



General Assembly

Distr.: General
5 August 2013
English
Original: English/French

Human Rights Council
Working Group on the Universal Periodic Review
Seventeenth session
21 October–1 November 2013

**Compilation prepared by the Office of the High
Commissioner for Human Rights in accordance with
paragraph 15 (b) of the annex to Human Rights Council
resolution 5/1 and paragraph 5 of the annex to Council
resolution 16/21**

Senegal

The present report is a compilation of the information contained in the reports of treaty bodies and special procedures, including observations and comments by the State concerned, and of the Office of the United Nations High Commissioner for Human Rights (OHCHR), and in other relevant official United Nations documents. It is presented in a summarized manner due to word-limit constraints. For the full text, please refer to the document referenced. This report does not contain any opinions, views or suggestions on the part of OHCHR other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

I. Background and framework

A. Scope of international obligations¹

International human rights treaties²

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
<i>Ratification, accession or succession</i>	ICERD (1972) ICESCR (1978) ICCPR (1978) CEDAW (1985) CAT (1986) OP-CAT (2006) CRC (1990) OP-CRC-AC (2004) OP-CRC-SC (2003) ICRMW (1999)	CRPD (2010) CPED (2008)	ICCPR-OP 2
<i>Reservations, declarations and/or understandings</i>			
<i>Complaint procedures, inquiry and urgent action³</i>	ICERD, art. 14 (1982) ICCPR, art. 41 (1981) ICCPR-OP 1 (1978) OP-CEDAW, art. 8 (2000) CAT, arts. 20, 21 and 22 (1986 and 1996) OP-CRPD (signature only, 2007)	OP-ICESCR (signature only, ICRMW, arts. 76 and 77 2009) OP-CRC-IC (signature only, 2012)	CPED, arts. 31 and 32

Other main relevant international instruments

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
<i>Ratification, accession or succession</i>	Palermo Protocol ⁴ Conventions on refugees and stateless persons ⁵ Geneva Conventions of 12 August 1949 and Additional Protocols I and II ⁶ ILO fundamental conventions ⁷ UNESCO Convention against Discrimination in Education Convention on the Prevention and Punishment of the Crime of Genocide Rome Statute of the International Criminal Court		ILO Conventions Nos. 169 and 189 ⁸ Additional Protocol III to the 1949 Geneva Conventions ⁹

1. In 2012, the Special Rapporteur on the human right to safe drinking water and sanitation recommended Senegal ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.¹⁰

2. In 2012, the Committee on the Elimination of Racial Discrimination (CERD) recommended Senegal ratify the amendments to article 8, paragraph 6, of the Convention.¹¹

3. In 2010, the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW) encouraged Senegal to make the declarations provided for in articles 76 and 77 of the Convention.¹²

4. The Office of the United Nations High Commissioner for Refugees (UNHCR) noted in 2013 that Senegal had ratified the 1969 Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa.¹³ However, Senegal had not yet ratified the 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention).¹⁴ UNHCR recommended that the Government ratify the Kampala Convention and establish a suitable national framework for the protection of internally displaced persons.¹⁵

B. Constitutional and legislative framework

5. CERD applauded the adoption by Senegal in March 2010 of a law which classified enslavement and slave trading as crimes against humanity.¹⁶

6. In 2011 the Committee against Torture (CAT) regretted that the definition of torture in the Criminal Code did not include certain elements of article 1 of the Convention. It urged Senegal to bring its Criminal Code fully into line with the Convention, particularly to include acts aimed at obtaining information from, punishing, intimidating or coercing a third person.¹⁷

7. CAT urged Senegal to adopt and implement the bill on compensation for victims held in detention for a long time who had suffered particularly serious harm; and set up rehabilitation programmes.¹⁸

8. Concerned about corporal punishment, CAT urged Senegal to amend the Family Code, particularly article 285, to explicitly ban corporal punishment anywhere.¹⁹

9. CERD regretted the persistence of the inconsistency between article 3 of Act No. 2005-02, prohibiting begging, and article 245 of the Criminal Code, which permits begging “on the days, in the places and in the circumstances confirmed by religious traditions”, despite the recommendations of the Special Rapporteur on the sale of children, child prostitution and child pornography.²⁰

10. In 2010, the Special Rapporteur on the sale of children recommended the Government use the Criminal Code reform as an opportunity to incorporate a clear definition of “sale of children” and specify the penalties for offenders, in accordance with the Palermo Protocol. She also recommended incorporating a definition of “trafficking in children” in the Anti-Trafficking Act that conformed to the definition contained in the Palermo Protocol. She recommended finalizing the drafting of the Children’s Code and adopting it as a matter of urgency, as well as ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Inter-Country Adoption.²¹

