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NATIONAL REPORT SUBMITTED IN ACCORDANCE WITH PARAGRAPH 15 (A) OF THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1*

Senegal

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I. METHODOLOGY FOR PREPARATION OF THE REPORT

1. This report is the fruit of close collaboration between the ministerial departments concerned and the High Commissioner for Human Rights and the Promotion of Peace, whose constant concern has been to highlight a facet of Senegal's militant campaign to protect and promote all human rights - which is a top national priority and an international obligation.
2. This common endeavour stems from the desire to produce consensus reports that reflect the realities on the ground as closely as possible and build on a long tradition of collaboration with civil society.
3. The Senegalese tradition of shared preparation of reports and consultation of non-State actors is reinforced by the binding nature of such consultations under the provisions of the Senegalese Committee on Human Rights Act of 10 March 1997.
4. In keeping with the Paris Principles on national institutions, this Committee is independent and pluralistic in composition. Its main role is to hand down opinions or recommendations on any matters relating to human rights, including reports prepared by the Government for human rights treaty bodies.
5. Given this participatory process, the preparation of the report has been as follows:
 - (a) A first, governmental, phase with the establishment of a drafting committee whose data-gathering and selection of the appropriate methodology for the task led to a first draft that was then presented to a larger team comprising all the governmental entities concerned;
 - (b) A second phase during which the report, already improved, was further improved thanks to the advice and comments, duly taken into account, of the Senegalese Committee on Human Rights and other members of civil society.
6. In sum, the process resulting in this national report for the universal periodic review can claim to be national in dimension and quality, reflecting a genuine concern for clarity and completeness in accordance with the relevant provisions of Human Rights Council resolution 5/1.

II. NORMATIVE AND INSTITUTIONAL FRAMEWORK

7. Senegal is in the Sudano-Sahelian zone, at the westernmost part of the African continent in the Atlantic Ocean where Europe, Africa and the Americas converge and at the crossroads of major air and shipping routes. Covering an area of approximately 196,722 km², it is bounded to the north by Mauritania, to the east by Mali, to the south by Guinea and Guinea Bissau, and to the west by the Gambia and an Atlantic coast of over 500 km. Dakar, the capital, with an area of 550 km², is a peninsula in the extreme west of the country.
8. Senegal has 11.9 million inhabitants. More than 25 per cent of the population is concentrated in the Dakar region. The other densely populated area is in the centre of the country around Kaolack, the groundnut basin, with more than 35 per cent of the population. The east of the country is very sparsely populated.
9. Senegal has about 20 ethnic groups in which the Wolof (43 per cent), the Pulaar (24 per cent), and the Serer (15 per cent) predominate.

10. Foreigners make up about 2 per cent of the population. They are mainly in the capital, Dakar, and are active in commerce, industry, services, and international organizations.

Total population	11.9 million
Urban population	41 per cent
Growth	2.8 per cent per year
Young people	58 per cent are aged under 20
Active population	42 per cent
Population with school education	55.7 per cent
Religions	94 per cent Muslim
	5 per cent Christian
	1 per cent traditional religions

11. In accordance with articles 1 and 3 of the Constitution, the political structure of Senegal is a secular, democratic and social republic which guarantees the equality of all citizens before the law without distinction as to origin, race, sex or religion, and respects all beliefs.

12. The Constitution enshrines the principle of democracy and points out that national sovereignty belongs to the Senegalese people, who exercise it through their representatives or through referenda.

13. The republican form of government is based on a democratic political system with separate, independent executive, legislative and judicial arms.

14. The President and head of the Executive is elected by direct universal suffrage. He defines national policy, which is implemented by a Government led by a Prime Minister whom he appoints.

15. Legislative power is exercised by Parliament, which keeps a check on the executive and passes laws. It comprises representative assemblies known as the National Assembly and Senate.

16. The Senate is a new body born of the constitutional amendments passed in 2007 and 2008, which mark positive developments in the establishment of the rule of law and a reform of national institutions.

