatory of Places of Deprivation of Liberty;
  - Decree No. 2011-842 of 16 June 2011 implementing Act No. 2009-13 of 2 March 2009 establishing the National Observatory of Places of Deprivation of Liberty;

- Act No. 2009-30 of 2 December 2009 ratifying the United Nations Convention on the Rights of Persons with Disabilities, adopted on 13 December 2006 in New York and its Optional Protocol, adopted on 13 December 2006;
- Social Policy Orientation Act (No. 2010-15) of 6 July 2010 on the promotion and protection of the rights of persons with disabilities;
- Decree of 2 October 2012 implementing Social Policy Act (No. 2010-15) of 6 July 2010 on the promotion and protection of the rights of persons with disabilities;
- Act No. 2010-11 of 28 May 2010 establishing absolute parity between women and men in elected or partially elected decision-making bodies;
- Decree No. 2011-309 of 7 March 2011 on the establishment, organization and functioning of the National Observatory on Gender Parity;
- Prime Ministerial Order No. 09051 of 8 August 2010 establishing a National Unit to Combat Trafficking in Persons, especially Women and Children;
- Act of 1 December 2011 ratifying the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption of 29 May 1993;
- Act No. 03-2013 of 28 June 2013 amending Act No. 61-10 of 7 March 1961 on the Nationality Code, and enabling women to pass on their Senegalese nationality to their children and facilitating their partner's access to Senegalese nationality.

## **B. Institutional framework**

### **1. Senegalese Human Rights Committee**

9. Reflecting its commitment to the ideals of the United Nations, Senegal established the Senegalese Human Rights Committee by decree on 22 April 1970 with a general mandate to promote and protect human rights. The status of the national institution was subsequently strengthened by Act No. 97-04 of 10 March 1997.

10. Despite its international standing, and the authorities' decision to provide it with proper premises and double its budget to 70 million CFA francs (CFAF), the Committee lost its "A" status with from the International Coordinating Committee of National Human Rights Institutions (ICC) Sub-Committee on Accreditation (SCA) in December 2012 for non-compliance with the Paris Principles. The Senegalese authorities subsequently appointed a new Director, a committed civil society human rights activist, and strengthened the Committee's capacity to ensure it was fully operational and able to regain its former status.

11. The Committee's reinstatement was also the subject of a workshop held in June 2013 involving all national and African human rights actors. The meeting was chaired by the Prime Minister, who promised State support to strengthen the Committee's administrative and budgetary autonomy and expand its human resources.

### **2. National Observatory of Places of Deprivation of Liberty**

12. An independent administrative authority established in 2009 in implementation of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the National Observatory of Places of Deprivation of Liberty is responsible for preventing torture and ill-treatment in places of deprivation of liberty, in particular, by means of regular unannounced visits. Where violations of fundamental rights are found, it may refer the matter to the competent authorities for disciplinary or criminal sanctions.

13. In order to guarantee its independence, the State of Senegal has given the Observatory budgetary autonomy and a proper office, and the Director has a five-year, non-renewable appointment with privileges and immunities for the duration of their term of office, and authority to appoint observers and suitable administrative staff.

**3. National Unit to Combat Trafficking in Persons, especially Women and Children**

14. In view of the cross-cutting nature of human trafficking, a multisectoral unit was established in 2010 to coordinate and implement the national action plan and other initiatives to combat trafficking.

15. The National Unit to Combat Trafficking in Persons, especially Women and Children, is responsible for defining, coordinating and guiding Government and civil society policy and action to prevent trafficking, prosecute perpetrators and protect victims. A national action plan for 2012–2013 has been devised to protect and assist in the recovery and reintegration of victims.

**4. National Observatory on Gender Parity**

16. By passing the Act of 28 May 2010 on absolute parity between women and men, Senegal acquired a law which is unique in the history of gender equality. In order to give effect to this Act, the Government established by decree the National Observatory on Gender Parity to monitor and evaluate parity between men and women and formulate proposals to promote parity in public policy. It may receive and consider any report of a violation of the statutory provisions on gender parity and on equal access by women and women's organizations to social, economic and political bodies, or any other matter falling under its jurisdiction.

17. With an advisory council and a Director appointed by decree for a five-year term renewable once, the National Observatory on Gender Parity, which started work in 2011, is an independent administrative authority with appropriate material, financial and human resources and operational autonomy.

**5. Human Rights Directorate**

18. The Human Rights Directorate, set up within the Ministry of Justice in 2011, is responsible in particular for monitoring the fulfilment of international human rights obligations undertaken by Senegal and for publicizing, protecting and promoting human rights.

**6. National Human Rights Advisory Council**

19. The National Human Rights Advisory Council brings together all relevant ministries and six civil society organizations that work to promote and protect human rights. It advises on the preparation of documents for United Nations and African Union treaty-monitoring bodies. It also advises and makes proposals to Government on human rights and international humanitarian action and law. Created long ago, the Council is due to be given a new lease of life and will be reinaugurated in July 2013.

### **III. Promotion and protection of human rights**

**A. Gender parity**

20. Pursuant to the Act on gender parity, the parliamentary elections of 2012 offered Senegal the chance to strengthen the advancement of women in elected and partially elected

public bodies. As a result, the new National Assembly contains 65 women representatives out of 150 members.

21. It should be noted that Act No. 2008-01 of 8 January 2008 recognizes the fiscal autonomy of married women. By removing joint taxation, two decrees passed in 2006 allow women employees in the public or private sector to provide for the costs of medical treatment for their husband and children.

22. In practice, the customs authorities and the Armed Forces first recruited women in 2004 and 2008 respectively. The national Gendarmerie has also brought women into its ranks. As for the national police force, it is something of a pioneer, having promoted women to its highest ranks.