11. In 2013, the ILO Committee of Experts on the Application of Conventions and Recommendations had noted that, although section 3 of Act No. 2005-06 prohibited the organization, for economic gain, of begging by others, section 245 of the Penal Code provides that “the act of seeking alms on days, in places and under conditions established by religious traditions does not constitute the act of begging”. It accordingly observed that, from a joint reading of these two provisions, it would appear that the act of organizing begging by *talibé* children cannot be criminalized as it does not constitute an act of begging under the Penal Code. In this respect, the Committee requested the Government to take the necessary measures to harmonize the national legislation so as to guarantee that the use of begging by *talibé* children for economic exploitation can be criminalized under section 245 of the Penal Code and under Act No. 2005-06.²²

C. Institutional and human rights infrastructure and policy measures

Status of national human rights institutions²³

<i>National human rights institution</i>	<i>Status during previous cycle</i>	<i>Status during present cycle²⁴</i>
Senegalese Human Rights Committee	A (2009)	B (2012)

12. CERD recommended bringing the Senegalese Human Rights Committee into full compliance with the Paris Principles; and ensuring adequate human and financial resources.²⁵ CAT was concerned that the Senegalese Human Rights Committee was underfunded and that its procedures for selecting and appointing members appeared not to be in line with the Paris Principles.²⁶

13. While noting the Act No. 2009-13 establishing the National Observatory of Places of Detention as the national preventive mechanism provided for in OP-CAT,²⁷ CAT urged Senegal to provide it with resources; and follow up its recommendations to improve the prison situation and prevent torture.²⁸

14. CERD and CAT noted the national action plan (2008–2013) to combat human trafficking, especially trafficking in women and children.²⁹ CAT also noted the establishment in 2010 of a national anti-trafficking unit.³⁰ CMW regretted that the labour inspectorate lacked the necessary resources for monitoring and investigating trafficking in persons.³¹

15. Following her country visit in 2010, the Special Rapporteur on the sale of children recommended training on the Convention on the Rights of the Child and its Optional Protocols, to all law enforcement agents. She highlighted the need to strengthen the capacities of the police force and judiciary by equipping them with sufficient material and human resources and secure reception centres for children, and providing officers and officials with ongoing training in child counselling and interviewing techniques.³²

16. The recommendations of the Special Rapporteur included access to police and judicial services with free medical, legal and judicial assistance to child victims, guarantee for confidentiality for the testimonies of child victims and witnesses and protection for children.³³

17. She also recommended accelerating the process of establishing a children's Ombudsman, in accordance with general comment No. 2 of CRC. She added that the respective roles of the Ombudsman and the various existing mechanisms for promoting and monitoring children's rights, and the interaction between them, should be clearly defined.³⁴

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies³⁵

1. Reporting status

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
CERD	August 2002	2011	August 2012	Nineteenth to twenty-second reports due in 2015
CESCR	August 2001	-	-	Third report overdue since 2003

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
HR Committee	October 1997	-	-	Fifth report overdue since 2000
CEDAW	January 1994	-	-	Third to sixth reports overdue since 1994, 1998, 2002, and 2006 respectively. Scheduled for consideration in the absence of a report in 2014
CAT	May 1996	2011	November 2012	Fourth report due in 2016
CRC	September 2006	-	2013	Third to fifth reports pending consideration. Initials OP-CRC-AC and OP-CRC-SC reports overdue since 2006 and 2005 respectively
CMW	-	2009	December 2010	Combined second and third reports due in 2014
CRPD	-	-	-	Initial report overdue since 2012
CED	-	-	-	Initial report overdue since 2013

2. Responses to specific follow-up requests by treaty bodies

Concluding observations

<i>Treaty body</i>	<i>Due in</i>	<i>Subject matter</i>	<i>Submitted in</i>
CERD	2013	<i>Talibé</i> child beggars; migrants; and national human rights institution ³⁶	-
HR Committee	-	-	-
CEDAW	-	-	-
CAT	-	Legal safeguards for detainees; impartial investigations of torture; and proceedings initiated against perpetrators of torture ³⁷	-

Country visits and/or inquiries by treaty bodies

<i>Treaty body</i>	<i>Date</i>	<i>Subject matter</i>
SPT	December 2012	-

B. Cooperation with special procedures³⁸

	<i>Status during previous cycle</i>	<i>Current status [headings at bottom of cell]</i>
<i>Standing invitation</i>	No	No
<i>Visits undertaken</i>	-	WGAD, Sale of children , Migrants, Education, Water and Sanitation
<i>Visits agreed to in principle</i>	Human Rights Defenders, Education, WGAD, Migrants, Trafficking	Human Rights Defenders, Trafficking