17. The Senegalese political system rests on an administrative set-up that has been reformed with the elevation of the departments of Kaffrine, Kedougou and Sédhiou into regions, bringing the number to 14. A long-standing policy of decentralization has brought about three categories of communities: the rural community, the commune and the region, a new category created by the Local Authorities Code (Act No. 96-06 of 22 March 1996). Decentralization seeks to entrench local democracy and cultivate good local governance, local self-administration and local development. Hence communities enjoy administrative autonomy and independent financial management in the areas of authority that have been transferred to them, comprising land management.

18. The combination of these factors has helped to ensure participatory democracy and local civic management, to the great benefit of local communities.

19. Similarly, the judicial system, rationalized by the reinstatement of a Supreme Court coexisting with a Constitutional Council, offers greater efficiency in the administration of justice. These essential institutional changes in the judicial sector were preceded by substantial government efforts to improve working and living conditions for stakeholders in the justice system, magistrates and judges especially.

20. Senegal as a State is deeply committed to human rights and fundamental freedoms and their protection and promotion - nationally, within Africa and globally.

21. At the international level, on 2 May 1963 the Head of State of Senegal sent the Secretary-General of the United Nations a letter by which, under the principle of succession of States, Senegal agreed to be bound by all agreements, conventions and protocols on the promotion and protection of human rights predating its independence.

22. After becoming sovereign, Senegal helped to codify international human rights law by actively participating in the development of the African Charter on Human and Peoples' Rights, the International Convention on the Rights of All Migrant Workers and Members of Their Families, the two International Covenants on civil and political rights and on economic, social and cultural rights, and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

23. To give full effect to these international conventions and agreements, article 98 of the Constitution states: "Treaties or agreements duly ratified or approved shall, upon publication, outrank laws, subject in each case to application of the agreement or treaty by the other party." With this key provision, the Constitution enshrines the supremacy of treaties in the national legal system and reflects the country's commitment to human rights in consequence.

24. Senegal has also striven for the progressive affirmation of the right to development and has by now ratified almost all the basic international human rights instruments and the related additional or optional protocols, as the non-exhaustive list below shows:

(a) The International Convention for the Suppression of the White Slave Traffic, signed at Paris, and amended by the Protocol of Lake Success (New York) on 4 May 1945 (accession through the principle of succession of State by letter of 2 May 1963 addressed to the Secretary-General of the United Nations).

(b) The Slavery Convention signed at Geneva on 25 September 1926 (accession through the principle of succession of States in 1963).

(c) The 1930 Forced Labour Convention (date of accession 2 November 1963).

(d) The International Convention for the Suppression of the Traffic in Women of Full Age, signed at Geneva on 11 October 1953 and amended by the Protocol of Lake Success (New York) of 12 November 1947 (date of accession 2 May 1963, under principle of succession of States).

(e) The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, signed at Lake Success (New York) on 11 March 1950, ratified on 19 July 1979;

(f) The Convention relating to the Status of Refugees, signed at Geneva on 28 July 1951, ratified on 9 May 1963, and the Protocol thereto, signed in New York on 31 January 1967 and ratified on 3 October 1967;

(g) The International Convention on the Elimination of All Forms of Racial Discrimination, signed in New York on 7 March 1966 and ratified on 9 April 1972;

(h) The International Covenant on Civil and Political Rights, adopted in New York on 16 December 1966 and ratified in 1978;

(i) The International Covenant on Economic, Social and Cultural Rights, adopted in New York on 16 December 1966 and ratified on 13 February 1978;

(j) The Optional Protocol to the International Covenant on Civil and Political Rights, adopted in New York on 16 December 1966 and ratified on 13 February 1978;

(k) The International Convention on the Elimination of All Forms of Discrimination against Women, adopted in New York on 18 December 1979 and ratified on 5 February 1985;

(l) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted in New York on 10 December 1984 and ratified on 21 August 1986;

(m) The Convention on the Rights of the Child, adopted in New York on 20 December 1989 and ratified on 31 July 1990;

(n) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, ratified on 31 October 2003;

(o) The Rome Statute of the International Criminal Court, adopted on 17 July 1998 and ratified on 1 February 1999.

25. Senegal is one of the 57 original signatories to the International Convention for the Protection of All Persons from Enforced Disappearance, adopted unanimously on 20 December 2006 by the United Nations General Assembly. The Senegalese National Assembly has already authorized the Head of State to ratify the Convention.