## **B. Combating female genital mutilation (recommendations 6, 7, 8, 9)**

23. Senegal has introduced harsher penalties for all forms of violence against women, particularly female genital mutilation (Act No. 1999-05 of 29 January 1999). Awareness-raising campaigns on the consequences of excision have been run in the media and others have targeted religious and social leaders. Trends show a marked decrease in this practice with thousands of communities having publicly renounced it. Between 2009 and 2011, 4,452 out of 5,000 communities surveyed had abandoned excision as a result of the Community Capacity-building Programme.

24. In 2010, the Government commissioned a study to evaluate the implementation status of the Act of 1999 prohibiting excision. It highlighted the need for a new plan to hasten the end of female genital mutilation and generate awareness among the communities still practising it, with a view to totally eradicating it by 2015. Significant results have been achieved. Data from the Demographic and Health Survey and Multiple Indicator Cluster Survey for 2010–2011 revealed a 25.7 per cent reduction in the national female genital mutilation prevalence rate. In 2012, a joint programme to combat gender-based violence and promote human rights was adopted.

25. The second national action plan to eliminate excision (2012–2015) provided for the establishment of a national council, chaired by the Prime Minister, and a steering committee. Eleven regional committees, chaired by regional governors, were set up in the 12 affected regions. A human rights capacity-strengthening programme was designed to help them improve the effectiveness of their interventions. Similarly, women who perform excisions have been encouraged to retrain in other lines of business.

26. The Government also encourages citizens to report cases of genital mutilation of girls. Article 32 of the Code of Criminal Procedure provides that officials must inform the judicial authority if, during the performance of their duties, they become aware of criminal acts. Citizens and groups of individuals have the right to avail themselves of legal remedies to protect their rights and freedoms. In such cases, the courts rigorously apply the laws designed to eliminate all forms of violence against women.

27. Legal advice centres use television programmes to inform the most vulnerable populations of their rights, while non-governmental organizations (NGOs) and women's associations use law shops to guide and assist women victims of violence with administrative, judicial, psychological, and social and health formalities, using various mechanisms and strategies.

### **C. Persons with disabilities**

28. Senegal ratified the Convention on the Rights of Persons with Disabilities in 2009 and adopted a Social Policy Act in 2010 to protect persons with disabilities in an effort to continually improve their living conditions. For that purpose, an equal opportunities card for persons with disabilities was introduced to facilitate access to social services, education, health, training and employment. In this way Senegal upholds the right to social participation and applies a policy of including disability in all its comprehensive development strategies. At the institutional level, a Directorate for the Protection of Persons with Disabilities has been established.

29. The Government has also increased funding for the Special Social Work Training College and the Health and Social Work Training College in order to train specialists to work with persons with disabilities.

### **D. Protection of children**

30. Provisions have been made to put an end to child exploitation including programmes to take children off the streets and reintegrate them into the community. The State has included the issue of child trafficking in its Poverty Reduction Strategy and National Strategy for Economic and Social Development.

31. A coordination mechanism has also been established between the security forces and those working directly with children to improve the monitoring of children's movements in border areas and on major roads. This series of measures and undertakings has enabled charges to be brought against Koranic teachers who encourage children to beg. As part of efforts to combat child begging, a meeting with representatives from Gambia, Guinea, Mali and Guinea-Bissau was held on 8 April 2013 to explore ways and means of providing assistance to children at risk.

32. On 5 June 2013 Senegal produced a road map for the elimination of the worst forms of child labour by 2016. At the same time, it has implemented strategies to provide a social safety net for vulnerable and socially excluded children as part of a project to reduce children's vulnerability.

### **E. Right to education**

33. In order to give effect to the right to education, emphasis has been placed on building schools to enable more children to gain an education. As a result, between 2000 and 2010 the number of schools increased from 449 to 1,958 at the preschool level; from 4,751 to 8,198 at the elementary school level; from 455 to 917 at the middle school level, and from 111 to 326 at the secondary school level. Over the same period, the gross enrolment rate increased from 2.3 to 9.8 per cent for preschools; 67.2 to 94.4 per cent for elementary schools; 19.6 to 45 per cent for middle schools, and 9.3 to 19.4 per cent for secondary schools.

34. The number of teachers also rose dramatically between 2000 and 2012 from 396 to 2,686 in preschools; from 19,876 to 42,931 in elementary schools, and from 6,471 to 17,119 in middle and secondary schools. Several other support measures and initiatives have been taken, including the adoption of 10 years of compulsory education (6–16), the diversification of the curriculum and a substantial budget increase, from CFAF 102 billion in 2000 to CFAF 314 billion in 2010.

## **F. National Family Welfare Grant Programme and poverty reduction**

35. This programme tackles the vulnerability and social exclusion of families through an integrated social protection approach in a bid to improve their access to welfare payments and strengthen, inter alia, their educational, productive and technical capacity. Family welfare grants of CFAF 100,000 per year, paid in quarterly instalments of CFAF 25,000, will be issued to 250,000 households with children aged between 6 and 12 in a situation of extreme poverty. The pilot phase of the scheme, which is due to start in September 2013, will target 50,000 disadvantaged families.

## **G. Preventing torture**

36. The National Observatory of Places of Deprivation of Liberty introduced training seminars on the prohibition of torture across the national territory. These sessions, involving judges, lawyers, criminal investigation officers, prison directors, customs officers, and waterway and forestry officials, were designed to raise awareness of the law against torture. The Observatory has also set up partnerships with training colleges (police, Gendarmerie, customs authorities, Judicial Training Centre) to provide them with training on the fundamental human rights of persons deprived of liberty. As part of its decentralization policy, the Observatory is in the process of assigning representatives to various parts of the country.

## **H. Advances in relation to the Nationality Act**

37. The amendment made to the Nationality Act by Act No. 03-2013 of 27 June 2013 is revolutionary. It puts an end to the inconsistency between the Constitution and the international undertakings ratified by Senegal, such as the Convention on the Elimination of All Forms of Discrimination against Women, and to a form of gender-based discrimination whereby women could not pass on their nationality to children born if they were married to a foreign national, or facilitate a foreign husband's access to Senegalese nationality.