<i>Status during previous cycle</i>	<i>Current status [headings at bottom of cell]</i>
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review, three communications were sent. No replies have been received

C. Cooperation with the Office of the High Commissioner for Human Rights

18. The regional office for West Africa, in Dakar, was established in 2007. The regional office provides technical assistance and advice to Governments, national human rights institutions, United Nations country teams and civil society organizations in the host country, Senegal, as well as in countries of the region where OHCHR does not have a field presence.³⁹ In 2009 Senegal received financial assistance under the Voluntary Fund for Participation in the UPR.⁴⁰ During 2011, OHCHR undertook a number of activities funded by the Voluntary Fund for Financial and Technical Assistance for the implementation of the UPR to support the Senegalese efforts to implement UPR recommendations in Senegal.⁴¹ As a result, a national action plan for the implementation of the recommendations from UPR and treaty bodies was adopted.⁴² In addition, a regional workshop on UPR follow-up for West African countries was held in Senegal.⁴³

19. In 2012, OHCHR supported national authorities to strengthen national institutions and national capacity in order to ensure free and fair elections and respect of human rights, including women's rights. OHCHR contributed as well to strengthening the capacities of Senegalese civil society organizations by creating the Women's Platform for peaceful elections to ensure women's participation in the presidential and legislative elections in 2012.⁴⁴ Also, the Office contributed to the revitalization of the National Cell on the fight against trafficking in persons.⁴⁵

III. Implementation of international human rights obligations

A. Equality and non-discrimination

20. CERD reiterated its concerns about the caste system, involving the stigmatization and ostracism of certain groups. It recommended that Senegal eliminate the caste system by, inter alia, adopting special legislation to ban discrimination based on descent; and raise awareness about the harmful effects of such system.⁴⁶

B. Right to life, liberty and security of the person

21. While noting the pledge by Senegal to prioritize the restoration of a lasting peace in Casamance, CERD expressed deep concern about tensions between the Mouvement des Forces Démocratiques de Casamance and the Senegalese Army since November 2011, which had been accompanied by violence. It recommended pursuing the dialogue with the Mouvement des Forces Démocratiques de Casamance; adopting a reparations and compensation programme for civilians; and boosting economic development and opening up Casamance.⁴⁷

22. CAT was concerned that torture and ill-treatment by law-enforcement officers had not been investigated; and that, in cases where investigations had been initiated, they had not been undertaken promptly and the judicial procedures remained excessively long. It

urged Senegal to speed up investigations and criminal prosecutions under way for alleged acts of torture and ill-treatment.⁴⁸

23. CAT urged Senegal to ensure that confessions under torture were not invoked as evidence in the judicial proceedings; and amend the Senegalese law so as to explicitly prohibit the use as evidence of any statement made under duress or as a result of torture.⁴⁹

24. CAT was concerned that the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) was not followed and urged Senegal to organize training courses for civil or military law-enforcement personnel and medical personnel, with the Istanbul Protocol as an integral part of these courses.⁵⁰

25. CAT was concerned about overcrowding in some prisons. It urged Senegal to reduce prison overcrowding, giving preference to alternatives to imprisonment.⁵¹

26. CMW was concerned that migrant workers in an irregular situation were placed in detention with persons either accused or convicted of crimes.⁵² CERD was also concerned about excessively long periods of administrative detention served by foreigners awaiting deportation and recommended that migrants are not hold in premises intended for pretrial detention or deprivation of liberty and are held for as short time as possible.⁵³

27. In 2010, the Working Group on Arbitrary Detention recommended that the Government pay serious attention to the problem of the imprisonment of women accused of infanticide who terminated their pregnancy in order to avoid social censure. These women found themselves rejected not only by members of their family and social circle but also by their fellow detainees. The Working Group also stressed that the Government pay particular attention to detentions on the grounds of offending decency or public morality, with a view to avoiding any possible discrimination against persons of a different sexual orientation.⁵⁴

28. CERD welcomed the results of various measures to eradicate female genital mutilation (FGM).⁵⁵ Nevertheless, CAT remained concerned about the persistence of domestic violence, FGM, sexual abuse, rape and forced marriages. It urged Senegal to publicize Act No. 99-05 on the penalization of the crimes of rape, excision, assault and battery, and incest.⁵⁶

29. CAT took note of the second national action plan to hasten the end of the practice of excision (2010–2015).⁵⁷ CAT urged Senegal to ensure that the programme on gender violence and human rights and the related national action plan include access to shelter, medical and psychological assistance, and reintegration programmes.⁵⁸