26. In addition, Senegal has ratified the following African legal instruments:

(a) The African Charter on Human and Peoples' Rights, signed in Nairobi, Kenya, on 21 June 1981 and ratified on 13 August 1982;

(b) The African Charter on the Rights and Welfare of the Child, adopted in July 1990 in Addis Ababa and ratified on 29 September 1996.

27. Besides the above, the new Constitution of 22 January 2001, which is the result of the democratic change of Government on 19 March 2000, has helped to consolidate, broaden and reinforce self-expression and liberty for the Senegalese by giving additional rights constitutional rank.

A. The constitutional dimension of human rights

28. Senegalese law is marked by the constitutional guarantee of human rights, both in the preamble and in the body of the Constitution of 22 January 2001, which builds on the guiding principles informing all Senegalese basic laws; these principles include the commitment of Senegal in the area of respect for and promotion of human rights.

29. In this regard, the Constitution affirms in its preamble Senegal's adherence to the Declaration of the Rights of Man and the Citizen of 1789 and the international instruments adopted by the United Nations and the Organization of African Unity, including the Universal Declaration of Human Rights of 10 December 1948, the Convention on the Elimination of All Forms of Discrimination against Women of 18 December 1979, the Convention on the Rights of the Child of 20 November 1989 and the African Charter on Human and Peoples' Rights of 27 June 1981.

30. The word "including" in this provision indicates that the Constitution remains open to all other future human rights instruments to which Senegal becomes a party.

31. At this level, one of the most significant elements retained by the Constituent Assembly is article 98 of the Constitution, which states: "Treaties or agreements duly ratified or approved shall on publication take precedence over domestic laws, provided that each agreement or treaty is applied by the other party."

32. In addition to the preamble, a set of homogeneous provisions, articles 7 to 25, which come under Title II of the Constitution entitled "Civil Liberties and the Human Person, Economic, Social and Collective Rights", enshrines Senegal's commitment to human rights.

33. Constitutional jurisprudence reinforces this stance in two ways:

(a) The Constitutional Council decision of 23 June 1993 extends the "constitutional bloc" to include the specific statements contained in the preamble to the Constitution;

(b) The Constitutional Council decision of 16 December 1993 on the Treaty of Port Louis on the Harmonization of Business Law in Africa extends the "constitutional bloc" to cover the preamble to the Constitution in general.

B. Judicial development of human rights

34. This relates primarily to the Constitutional Council and the ordinary courts.

35. Human endeavours being inherently flawed, the legislature and the administrative authorities may, in their law-making activities, infringe citizens' human rights.

36. In such cases, the Constitutional Council can be seized for the purpose of setting aside the relevant law through two procedures:

- Referral by way of proceedings: the Senegalese Constitution gives the President of the Republic and parliamentarians constituting one tenth of the members of the National Assembly or Senate the power to appeal to the Constitutional Council to declare a law unconstitutional within six days of its final adoption by the National Assembly and before its promulgation by the President of the Republic.

Thus, a law that infringes the provisions on human rights may be brought before the Constitutional Council to be set aside.

- Referral by way of objection: given the very limited number of authorities or instances that can trigger referral by way of proceedings, the legislature sought to "democratize" access to the Constitutional Council through the mechanism of referral by way of objection. This form of referral is more open in that it is available to every citizen involved in proceedings.

Thus, article 20 of the Act No. 92-23 of 30 May 1992 establishing the Court of Cassation provides that when a party believes that the law applicable to his or her case does not comply with the Constitution, that person may raise the objection of unconstitutionality before the Court of Cassation, which is obliged to refer the matter to the Constitutional Council and to stay proceedings until the latter institution has decided on the preliminary question referred to it. Objections may also be raised in the same manner before the Council of State.

37. At the level of the ordinary courts, this issue relates more to first generation human rights. As such, Senegalese citizens on trial enjoy, in addition to the rights granted to every party to proceedings, specific rights recognized only in criminal proceedings.

38. The guiding principles concerning trials are applied in Senegal, namely:

- (a) The principle of adversarial proceedings;
- (b) The principle requiring the court to make a decision on all the questions submitted to it and on nothing else;
- (c) The principle of respect for the right to a defence.