## **I. Situation of street children**

38. In 2013, Senegal established an effective prevention mechanism and operational governance structure involving all relevant actors in an effort to remove and provide care for all children roaming the streets, throughout the country, by the end of 2015.

39. To that end, the following measures have been adopted:

- Improvement and regulation of *daaras* (Koranic schools);
- Implementation of a plan to remove children from the streets;
- Strict application of the criminal law against the perpetrators of ill-treatment and abuse of children;
- Improvement and reinforcement of Koranic instruction; and
- Tightening of border surveillance to halt the influx of child beggars from neighbouring countries.

## **J. Freedom of the press**

40. Senegal has recorded significant progress in the area of freedom of the press, as guaranteed by the Constitution, under the supervision of the National Audiovisual Regulation Council, whose remit covers both the public and private media.

41. The law allows journalists to carry out their work without State interference, thus enabling a diverse media landscape to emerge. There are now around a hundred print titles, including around twenty daily newspapers and another thirty weekly or monthly publications; around a hundred radio stations, including around twenty private stations and fifty community stations; around ten television channels, and numerous online multimedia newspapers.

42. Furthermore, the Government strongly supports the press sector in several ways. It has recently set up an ultramodern and functional Press Institute at a cost of CFAF 6 billion. As to financial assistance, funds have now reached CFAF 700 million, enabling support to be provided to 189 print titles, 42 more than in 2012.

43. Nevertheless, the Government is considering a more efficient mechanism that will enable the various publishers to receive State support at a structural level. With the imminent adoption of the Press Code decriminalizing press offences, assistance will turn into financial support. The Government has also accepted in principle the Council of Press and Publishers Owners request for a tax amnesty of more than CFAF 7 billion.

## **K. Combating illegal migration**

44. Following a mass exodus of illegal African immigrants to Europe, Senegal and Spain signed a cooperation agreement in September 2006, under which Senegal established the Frontex system, mobilizing the gendarmerie, the police, the air force and the navy, to combat illegal migration. According to the latest official figures, no boats have been recorded leaving Senegal since January 2009 and no arrests have been made since 2012.

## **IV. Follow-up to the recommendations made during the first review cycle**

### **1. Continuing efforts to promote the ratification by States of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families**

45. Since it ratified the Convention itself, Senegal has made continuous efforts to promote its ratification among relevant international and African bodies.

### **2. Enhancing the protection of children through the strict application of the provisions of the Criminal Code**

46. The 2001 Constitution, as amended, guarantees protection of the individual against all forms of discrimination, abuse and exploitation. Previously, Act No. 1999-05 of 29 January 1999 had increased the penalties for offences such as rape, excision, indecent assault, sexual harassment and paedophilia, and the maximum penalty is applied if the victim is a girl under the age of 13.



### **3. Improving policies and programmes to build the capacity of national institutions and decision-making bodies**

47. The Government is making sustained efforts to ensure that national institutions and decision-making bodies are operational.

### **4. Strengthening resources and mechanisms to raise citizen awareness of public access to the justice system**

48. The right of access to justice is enshrined in the Constitution. The community justice mechanism, which is part of the Justice Sector Programme initiated in December 2004, was established in Senegal to improve access to justice.

49. The mechanism, based on traditional methods of family and private conflict resolution and on modern law, is effective and works, in particular, through legal advice centres and information offices. There is also a legal aid fund of CFAF 400 million to assist poor people.

### **5. Submitting periodic reports to the competent bodies**

50. The report on the rights of migrant workers and members of their families was considered by the competent body on 24 and 25 November 2010 and the Committee's concluding observations were adopted on 2 December 2010. The report on racial discrimination was submitted and was considered by the competent body on 14 and 15 August 2012, and the concluding observations were adopted on 29 August 2012. The report on torture was presented on 6 and 7 November 2012 and the concluding observations were adopted on 9 November 2012.

#### *Cooperation with international human rights institutions and the human rights treaty bodies*

51. From 2009 to 2011, several human rights mechanisms and special procedures mandate holders carried out visits to Senegal: the Special Rapporteur on the human rights of migrants (August 2009), the Working Group on Arbitrary Detention (September 2009), the Special Rapporteur on the sale of children, child prostitution and child pornography (October 2009), the Special Rapporteur on the right to education (January 2010) and the Special Rapporteur on the human right to safe drinking water and sanitation (November 2011).

52. A delegation from the United Nations Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment visited Senegal from 10 to 13 December 2012 to assess the operation of the national preventive mechanism and to visit places of deprivation of liberty. It should be recalled that by ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2006, Senegal undertook to accept visit requests by the Subcommittee and requests for free access to places of detention.

#### *Increasing efforts to promote a culture of human rights in Senegal and building the capacity of national stakeholders in the preparation of reports*

53. A national strategy to disseminate international human rights instruments is being developed in cooperation with various Ministries. In October 2010, the National Human Rights Advisory Council — the national body responsible for coordinating the preparation of reports and which brings together the ministries concerned, the Senegalese Human Rights Committee and civil society organizations — received training in techniques for drafting treaty body reports, with technical and financial support from the United Nations.

**6. Continuing and strengthening efforts to eliminate discrimination against women**

54. By adopting Act No. 2010-11 of 28 May 2010 and its implementing Decree No. 2011-819 of 16 June 2011, Senegal opted for absolute gender equality in elected and partially elected decision-making bodies. Furthermore, the National Observatory on Gender Parity was established in 2011 to promote gender equality in public policy. In the longer term, efforts should be made to extend gender equality legislation to public appointments also.

*Strengthening awareness-raising campaigns to combat discriminatory measures and practices against women*

55. In 2011 and 2012, awareness-raising forums and training sessions on gender parity, violence against women and early marriage were held in the 14 administrative regions of Senegal.