30. Concerning vulnerable children, including those forced to beg, the Special Rapporteur on migrants urged the Government, in 2011, to ensure the swift implementation of the strategic plan concerning the education and protection of children who are begging or who are not in school. It should also adopt immediately the decree regulating the opening and functioning of religious schools and establish mechanisms to monitor its implementation. The Government should also implement the recommendations of the Committee on the Rights of the Child in order to stop the practice of using *talibés* (children sent to live and study at a religious school) for private economic gain and to bring to justice the perpetrators of that practice.⁵⁹

31. While noting with satisfaction Senegalese measures regarding child beggars, including the strategic plan (2008–2013) to educate and protect child beggars and children who do not attend school, CERD and CAT were concerned that many *talibé* children were victims of trafficking; exploited as beggars; subjected to abuse; and lived in unhealthy conditions.⁶⁰ CERD, CAT and CMW urged to protect *talibés* from ill-treatment and exploitation; set up a monitoring mechanism to help such children and a complaints mechanism accessible to children; bring to justice those responsible for children trafficking

and exploitation; punish the marabouts engaging in economic exploitation of *talibés*; combat child trafficking; implement measures for the rescue and rehabilitation of street children and children forced to beg, including *talibés*; and give *talibés* access to physical and mental health services.⁶¹

32. The ILO Committee of Experts noted information indicating that the number of *talibé* children compelled to beg, consisting mainly of boys between the ages of 4 and 12 years, was estimated at 50,000 in 2010. Most of these children lived in isolated rural areas or were victims of trafficking from neighbouring countries. It emphasized that these children in practice received very little education and were extremely vulnerable, because they depended totally on their religious teacher or marabout. The Committee noted recent allegations that the Government had been very lax in terms of the enforcement of the law and repression of the exploitation of *talibés* and the ill-treatment inflicted on these children. For the ILO Committee of Experts, it was clear that the use of children for begging for purely economic ends could not be accepted under ILO Convention No. 182 (1999) on the Worst Forms of Child Labour. The Committee urged the Government to take immediate and effective measures, in law and practice, to ensure that persons engaged in the sale and trafficking of *talibé* children under 18 years of age for the purposes of economic exploitation, or who made use of these children for begging for purely economic purposes, were prosecuted effectively and that sufficiently effective and dissuasive sanctions were applied to them.⁶²

33. The Special Rapporteur on the right to education recommended in 2011 that the Government ensure the enforcement of national laws criminalizing the organizing of the begging activities of others with a view to profiting from them and criminalizing violence against children. Mechanisms should be established to identify all forms of abuse.⁶³

34. CAT was concerned that Senegal remained a country of origin, transit and destination for trafficking in persons, particularly for forced labour and sexual exploitation. It urged Senegal to eliminate trafficking in persons; protect the victims and provide them with assistance; and prosecute the perpetrators.⁶⁴

35. Concerning trafficking and smuggling, the Special Rapporteur on migrants recommended that the Government ensure that the new draft law on trafficking and smuggling of migrants was in conformity with international human rights standards and that, upon adoption, it was swiftly implemented. The Government should also step up its efforts to prosecute traffickers and to identify and protect all victims of trafficking.⁶⁵

C. Administration of justice, including impunity, and the rule of law

36. CAT was concerned by the lack of independence of the courts. It urged Senegal to reform the High Council of the Judiciary; strengthen the judges' independence; and increase the number of people working in the justice system.⁶⁶

37. In 2010, the Working Group on Arbitrary Detention recommended that the Government authorize the presence of a lawyer during the first 24 hours of police custody and proscribe the use of criminal proceedings and detention to resolve problems of a civil nature, particularly detention for debt.⁶⁷

38. CAT was concerned that detainees did not enjoy all their fundamental rights from the moment they were deprived of liberty; and about the *retour de parquet* practice, which prolonged the custody of persons who had already been brought before the prosecutor.⁶⁸

39. The Working Group on Arbitrary Detention urged the Government to consider the possibility of establishing a special system of justice for minors in accordance with the principles and norms of the Convention on the Rights of the Child and other relevant international instruments and examine the advisability of constructing special detention centres for minors.⁶⁹

40. CAT was concerned that there were not enough specialized judges and courts to meet all the challenges related to children's rights. It urged Senegal to set up a juvenile justice system and train more judges for juvenile courts.⁷⁰

41. While noting allegations of murder in Casamance that had not yet led to convictions,⁷¹ CAT was concerned about amnesty laws in relation to the situation in Casamance on the grounds that they were vital for the restoration of peace, and reiterated its concern that Senegalese laws should not encourage impunity for acts of torture.⁷²