39. Thus, a person taking criminal indemnification proceedings or being prosecuted has the right, in accordance with article 10 of the Universal Declaration of Human Rights, to “a fair and public hearing by an independent and impartial tribunal”.

40. In addition, the person being prosecuted has the right to respect for his or her physical integrity; this precludes any act of torture in the search for evidence. This principle is contained in article 5 of the Declaration.

41. Furthermore, the person being prosecuted has the right to confidentiality insofar as his or her correspondence and communications by post, telegraph and telephone are concerned.

42. The right to privacy is also guaranteed to such person.

43. In general, the person being prosecuted benefits from all the requirements imposed under the provisions of international conventions on human rights to which Senegal is a party and those stipulated in Title II of the Constitution.

44. Regarding the specific rights recognized to persons prosecuted in criminal matters, they enjoy the following two fundamental rights:

(a) The presumption of innocence: this right is provided, inter alia, in article 7, paragraph 1 (b), of the African Charter of Human and Peoples’ Rights and article 11, paragraph 1, of the Universal Declaration of Human Rights. In accordance with this right, in criminal trials, if the prosecution fails to prove that a person is guilty, he or she is presumed innocent until evidence of guilt is presented. If the prosecution, which has that burden, does not honour it, the defendant is acquitted or discharged;

(b) Respect for the right to a defence: this is a generic term that encompasses several aspects, including the right to defend oneself or be defended by counsel of one’s choice, the right to have the last word, the right to be informed of the charges against one, the right to examine witnesses or have witnesses examined.

45. Regarding the specific situation of detained persons, who have the right to liberty and security, they may have the legality of their detention reviewed. Moreover, such review must take place at the earliest opportunity.

46. Human rights thus occupy a central place in the Constitution and in the legal and institutional arrangements of Senegal as, indeed, in the everyday political practice of the Government of the Republic.

C. The institutional dimension of human rights

47. Senegal has continued to consolidate its national institutions since independence. It has accomplished a great deal at the institutional level, creating a number of structures.

1. The High Commissioner for Human Rights and the Promotion of Peace

48. Senegal now has a High Commissioner for Human Rights and the Promotion of Peace, whose mission - to protect and promote all human rights - is a top priority.

49. The Office of the High Commissioner, part of the Office of the President, includes:

(a) A human rights desk which can receive complaints from any individual or body corporate, and from organizations working in the field of human rights and international humanitarian law;

(b) A follow-up unit, which is also responsible for documentation and promotion of human rights and international humanitarian law. Its tasks include the preparation of national reports on the human rights situation.

2. The Senegalese Human Rights Committee

50. The powers of the Senegalese Human Rights Committee, established in 1970 in replacement of the National Human Rights Commission, have recently been extended.

51. Initially governed by Decree No. 93-141 of 16 February 1993, the Committee's status was, four years later, enhanced by a law promulgated on 10 March 1997. The Committee is an independent body, which is pluralistic in its composition. Its main role is:

(a) To publicize human rights through advocacy;

(b) To attract the attention of the authorities to human rights violations and, where appropriate, to propose measures to end them;

(c) To issue opinions or recommendations in all matters relating to human rights;

(d) To submit an annual report to the President on the situation of human rights in Senegal.

3. The Office of the Ombudsman

52. The Office of the Ombudsman is an independent administrative authority established by Act No. 91-14 of 11 February 1991, as amended by Act No. 99-04 of 29 January 1999.

53. In addition to its traditional powers under the Act of 1991, confirmed by the new law, the Office, which usually responds to individual complaints, may also act preventively by self-referral, since the Act No. 99-04 of 29 January 1999. It plays an intermediary role between government and citizens who feel aggrieved in their rights or interests.

54. The institutional structure of human rights in Senegal, which enjoys the invaluable support of United Nations bodies in the field, has been reinforced by the opening of the Regional Office for West Africa of the High Commissioner for Human Rights. Thanks to its mandate and functions, this Office, that focuses on technical assistance in human rights, should enhance the technical status of the countries of the subregion, including Senegal, in this field.