**7. Implementation and strict application of Act No. 99-05 amending the Criminal Code to criminalize female genital mutilation; awareness-raising campaign to eliminate this discriminatory practice**

**8. Strict application of legislation to eliminate all forms of violence against women**

**9. Implementation of legislation prohibiting cultural practices deemed harmful; continuation of awareness-raising campaigns**

56. In order to comply with these four recommendations, in addition to the measures mentioned earlier, Senegal is focusing its efforts on communication with opinion leaders with a view to changing attitudes. The campaign has been successful. Professional excisers have been invited to turn to alternative income-generating activities in order to encourage them to abandon excision altogether. Moreover, 12 monitoring committees were set up in 2011 in areas of high prevalence and an empowerment programme for former excisers has been established.

**(For the replies to recommendations 6, 7, 8 and 9, please also refer to section III.B on combating female genital mutilation.)**

**10. Guaranteeing the right to food by requesting technical assistance from the Office of the High Commissioner for Human Rights**

57. Strengthening input subsidy policies, which the State intends to pursue in a more targeted way in order to maintain soil productivity, is considered to be a solution to food insecurity, as is the Food and Abundance Campaign (GOANA). Very positive results have been achieved to date, to the satisfaction of national stakeholders.

58. Senegal has participated in the various meetings of the Economic Community of West African States (ECOWAS), the West African Economic and Monetary Union (WAEMU) and the Permanent Inter-State Committee for Drought Control in the Sahel (CILSS) on issues relating to the food crisis and in the regional expert round table on economic governance of food security in West Africa, held in June 2012 in Cotonou.

59. At the same time, a feasibility study of the “cash voucher” programme has been conducted by the World Food Programme (WFP), in cooperation with the operational follow-up unit and the anti-poverty project. In the longer term, Senegal intends to participate in the development of the Regional Agricultural Investment Plan, which will be implemented in every member State as a National Agricultural Investment Plan, involving the distribution of food vouchers to families in need.

**11. Reducing the proportion of the population living in slums and fulfilling the right of families to decent housing**

60. A fund has been established to enable private and public promoters to carry out extensive land development programmes on reasonable terms. The purpose is to expand the provision of social housing in urban and rural areas by strengthening programmes on Special Planning Areas, and to prevent squatting.

**12. Guaranteeing universal access to health services and institutions and promoting the right of women and children to health (see also section VI.D, Health initiatives)**

61. Maternal mortality decreased between 2005 and 2011 (401 to 392 deaths per 100,000 live births) as a result of an increase in the number of deliveries attended by qualified personnel (52 per cent in 2005 and 65.1 per cent in 2011) and antenatal consultations (87 per cent in 2005 and 93.3 per cent in 2011).

62. In rural areas, 90 per cent of women have antenatal consultations, against 99 per cent of women in urban areas. Furthermore, an increasing number of women sleep under insecticide-treated mosquito nets (14 per cent in rural areas and 51.6 per cent in urban areas) and receive intermittent preventive treatment (21.4 per cent in rural areas and 40 per cent in urban areas).

63. These achievements are a result of the increased availability of quality health services, the referral system and advanced strategies. With a view to achieving the Millennium Development Goals, further support is required for high-quality emergency obstetric and neonatal care, of which coverage increased threefold between 2004 and 2009 (69.8 per cent).

**13. Continuing commendable activities to combat HIV/AIDS and sharing experiences**

64. The National Strategic Plan to Combat AIDS (2007–2011) had set itself the objective of treating 11,000 persons living with AIDS with antiretrovirals in 2010. The results of the review of the National Multisectoral Programme to Combat AIDS for the period 2007–2010 showed that it had been possible to build on gains made in the prevention of new infections.

65. The new Multisectoral Programme (2011–2015) is aimed at reducing the incidence of new infections and of AIDS by achieving the targets of zero new infections, zero HIV-related deaths and zero stigmatization.

66. The priorities of the new Strategic Plan are focused, in particular, on consolidating gains made in prevention and stepping up interventions among high-risk vulnerable groups. This Plan targets sex workers, men having sex with men and injection drug users.

*Pursuing policies for HIV-positive persons*

67. Senegal adopted Act No. 2010-03 of 9 April 2010 on AIDS with a view to addressing the threat posed by the pandemic to the economic and social development of the country. Accordingly, a national policy has been developed for the prevention, assistance, protection and promotion of the rights of infected and affected persons and of groups identified as vulnerable.

**14. Achieving the Millennium Development Goals on maternal health, access to equipment, medicines and supplies**

68. Malaria accounts for 42.6 per cent of causes of disease and remains the leading cause of morbidity in Senegal despite a dramatic decline of more than 36 per cent between

2000 and 2009. With regard to AIDS, 0.7 per cent of Senegalese aged 15–49 are HIV-positive.

69. The goal of reducing child and infant mortality to 44 per cent by 2015 could be jeopardized even though it decreased by 45 per cent between 1992 and 2011. The rate remains stagnant at 72 per cent despite a significant improvement in immunization coverage.

70. The maternal mortality rate was 392 per 100,000 live births in 2010–2011, representing a 2 per cent decrease in six years. This rate of decrease is too slow to achieve the Millennium Development Goal of 127 deaths per 100,000 live births by 2015. However, maternal health has considerably improved, with a 16 per cent increase in the rate of deliveries attended by qualified personnel between 1999 and 2011.

#### **15. Combating poverty and the consequences of food and financial crises**

71. The approach adopted by Senegal to poverty focuses on vulnerability. The poverty rate decreased by 1.6 per cent between 2006 and 2011 (46.7 per cent). The incidence of poverty is higher in rural areas (57.3 per cent) than in urban areas (26.1 per cent in Dakar).

72. The best poverty eradication strategies, particularly in rural areas, promote the modernization of agriculture, the stabilization of agricultural income, equitable access to resources and the protection of natural resources. The next challenge is promoting human development and eradicating poverty through the empowerment of grass-roots communities.