D. Right to marriage and family life

42. While welcoming the draft amendments to the Nationality Code, CERD was disturbed that the law did not allow Senegalese women married to foreigners to pass their nationality on to their children or husbands. It recommended that the Government revise the Nationality Code.⁷³

E. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

43. UNESCO recorded no killing of journalists between 2008 and 2012. Nevertheless, journalists and media workers continued to face harassments, arrests, and physical aggressions which had been reported in the aftermath of the presidential elections of May 2012.⁷⁴ UNESCO encouraged the Government to investigate recent attacks on the media and ensure that the press was able to report freely on all political events.⁷⁵

44. Concerned about allegations of intimidation, threats, physical attacks and arbitrary detention of human rights defenders and journalists, CAT urged Senegal to protect human rights defenders and journalists and punish the perpetrators of such violence.⁷⁶

45. UNESCO reported, in 2013, that Senegal did not have a freedom of information law⁷⁷ and that defamation was a criminal offence punishable with prison terms of up to two years.⁷⁸ UNESCO encouraged the Government to introduce a freedom of information law that was in accordance with international standards.⁷⁹ It also recommended the Government to decriminalize defamation and subsequently incorporate it into the civil code in accordance with international standards.⁸⁰

46. CMW regretted that, under article L.9 of the Senegalese Labour Code (Act No. 97-17), the right of migrant workers to serve as association and trade union officials was subject to a reciprocal agreement with the migrant worker's country of origin. It recommended that Senegal guarantee to all migrant workers such right without the condition of reciprocity with their country of origin.⁸¹

F. Right to work and to just and favourable conditions of work

47. CMW was concerned that the rights of migrant workers in an irregular situation, migrant workers in the informal sector, and migrant workers in transit were not adequately respected; and migrant workers in the formal sector did not benefit from equal treatment

regarding social security. It recommended that Senegal ensure equal treatment for all migrants.⁸²

48. CMW noted with concern that the responsibility for ending the irregular situation in which migrant workers in Senegal could find themselves lied with the migrant workers themselves; and it also noted the lack of information and support provided to migrant workers. It recommended that Senegal ensure that migrant workers do not remain in an irregular situation; launch an information campaign on their rights; and ensure that the regularization procedure is accessible and expeditious.⁸³

G. Right to social security and to an adequate standard of living

49. The Special Rapporteur on the right to safe drinking water recommended that the Government further expand access to safe drinking water and sanitation by ensuring better coordination and coherence in the implementation of initiatives aimed at expanding access to water and sanitation in rural areas.⁸⁴ She added that the Government should ensure the affordability of water and sanitation by making sure that priority was given to communities living in extreme poverty when designing and implementing any initiative aimed at expanding access to water and sanitation.⁸⁵

50. The Special Rapporteur also recommended that the Government strengthen the institutional and legal frameworks for the supply of water and sanitation in order to ensure better coordination of multiple efforts in both sectors. In particular, the Government should ensure that the regulatory framework for public and private sector participation in the provision of water and sanitation fully reflects human rights standards.⁸⁶

H. Right to education

51. The Special Rapporteur on the right to education recommended in 2011 that Senegal modernize the legal framework of the education system by enshrining therein the right to basic education. Such legislation might set out the objectives and approach of the basic education system, based on the concept of “basic educational needs”, and bring the status of teaching staff in line with international standards.⁸⁷

52. UNESCO stated that in 80 *daaras* in the country (homes for poor children meant to provide them with a complete education), studies in three languages (the national language, French and Arabic) and vocational training had been introduced with a view to improving the living and learning conditions of *talibés* and preparing them for integration into society and the labour market.⁸⁸ In some rural areas, it seemed that religious education schools refused to follow the school model provided by the State.⁸⁹ CERD recommended speeding up the *daara* modernization programme; and introducing the standard curriculum for religious schools launched in 2011.⁹⁰ The Special Rapporteur on the right to education stated that it was important to take stock of the situation and to compile the information received about conditions in the *daaras* and their impact on education.⁹¹

53. During his visit he had found that girls did not progress to higher levels of education like boys did, and that forced marriage, early pregnancy, domestic work and sexual abuse all contributed to their failure in school. Monitoring mechanisms should be established to detect any violence or abuse in schools.⁹²

54. UNESCO reported that a Ministry of Education circular prohibited pregnancy among girls in middle and high school. That measure prevented girls from disposing of their own bodies or marrying while attending school. In the event of an accidental pregnancy, the girls were automatically expelled, which put an end to their studies.⁹³ The

Government had stated in a report that it intended to review the circular. Senegal was encouraged to indicate what measures it had taken in that regard in its report for the eighth consultation on the implementation of the Convention against Discrimination in Education.⁹⁴