55. On 3 December 2007, a Headquarters Agreement was signed, in the presence of the Assistant High Commissioner for Human Rights, between the Government of the Republic of Senegal and the United Nations High Commissioner for Human Rights to mark the opening of the Regional Office. This Agreement, according to its terms, will enable the Regional Office, with the variety of facilities made available by the Government of Senegal, including privileges and immunities and the provision of premises to house its headquarters, to carry out its missions that cover the whole of West Africa.

III. PROMOTION AND PROTECTION OF HUMAN RIGHTS

56. Senegal takes a proactive approach to all matters relating to civil and political rights, together with economic, social and cultural rights.

57. Senegal has a long tradition of promoting and protecting civil and political rights, which are enshrined in positive law and in particular the Constitution. These rights are subsequently incorporated into multiple initiatives designed for the benefit of citizens.

58. As for collective rights, the advent of dozens of political parties and the development of numerous religious, commercial and scientific associations, operating on a for-profit or non-for-profit basis, reflects the full enjoyment of freedom of opinion, association and assembly, freedom of movement, the freedom to demonstrate in public and trade union freedoms.

A. Freedom of opinion and expression and freedom of the press

59. Article 10 of the Senegalese Constitution stipulates: "Press organs providing information on politics, the economy, culture, sports, social, leisure or science may be freely established without the need for prior authorization of any kind. The regulations on the press shall be established by law." However, the exercise of freedom of expression through, inter alia, freedom of the press, is regulated by Act No. 96-04 of 22 February 1996, introducing the Press Code, the explanatory notes to which refer to the observance of the former article 8 of the Constitution of 7 March 1963, corresponding to article 10 of the current Basic Act; the Code grants every citizen the right freely to express and disseminate their opinions orally, in writing or through images, subject to the limits set down in the laws and regulations and with due respect for the honour of others.

60. These limits are taken up in articles 248 to 279 of the Criminal Code, which define breaches of the law and the penalties for press offences, together with articles 618 to 632 of the Code of Criminal Procedure, which provide for a special procedure to deal with press offences.

61. The Senegalese legislation which regulates freedom of the press subject to the above-mentioned limits is in conformity with article 19 of the International Covenant on Civil and Political Rights of 16 December 1966, which instrument Senegal ratified on 13 February 1978.

While the Covenant affirms the principle of freedom of expression in article 19, paragraphs 1 and 2, it also prohibits abuses by allowing for the imposition of “certain restrictions”, although only such as are expressly provided for by law and are necessary “for respect of the rights or reputations of others” and “for the protection of national security or of public order (ordre public), or of public health or morals”.

62. At the institutional level, Act No. 38-2005 of 21 December 2005 replaced and repealed the provisions on the High Audio-visual Council, establishing an independent body known as the National Audio-visual Regulation Council to deal with the sweeping changes taking place in the media sector as a result of the proliferation of radio stations and the creation of new television channels.

63. The main functions of the Regulation Council are to:

- (a) Ensure the independence and freedom of information and communication in the audio-visual sector;
- (b) Ensure compliance with the laws on the sector and the regulations on technical specifications and sectoral agreements;
- (c) Comment on proposals or draft legislation or regulations that fall within its purview.

64. Unlike the former High Council for Radio and Television, which was only authorized to comment on the public media, the powers of the National Audio-visual Regulation Council extend to all audio-visual broadcasters in Senegal. The Council also has the power to take coercive measures and impose penalties on any audio-visual media broadcaster that breaches the relevant legislation.

65. Efforts to promote freedom of expression have resulted in the proliferation of media organs. With the advent of digital technology, there are now dozens of national and international radio and television stations on the audio-visual scene in Senegal.

66. Given the large number of press offences that have occurred, the Government has undertaken to work with organizations like the National Regulation Council and the Senegal Trade Union of Information and Communication Professionals to reform the profession, which is peopled by many competent journalists but continues to suffer from the presence of persons who were trained on the job and therefore pay less attention to the obligations that are an integral part of the journalist’s profession and are generally taught at journalism schools.

67. The Government furthermore supports the press through various initiatives such as the project to create a maison de presse (press institution). The first stone was laid on 10 May 2007 and the institution will be equipped with modern technology and provided with a subsidy, which will be revised upwards each year. These initiatives support the environment for training which was mapped out long ago by the Centre for the Study of Information Sciences and Techniques, a leading multinational school which is part of the University of Dakar and was created in 1965 on the initiative of the Senegalese State and with the support of UNESCO.