73. In order to address the consequences of food and financial crises, it would be appropriate to improve yields in high-consumption cereal sectors, agriculture in general and the rural economy. Public investment in rural infrastructure, research and outreach, irrigation and price incentives, could improve productivity and reduce poverty.

#### **16. Continuing and strengthening efforts to achieve the Millennium Development Goals**

74. Under the United Nations initiative entitled “A Promise Renewed”, Senegal launched the Child Survival Action Plan on 7 July 2013 with a view to saving the lives of 10,000 children by 2015. With an estimated cost of CFAF 7 billion, it seeks to ensure universal access to quality services and to products essential to maternal, newborn and child health. The remarkable progress in access to primary education, drinking water and health care is nonetheless limited when set against the Millennium Development Goals.

75. With a view to increasing the level of education of the population and developing skills, the gross preschool enrolment rate was raised from 8 to 10.7 per cent between 2006 and 2011. The gross primary enrolment rate was 79.7 per cent in 2011, against 75.8 per cent in 2005. However, education for all has not been achieved yet. Enrolment in higher education has increased rapidly. The number of new baccalaureate graduates increased from 29,908 in 2010 to 30,564 in 2011, 40.9 per cent of them girls.

76. Significant progress has also been made in providing access to drinking water, with rates of access to water of 98,797 in urban areas and 80.1 per cent in rural areas in 2011. If this trend continued, the goal of access to water for 100 per cent of the urban population and 82 per cent of the rural population could be achieved. This is in stark contrast to the poor results achieved regarding access to improved sanitation. The rate of access to sanitation increased from 62 per cent to 63.3 per cent in urban areas and from 26.2 per cent to 34.3 per cent in rural areas between 2005 and 2011.

77. Furthermore, activities to restore and protect forest resources are not preventing the degradation of natural resources.

**17. Implementing the Poverty Reduction Strategy**

78. The new National Strategy for Economic and Social Development 2013–2017 was developed on the basis of the Poverty Reduction Strategy 2011–2015. It involves a realistic and innovative approach focusing on accelerated, more sustainable and better distributed growth. In order to promote the right to an adequate standard of living, the Strategy is designed to transform the structure of the economy in an effort to create wealth and productive employment. It also facilitates access to basic social services, social protection and sustainable development.

**18. Reducing unemployment and raising the standard of living through access to vocational training and basic education**

79. In order to achieve meaningful results, the new national employment policy has set out strategic objectives for all relevant public policies that actively promote employment. The policy thus aims to reduce unemployment through the creation of 607,000 jobs.

80. The national employment policy focuses on promoting employment in the public, private (employment forums), formal and informal sectors through the gradual implementation of a local public service and the modernization of traditional informal sector businesses. It is also designed to achieve a balance between training and employment through support for reform in education, technical education and vocational training (Observatory on Vocational Skills and Employment) and through the national system of assessment and validation of technical and vocational skills.

**19. Strengthening the education system through measures to reduce inequalities in primary education**

81. Various programmes have been developed to retain girls in school. Regional initial and in-service teacher training centres have been established. *Daaras* have been modernized. The Special Rapporteur on the right to education visited Senegal from 8 to 14 January 2010 in order to assess progress in the implementation of the right to education. In his final report, adopted by the Human Rights Council in 2011, he made eight recommendations to promote and implement the right to education for all in Senegal, which the country has set out to consider and implement.

**20. Promoting dialogue and continuing efforts to foster peace between peoples and religions**

82. This is an ongoing activity that Senegal has conducted for several years by adopting a national strategy through several programmes and projects.

**21. Promoting a culture of human rights in Senegalese society**

83. The Government encourages the promotion of human rights through education and training. There is a human rights component in basic and intermediate education curricula, in the national training schools for security forces and at the Judicial Training Centre.

84. It has also established a human rights prize for the winners of the annual Concours Général for secondary schools. The Institute of Human Rights and Peace of Cheikh Anta Diop University in Dakar offers students a course on human rights and has published a handbook translated into several national languages, aimed at disseminating human rights.

**22. Implementing national legislation to combat migrant smuggling and human trafficking and protect victims**

85. The Government has ratified most of the instruments relating to the protection of women and children and respect for human rights, in particular, the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Act No. 2005/06 on combating human trafficking and related practices was adopted pursuant to these instruments.

86. Senegal has adopted a national plan of action against all forms of trafficking and set up the National Unit to Combat Trafficking in Persons, especially Women and Children, mandated to coordinate the implementation of public policy in this area.

**23. Developing a national plan of action for children and strengthening legal measures to protect children; applying the observations of the Committee on the Rights of the Child**

87. In 2011, following a study that identified the stakeholders involved in child protection, Senegal developed a National Strategy for Social Protection. An integrated child protection system is gradually being tested, successfully, in several departments. An extensive programme is being implemented to strengthen child protection, focusing on the training of judges, court officers and social workers.

88. Senegal also decided in 2009 to strengthen its institutional child protection framework by establishing a Children's Ombudsman, an independent child protection institution. The participatory process involving the various stakeholders, including children, is being finalized following the validation of the related preliminary bill. The bill will soon be submitted to the National Assembly.

**24. Strengthening the implementation of the Convention on the Rights of the Child in the areas of juvenile justice, child labour and child trafficking**

89. With a view to strengthening the integrated child protection system, a strategy was devised and validated in 2011, together with a communication plan focused on child abuse, including sexual abuse, and child begging. Senegal has adopted a global strategy to eliminate discrimination against children, with a particular emphasis on juvenile justice, child labour and child trafficking.

90. The national action plan of the National Unit to Combat Trafficking in Persons, especially Women and Children, has four priorities: prevention, protection, assistance and in view of the cross-border nature of the phenomenon, partnership. Bilateral dialogue with Switzerland on human rights places special emphasis on juvenile justice and training in this area.