55. UNESCO reported that in rural areas the average distance to the nearest secondary school was 25 times further than to the nearest primary school. That distance could aggravate the effects of poverty, as poor households often could not afford transport or boarding schools. Girls faced a series of specific obstacles; for example, longer distances could exacerbate security concerns, and in some cases early marriage prevented them from progressing beyond primary school.⁹⁵

56. UNESCO encouraged Senegal to take further measures to combat discrimination in education, protect minorities and promote gender equality in education.⁹⁶

I. Migrants, refugees and asylum seekers

57. In 2010, the Special Rapporteur on migrants recommended that the Government strengthen its efforts to ensure the harmonization and comprehensive implementation of the Treaty of the Economic Community of West African States protocol relating to the free movement of persons, residence and establishment within the domestic legislation. The Special Rapporteur recommended that it either establish an independent entity responsible for the management and follow-up of all questions related to labour migration, or revive the National Commission of Management and Follow-up of Employment Offers; and that strategies, policies and mechanisms in the field of migration should be devised and implemented with the full involvement of all stakeholders, including civil society, returning migrants and young people.⁹⁷

58. CMW noted with concern that insufficient steps have been taken to protect the rights of Senegalese migrant workers and recommended that those memorandums of understanding and bilateral agreements with countries hosting Senegalese migrant workers include provisions in accordance with ICRMW and that civil society be consulted prior to their negotiation; and that its nationals are able seek assistance from the consular authorities.⁹⁸

59. CMW regretted the lack of legislation and policies for children left behind while one or both parents worked abroad, particularly social protection policies.⁹⁹

60. UNHCR noted that Senegal had incorporated into the National Asylum Act (Act No. 68-27 of 24 July 1968) the key principles of international protection for refugees as set out in international instruments. The Act reaffirmed the rights of refugees, highlighted the principle of non-discrimination and established that refugees were entitled to the same treatment as Senegalese nationals with regard to education, access to employment, freedom of movement and access to basic social services and health services.¹⁰⁰ The Senegalese authorities consistently respected the principle of non-refoulement.¹⁰¹

61. However, certain provisions of the National Asylum Act were no longer in line with current international standards. For example, there was no independent review body, and a large number of institutions were involved in managing refugee affairs. UNHCR had initiated discussions with the Senegalese authorities on adopting a new asylum law.¹⁰² UNHCR recommended that the Government take appropriate steps to ensure that the new law would be adopted in 2013, while retaining the new elements that had been incorporated into the Asylum Act, including the provisions on the right of asylum seekers to education, employment and medical care.¹⁰³ CERD recommended adopting the draft amendments to the Act on the Status of Refugees.¹⁰⁴ CAT also urged Senegal to adopt the revised law on

the status of refugees to consolidate safeguards for protecting refugees, asylum seekers, internally displaced persons and stateless persons.¹⁰⁵

62. Despite the fact that secure, digitized identity cards had recently been introduced for refugees, they still had difficulty asserting their rights and prerogatives before some public bodies. Lack of awareness about the refugee identity cards prevented refugees from enjoying certain prerogatives provided for in article 8 of the Act of 1968.¹⁰⁶ UNHCR recommended that the Government continue its efforts to ensure that all refugees recognized by the Senegalese authorities were able to enjoy their rights (including the right to obtain documents intended to facilitate their integration in Senegal).¹⁰⁷ CERD regretted that numerous refugees were awaiting their identity papers, which excluded them from some benefits; and did not enjoy freedom of movement or access to education.¹⁰⁸ CAT raised the same concern.¹⁰⁹

63. The Special Rapporteur on migrants recommended that the Government ensure that migration strategies and policies take into account the special protection needs of asylum seekers and refugees. It should put in place systems of referrals between the immigration services and the National Eligibility Commission, which deals with refugee status determination.¹¹⁰

64. According to UNHCR, at 31 December 2012 Senegal had 16,570 persons under its mandate, of whom 14,237 were refugees and 2,333 were asylum seekers.¹¹¹ Following the signing of a tripartite agreement between Senegal, a neighbouring country and UNHCR, 25,436 refugees had been voluntarily repatriated in safety and dignity between January 2008 and April 2012.¹¹² In addition, in preparation for a possible mass influx of refugees from another neighbouring country, Senegal had developed a contingency plan with the participation of various stakeholders and had identified potential sites in border areas where refugees could be accommodated.¹¹³

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation on Senegal from the previous cycle (A/HRC/WG.6/4/SEN/2).

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities

OP-CRPD Optional Protocol to CRPD
 CPED International Convention for the Protection of All Persons from Enforced
 Disappearance

- ³ Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and CPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; CPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; CPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: CPED, art. 30.
- ⁴ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- ⁵ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.
- ⁶ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.
- ⁷ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- ⁸ International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries and Convention No. 189 concerning Decent Work for Domestic Workers.
- ⁹ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.
- ¹⁰ Report of the Special Rapporteur on the human right to safe drinking water and sanitation: Mission to Senegal, A/HRC/21/42/Add.1, para. 82 (e).
- ¹¹ Concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/SEN/CO/16-18), para. 23.
- ¹² Concluding observations of the Committee on Migrant Workers (CMW/C/SEN/CO/1), para. 10.
- ¹³ UNHCR submission to the UPR on Senegal, p. 1.
- ¹⁴ Ibid.
- ¹⁵ Ibid., p. 5.
- ¹⁶ CERD/C/SEN/CO/16-18, para. 4.
- ¹⁷ Concluding observations of the Committee against Torture (CAT/C/SEN/CO/3), para. 8.
- ¹⁸ Ibid., para. 22.
- ¹⁹ Ibid., para. 15.
- ²⁰ CERD/C/SEN/CO/16-18, para. 14.
- ²¹ Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, A/HRC/16/57/Add.3, para. 110.
- ²² ILO Committee of Experts on the Application of Conventions and Recommendations, Observation concerning the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), adopted 2012, published 102nd ILC session (2013), available from www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3080733.

- ²³ According to article 5 of the rules of procedure for the International Coordination Committee (ICC) Sub-Committee on Accreditation, the different classifications for accreditation used by the Sub-Committee are: A: Voting Member (fully in compliance with each of the Paris Principles), B: Non-Voting Member (not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination), C: No Status (not in compliance with the Paris Principles).
- ²⁴ For the list of national human rights institutions with accreditation status granted by the International Coordination Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/23/28, annex.
- ²⁵ CERD/C/SEN/CO/16-18, para. 20. See also CAT/C/SEN/CO/3, para. 23.
- ²⁶ CAT/C/SEN/CO/3, para. 23.
- ²⁷ Ibid., para. 6 (a).
- ²⁸ Ibid., para. 23.
- ²⁹ CERD/C/SEN/CO/16-18, para. 5, and CAT/C/SEN/CO/3, para. 7 (a).
- ³⁰ CAT/C/SEN/CO/3, para. 7 (a).
- ³¹ CMW/C/SEN/CO/1, para. 22.
- ³² A/HRC/16/57/Add.3, para. 110.
- ³³ Ibid., para. 110.
- ³⁴ Ibid., para. 116. See also CAT/C/SEN/CO/3, para. 19.
- ³⁵ The following abbreviations have been used for this document:
- | | |
|--------------|--|
| CERD | Committee on the Elimination of Racial Discrimination |
| CESCR | Committee on Economic, Social and Cultural Rights |
| HR Committee | Human Rights Committee |
| CEDAW | Committee on the Elimination of Discrimination against Women |
| CAT | Committee against Torture |
| CRC | Committee on the Rights of the Child |
| CMW | Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families |
| CRPD | Committee on the Rights of Persons with Disabilities |
| CED | Committee on Enforced Disappearances |
| SPT | Subcommittee on Prevention of Torture |
- ³⁶ CERD/C/SEN/CO/16-18, para. 25.
- ³⁷ CAT/C/SEN/CO/3, para. 28.
- ³⁸ For the titles of special procedures, see www.ohchr.org/EN/HRBodies/SP/Pp./Themes.aspx and www.ohchr.org/EN/HRBodies/SP/Pp./Countries.aspx.
- ³⁹ OHCHR, 2009 Report: Activities and Results, pp. 86–87.
- ⁴⁰ Ibid., p. 22.
- ⁴¹ OHCHR, 2011 Report: Activities and Results, p. 157.
- ⁴² Ibid., p. 187.
- ⁴³ Ibid., p. 157.
- ⁴⁴ OHCHR, 2012 Report: Activities and Results, p. 37.
- ⁴⁵ Ibid., p. 60.
- ⁴⁶ CERD/C/SEN/CO/16-18, para. 13.
- ⁴⁷ Ibid., para. 12.
- ⁴⁸ CAT/C/SEN/CO/3, para. 11.
- ⁴⁹ Ibid., para. 13.
- ⁵⁰ Ibid., para. 25.
- ⁵¹ Ibid., para. 17.
- ⁵² CMW/C/SEN/CO/1, para. 15. See also CERD/C/SEN/CO/16-18, para. 18.
- ⁵³ CERD/C/SEN/CO/16-18, para. 18.
- ⁵⁴ Report of the Working Group on Arbitrary Detention: Mission to Senegal, A/HRC/13/30/Add.3, para. 82.
- ⁵⁵ CERD/C/SEN/CO/16-18, para. 8.
- ⁵⁶ CAT/C/SEN/CO/3, para. 14.
- ⁵⁷ Ibid., para. 7 (c).
- ⁵⁸ Ibid., para. 14.