*Strict application of the Act against human trafficking and child sexual exploitation*

91. The Ministry of Justice prepared Circular No. 4131 of 11 August 2010, inviting the prosecuting and judicial authorities to take a firm stance and to request maximum, unconditional sentences in cases of human trafficking and economic exploitation of children. Statistics reveal that on 8 September 2010, 12 out of 13 arrested persons were sentenced to 6 months' imprisonment for economic exploitation of children through begging.

*Strengthening measures to protect girl domestic workers from sexual and economic exploitation*

92. A support fund for local initiatives supporting children and their families, established in 2010 as part of the fight against the exploitation and sexual abuse of girls, including domestic workers, has raised CFAF 251 million for 43 projects on prevention, protection, removal and reintegration of vulnerable children. The implementation of these microprojects has protected 2,293 *talibé* children from begging, through a sponsorship system, and has facilitated the return of 101 *talibé* children to their villages of origin and the enrolment or reintegration in school of 364 children. In addition to direct interventions, the Government has established 22 technical monitoring committees to develop awareness-raising and social mobilization activities for religious communities and leaders.

*Effectively combating abuse of girl domestic workers*

93. Discussions were initiated in 2011 with State actors, women's trade unions and other social actors in order to improve the protection of girl domestic workers.

*Increasing child protection through the strict application of the provisions of the Criminal Code*

94. Senegal has drafted a new plan to eliminate excision 2012–2015 which must, by 2015, lead to its total elimination. Data from the Demographic and Health Survey and Multiple Indicator Cluster Survey 2010–2011 has revealed that the national prevalence of the practice has declined to 25.7 per cent.

95. Act No. 99-05 prohibiting assault and battery, excision, and abduction of children is strictly enforced with no the possibility of probation in most cases. Article 32 of the Code of Criminal Procedure requires officials to report to the judicial authorities any sexual assaults of which they are aware.

*Eliminating all forms of discrimination against children affected by HIV/AIDS, children with disabilities and children born out of wedlock*

96. Special attention has been paid to basic health care for children and many health-care programmes, some of which are free, are designed for them. They account for approximately 11 per cent of non-wage health expenditure. Children aged 0–5 receive free malaria treatment and vaccination. HIV treatment has also been free of charge since 2003.

**25. Strengthening efforts to eliminate child labour by addressing the root causes of their economic exploitation**

97. As part of the follow-up to the Poverty Reduction Strategy, the State has established a national committee and regional committees which, every two years, examine a shortlist of 34 indicators, of which more than a quarter directly concern women and children. The progress report is discussed with civil society organizations and technical and financial partners. The coordination, follow-up and assessment of the Poverty Reduction Strategy are provided by the Poverty Reduction Programme Follow-up Unit.

98. The sectoral plans for health (National Health Development Plan 2009–2018) and education (Programme for the Improvement of Quality, Equity and Transparency 2013–2025) are also regularly evaluated through annual periodic reviews and one national review. Standard data systems, in particular in the areas of education, health and HIV/AIDS provide regular, reliable information on indicators relating to children and women.

99. As part of the implementation of the initiative to provide social protection to vulnerable groups, funding and services are available to promote children's access to basic

social services. The strategies developed have given rise to a cash transfer pilot project in the department of Kolda to combat child mobility, whereby cash allowances are provided to families in order to guarantee children's access to basic social services in their communities of origin.

100. The education project on family life in the *daaras* is also helping to improve living and learning conditions for *talibé* children and to prevent their economic exploitation. In addition to these various initiatives, the Guidance and Counselling Centre for Children in Difficulty has developed activities for the removal and reintegration of vulnerable children.

**26. Protecting children against corporal punishment and other forms of violence and exploitation**

101. Senegal has mobilized significant resources to promote the National Plan to Eliminate Ill-treatment. In 2010 and 2011, intensive communication campaigns involving the media and opinion leaders raised awareness among parents and health, police, judicial and education workers about prevention of violence against children. In order to combat violence, which has been prohibited in schools and informal settings since 1979, the State, civil society and Plan International launched the "Learning without fear" awareness-raising campaign in 2008.

102. The campaign made use of information and communication technologies to protect children, publicizing a helpline (116) based at the Reception and Assistance Centre for Street Children. This free alert and assistance mechanism is designed to facilitate reporting and guidance in cases of abuse and trafficking. All these processes have led Senegal to devise a national action plan on legal reform to criminalize corporal punishment and all forms of violence against children.

**27. Adopting effective measures to protect the rights of vulnerable groups**

103. Promoting human development and eradicating poverty, through the empowerment of the various grass-roots communities, are central to the policy for the protection of the rights of vulnerable groups in Senegal. A department responsible for vulnerable groups and supporting microprojects was established in 2012. In this respect, the Government intends to promote the modernization of agriculture, the stabilization of agricultural income and equitable access to and control over resources.

**28. Taking appropriate steps to accelerate the achievement of and continue promoting economic, social and cultural rights**

104. The slow progress in access to social services and reduction of income poverty again brings to the forefront the issue of respect for human rights. The report on the progress towards the Millennium Development Goals highlights the challenges involved in achieving strong, sustainable, employment-generating growth that guarantees the effective enjoyment of human rights.

105. Programming and budgeting in Senegal incorporate the gender and human rights perspectives. Increasing opportunities to generate wealth and employment and to reduce people's vulnerability to food insecurity, particularly in rural areas, is an essential tool for development. Emphasis will be placed on modernization of the agricultural subsector and improvement of economic and judicial governance.

**29. Assessing the technical assistance provided by the Office of the High Commissioner for Human Rights in promoting and protecting human rights**

106. Since 2009, ongoing technical and financial support from the Office of the United Nations High Commissioner for Human Rights has strengthened the capacity of the



National Human Rights Advisory Council and the Senegalese Human Rights Committee, and advocacy for the ratification of international human rights instruments. It has also been possible, under the coordination of the Ministry of Foreign Affairs, to reduce the backlog of periodic reports to some treaty bodies and, with the support of development partners, to initiate a national strategy and programme activities to promote and protect human rights.