- ⁵⁹ Report of the Special Rapporteur on the human rights of migrants: Mission to Senegal, A/HRC/17/33/Add.2, para. 99.
- ⁶⁰ CERD/C/SEN/CO/16-18, paras. 6 and 14, and CAT/C/SEN/CO/3, para. 15. See also CMW/C/SEN/CO/1, para. 18.
- ⁶¹ CERD/C/SEN/CO/16-18, para. 14; CAT/C/SEN/CO/3, para. 15; and CMW/C/SEN/CO/1, para. 18.
- ⁶² ILO Committee of Experts on the Application of Conventions and Recommendations, Observation concerning the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), adopted 2012, published 102nd ILC session (2013), available from www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3080733.
- ⁶³ Report of the Special Rapporteur on the right to education: Mission to Senegal, A/HRC/17/29/Add.2, para. 96.
- ⁶⁴ CAT/C/SEN/CO/3, para. 16. See also CMW/C/SEN/CO/1, para. 3.
- ⁶⁵ A/HRC/17/33/Add.2, para. 98.
- ⁶⁶ CAT/C/SEN/CO/3, para. 18. See also para. 10.
- ⁶⁷ A/HRC/13/30/Add.3, para. 82.
- ⁶⁸ CAT/C/SEN/CO/3, para. 10.
- ⁶⁹ A/HRC/13/30/Add.3, para. 82.
- ⁷⁰ CAT/C/SEN/CO/3, para. 19.
- ⁷¹ *Ibid.*, para. 11.
- ⁷² *Ibid.*, para. 9.
- ⁷³ CERD/C/SEN/CO/16-18, para. 19.
- ⁷⁴ UNESCO submission to the UPR on Senegal, para. 36.
- ⁷⁵ *Ibid.*, para. 51.
- ⁷⁶ CAT/C/SEN/CO/3, para. 20.
- ⁷⁷ UNESCO submission to the UPR on Senegal, para. 33.
- ⁷⁸ *Ibid.*, para. 34.
- ⁷⁹ *Ibid.*, para. 49.
- ⁸⁰ *Ibid.*, para. 48.
- ⁸¹ CMW/C/SEN/CO/1, para. 16.
- ⁸² *Ibid.*, para. 14.
- ⁸³ *Ibid.*, para. 23.
- ⁸⁴ A/HRC/21/42/Add.1, para. 83.
- ⁸⁵ *Ibid.*, para. 86.
- ⁸⁶ *Ibid.*, para. 82.
- ⁸⁷ A/HRC/17/29/Add.2, para. 86.
- ⁸⁸ UNESCO submission to the UPR on Senegal, para. 16.
- ⁸⁹ *Ibid.*, para. 17.
- ⁹⁰ CERD/C/SEN/CO/16-18, paras. 6 and 14.
- ⁹¹ A/HRC/17/29/Add.2, para. 96.
- ⁹² *Ibid.*, para. 90.
- ⁹³ UNESCO submission to the UPR on Senegal, para. 11.
- ⁹⁴ *Ibid.*, para. 44.
- ⁹⁵ *Ibid.*, para. 14.
- ⁹⁶ *Ibid.*, para. 43.
- ⁹⁷ A/HRC/17/33/Add.2, paras. 90–91.
- ⁹⁸ CMW/C/SEN/CO/1, paras. 17 and 20.
- ⁹⁹ *Ibid.*, para. 19.
- ¹⁰⁰ UNHCR submission to the UPR on Senegal, p. 1.
- ¹⁰¹ *Ibid.*, p. 2.
- ¹⁰² *Ibid.*, pp. 3–4.
- ¹⁰³ *Ibid.*, p. 4.
- ¹⁰⁴ CERD/C/SEN/CO/16-18, para. 15.
- ¹⁰⁵ CAT/C/SEN/CO/3, para. 21.
- ¹⁰⁶ UNHCR submission to the UPR on Senegal, p. 5.
- ¹⁰⁷ *Ibid.*, p. 5. See also CERD/C/SEN/CO/16-18, para. 17.
- ¹⁰⁸ CERD/C/SEN/CO/16-18, para. 16.

¹⁰⁹ CAT/C/SEN/CO/3, para. 21.

¹¹⁰ A/HRC/17/33/Add.2, para. 97.

¹¹¹ UNHCR submission to the UPR on Senegal, p. 1.

¹¹² Ibid., p. 2.

¹¹³ Ibid., p. 2.