**30. Continuing efforts to protect individual freedoms and fundamental rights**

107. The protection of individual freedoms and fundamental rights is a major concern to which the Government devotes constant attention.

**V. Further clarification of the replies already provided in June 2009 (A/HRC/11/24/Add.1) regarding certain recommendations**

**1. Ratification by Senegal of some international conventions**

108. Senegal ratified the International Convention for the Protection of All Persons from Enforced Disappearance by Act No. 2008-61 of 24 September 2008, and the Convention on the Rights of Persons with Disabilities and its Optional Protocol (Act No. 2009-30 of 2 December 2009). Senegal also ratified the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption on 1 December 2011.

**2. Standing invitation to the Special Rapporteur on the question of torture and the Special Rapporteur on the independence of judges and lawyers**

**Extending a standing invitation to all the special procedures of the Human Rights Council (see also section V.C. – Cooperation with the United Nations)**

109. Senegal has always agreed to requests for visits by special procedures mandate holders of the Human Rights Council. It is thus willing to consider any requests it might receive from the two mandate holders mentioned above. Moreover, Senegal has already received visits from the Committee against Torture, the Special Rapporteur on the human rights of migrants, the Special Rapporteur on the right to education and the Special Rapporteur on trafficking in persons, especially women and children, and also the Working Group on Arbitrary Detention. Regarding the standing invitation to all the special procedures, Senegal reiterates its willingness to respond favourably to all requests for visits, particularly from special procedures mandate holders.

**3. Ensuring respect for and protection of human rights and fundamental freedoms for all**

110. In addition to the constitutional provisions already outlined in 2009 in response to overall recommendation No. 3 of the relevant section, further measures have been initiated and implemented, including the development of a gender training programme for the national directors and focal points of ministries.

111. As far as violence against women is concerned, rape, which is punishable by a mandatory prison term of 10 years if the victim is aged under 13, and genital mutilation, are among the most severely penalized offences.

**4. Ensuring the separation of powers and the independence of judges to ensure the effectiveness of the judiciary, particularly with regard to the length of pretrial detention**

112. In its Constitution, Senegal affirms its commitment to the separation and balance of powers, the independence of the judiciary from the executive and the legislature, and the separation of the functions of prosecution, investigation and judgement.

113. The status of judges is guaranteed by the Organic Act of 1992, which may be amended only by a qualified majority. This Act has been the subject of a consensual draft amendment to strengthen the security of tenure of judges and their right of appeal against disciplinary measures.

114. With regard to pretrial detention for minor offences, the detention order is limited to a non-renewable period of 6 months, at the end of which period the prison governor must release the detainee without seeking the opinion of a judge. In contrast, detention for a criminal offence is not subject to a time limit, but remains under the control and supervision of the President of the Indictments Chamber. Moreover, to prevent long periods of detention, which might result in compensation claims, two to four assize court sessions are held regularly.

**5. Combating impunity at the international level (Hissène Habré case)**

115. In fulfilment of its international commitments, particularly with regard to its obligations arising from the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Senegal has signed an agreement with the African Union Commission to establish Extraordinary African Chambers in Senegalese courts in order to judge international crimes committed in Chad between 7 June 1982 and 1 December 1990. The judges required to sit in these courts have been appointed. The investigation phase has begun and President Habré is currently remanded in custody.

**6. Amending the Criminal Code to decriminalize homosexual practices**

116. There is no law in Senegal criminalizing homosexuality. However, article 319 of the Criminal Code punishes unnatural acts committed in public. No one is in prison in Senegal for homosexuality. The Senegalese people have been called upon to express their views on the issue on several occasions.

**7. Introducing specific measures to ensure freedom of expression, freedom of association and freedom of the press, in accordance with international standards**

117. The proclamation of freedom of expression, guaranteed by the Constitution, is consistent with the International Covenant on Civil and Political Rights. The legal status of this freedom is shown by the absence of any requirement to obtain prior authorization for the establishment of a publishing company or prior review of newspaper content.

118. Most prosecutions of journalists relate to ordinary offences falling under the Code of Criminal Procedure. The State has not initiated legal proceedings against any journalist. The issue of the repeal of article 80 of the Criminal Code, on threats to national security, is before the Commission on Reform of the Criminal Code.

**8. Decriminalizing press offences**

119. The draft press code, which takes this concern into account, has been adopted by the Council of Ministers pending a vote by the National Assembly.

**9. Effectively exercising the right to freedom of demonstration and association**

120. The principle of freedom of demonstration or of association is guaranteed by the Constitution. Prohibitive measures are exceptional, and, if they are necessary, are based on duly reasoned decisions by the competent administrative authority, in particular for reasons of public order.

**10. Organizing training on the protection of the fundamental rights of women, children and persons of minority sexual orientation or gender identity**

121. Human rights training is provided for trainee judges and trainee gendarmes. Sitting judges have the opportunity to attend workshops or seminars. Exemplary punishments, which are handed down after an investigation has been carried out and subject to due process rights — and which can include removal from the Bench — are imposed on personnel found guilty of human rights violations.

**VI. Initiatives, priorities, voluntary commitments, constraints and prospects for the future**

122. In its efforts to achieve its economic and social development goals, Senegal inevitably faces difficulties. The gap between these goals and the pattern of growth, the shortage of infrastructure, and relatively poor productivity and investment, all constraint the dynamics of development. The recurrent problems in the energy subsector arising from dependence on oil imports and ageing power plants, are obstacles to economic development and to the full realization of human rights, especially economic, social and cultural rights.

123. In the area of health, the main constraints are the fact that many health and logistics structures are not operational and the shortage of qualified personnel, vaccine stocks and essential medicines.

124. Senegal attaches considerable importance to democracy, the rule of law and accountability, which are essential for the development of the rule of law, growth and competitiveness, as well as gender equality and access to basic infrastructure.

125. The Millennium Development Goals relating to access to maternal and child health services, sanitation and the completion of primary education have not yet been achieved; neither has the target of education for all, despite the 2 per cent increase in the net enrolment rate in primary education between 2005 and 2011. Senegal aims to increase vaccination coverage from 80 to 90 per cent by introducing new vaccines against two of the three main causes of child mortality, pneumonia and rotavirus.

126. The uncontrolled use of land, recurring floods and rapid urbanization are all factors that negatively affect people's living conditions. Other challenges remain, linked to access to land, the low level of public funding of road systems and social housing, and an inadequate level of social protection, of approximately 20 per cent, which leaves the rural and informal sectors unprotected.

**A. Strengthening the rule of law, good governance, human rights and justice**

127. The fight against corruption, while dependent on a global strategy, must also be based on a justice system that has appropriate human and material resources. The guarantee of human rights depends on the protection of structural rights and the rights of special groups, particularly women and children.

128. The aims pursued under the 2013–2017 development strategy include cutting down pretrial detention, improving child welfare services, strengthening penalties for infringing the rights of women, children and minorities, and improving conditions of imprisonment.

129. The creation of the post of Director of the National Observatory of Places of Deprivation of Liberty is helping to combat and prevent torture, which is prohibited and punishable by imprisonment.

## **B. Promoting gender equity and equality**

130. Gender is a cross-cutting issue in public policies and national development programmes. To promote the empowerment of women, the State is encouraging later marriage and the elimination of early marriage through educational scholarships aimed at keeping girls in school. The introduction in 2010 of full parity on electoral lists, as a condition of admissibility, marks a significant step forward in this respect.

## **C. Measures to assist and support persons with disabilities**

131. The Social Policy Act (No. 2010-15 of 6 July 2010), on promotion and protection of the rights of persons with disabilities, provides the basis for an improved public policy for persons with disabilities.

## **D. Health initiatives: universal health insurance coverage**

132. When launching the 2013 Joint Annual Review of the National Health Development Plan, the Government announced the implementation of a strategy to ensure free health care for children from 0 to 5 years of age and to promote the achievement of the health-related Millennium Development Goals by 2015. The Government is also seeking new funding strategies to provide populations with better access to health care by joining the World Bank health partnership and signing the Senegal-Compact with partners with a view to achieving the Millennium Development Goals.

133. The Senegal-Compact will enable Senegal to more effectively support the implementation of the National Health Development Plan, by making the 2011–2015 sectorial investment programme operational. The State has also taken the initiative to rebuild and strengthen the health information system, which is essential in order to assess performance and implement important reforms aimed at achieving universal health insurance coverage.

134. Universal health insurance coverage involves developing and reorganizing health-care mutual funds based on an analysis of the existing health-care scheme, which integrates various free-of-charge initiatives that have been tested (Caesarean sections, Sesame Plan, health care for children aged 0–5). In planning the future structure of the Independent Fund for Universal Social Protection, linkages will be established between the family allowance programme and the compulsory health insurance scheme. With regard to budgetary allocation, the health-care budget funded by internal resources almost doubled between 2004 and 2012, increasing from CFAF 50,124 billion to more than CFAF 97 billion.

## VII. Conclusion

135. In fulfilment of its international obligations and as a country resolutely committed to defending the rule of law, Senegal reiterates its willingness to continue cooperating with the universal periodic review mechanism, the treaty bodies and the special procedures. Respect for human rights is one of its highest priorities, and Senegal will therefore continue to take practical measures for their promotion and protection.

136. The various programmes and policies contained in the National Strategy on Social and Economic Development 2013–2017 will undoubtedly contribute to raising people's standard of living, as the Strategy is designed to create the conditions necessary for sustained and sustainable growth in order to significantly reduce poverty and achieve the Millennium Development Goals.

137. Bilateral, regional and multilateral cooperation in promoting and protecting human rights is also important.

138. By way of illustration, the following thematic areas are the subject of increased cooperation with bilateral partners.

### **Human trafficking**

139. On 22 July 2004, Senegal and Mali concluded an agreement to combat cross-border child trafficking and smuggling. This agreement includes an action plan that provides for border controls by means of exit permits and the establishment of committees to combat trafficking and smuggling, national committees for the repatriation of children and a standing monitoring committee.

### **Juvenile justice**

140. Since 2012, Senegal has maintained a bilateral dialogue on human rights with Switzerland that has two components, one being annual bilateral consultations on human rights and the other training and capacity-building for officials involved in the juvenile justice sector. These discussions give both countries the opportunity to share experiences and review the human rights situation in Senegal and Switzerland in a spirit of partnership based on critical but constructive dialogue.

### **Sexual and reproductive health among young people aged 10 to 24**

141. Funded by the Netherlands, this programme focuses on human rights and gender equality and aims to achieve universal access to reproductive health between 2013 and 2015 through the use of mobile telephone and information and communication technologies.

142. These are just a few examples testifying to Senegal's willingness to pursue and explore further areas for cooperation on human rights, in line with its priorities.

143. With regard to cooperation with regional bodies, it should be recalled that from 5 to 7 September 2012, Senegal received a delegation from the African Court on Human and Peoples' Rights, headed by the President of the Court, in order to promote and raise awareness of this institution's role in protecting human rights and of its rules and procedures. The delegation was received by the highest State authorities.

144. In addition, the Working Group on Economic, Social and Cultural Rights of the African Commission on Human and Peoples' Rights is to undertake a mission before the end of 2013 to promote human rights, focusing on the right to education, with the aim of

exploring Senegal's education system in order to identify best practices, highlight difficulties and make recommendations.

145. Firmly convinced that the promotion and protection of human rights are an ongoing challenge for all States, Senegal intends to continue its commitment in this area, with the assistance of all relevant stakeholders, including civil society.

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