B. Human trafficking

68. Further support for the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, which Senegal ratified on 19 July 1979, was provided in

Act No. 2005-06 of 10 May 2005, article 1 of which defines and punishes trafficking in persons for the purposes of sexual exploitation, forced labour or services, or slavery. The Act applies to human trafficking at both the domestic and transnational levels alike.

69. The penalties prescribed in Act No. 2005-06 for human trafficking are imprisonment for 5 to 10 years and a fine of from 5 to 20 million CFA francs (CFAF).

70. Under article 15 of the Act victims have the right to apply to remain temporarily or permanently in Senegal, with the status of residents or refugees, and may also bring legal proceedings against their traffickers.

71. The legal instruments which deal with this topic are supplemented, inter alia, by:

(a) The ILO Worst Forms of Child Labour Convention, 1999 (No. 182), ratified on 1 June 2000;

(b) The ILO Forced Labour Convention, 1930 (No. 29), ratified on 4 November 1960;

(c) The ILO Abolition of Forced Labour Convention, 1957 (No. 105), ratified on 28 July 1960;

(d) The United Nations Convention against Transnational Organized Crime and its Additional Protocols of December 2000, including the Protocol on Trafficking in Persons, Especially Women and Children and the Protocol against the Smuggling of Migrants, ratified by Senegal on 19 September 2003;

(e) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, ratified on 14 October 2003.

C. The death penalty

72. On 10 December 2004, Act No. 2004-38, abolishing the death penalty, was adopted by the National Assembly after several long decades of a situation of de facto abolition.

73. The sacredness of human life is reaffirmed in the Act as in the Constitution of 22 January 2001, article 7 of which states: “Human life is sacred; it is inviolable. The State shall respect and protect it.”

74. Senegal has ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, which was adopted by the United Nations General Assembly on 15 December 1989.

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

75. After ratifying, on 21 August 1986, the Convention against Torture, which entered into force on 10 December 1984, Senegal adopted Act No. 96-15 of 28 August 1996 inserting an article 295-1 into the Criminal Code defining the offence of torture in the terms set out in article 1 and in conformity with article 4 of the Convention.

76. Pursuant to Act No. 96-15 of 28 August 1996, supplementing the Criminal Code with the addition of article 295-1, torture is now defined as follows: “Acts of torture are injuries, blows,

physical or mental violence or other forms of assault inflicted either for the purpose of obtaining information or a confession, imposing punishment by way of a reprisal or making threats or for any reason based on discrimination.”

77. Attempted offences are subject to the same penalties as actual offences and the perpetrators of torture or attempted torture face terms of from 5 to 10 years in prison and fines of from CFAF 100,000 to 500,000. Punishment of complicity in torture is assured under Senegalese law. Complicity is dealt with in articles 46 and 47 of the Criminal Code. It is always punishable, unless a special provision expressly provides otherwise. Moreover, the principle of joint responsibility for crime is firmly established in the Senegalese legal system; accessories to crimes faced the same penalties as the perpetrators.

78. To supplement the normative framework by which it is bound in this area, on 20 September 2006 Senegal ratified the Optional Protocol to the Convention against Torture, which entered into force on 22 June 2006.

79. The laws on torture echo the relevant provisions of the Rome Statute of the International Criminal Court (ICC), which are also reflected in the series of laws that were enacted on 12 February 2007. Senegal was the first country in the world to ratify the Statute - on 1 February 1999 - having actively supported the Court by waging a campaign to secure signatures and ratifications by African States and making a voluntary contribution of CFAF 50 million to the Court's Trust Fund for Victims.

E. The rights of migrant workers

80. Senegal acceded, on 9 June 1999, to the International Convention on the Rights of All Migrant Workers and Members of their Families. In addition, it patiently pursues the global campaign for the widest possible ratification of the Convention, as the persons protected by this instrument must be treated, in all places and in all circumstances, in a manner that ensures strict observance of their rights and dignity on a similar footing as national workers.

81. In furtherance of this commitment, Senegal is pushing hard for wide ratification of the Convention in a general situation where people tend to overlook the rights concerned and the most serious threats and gravest perils which a particularly active transnational crime network poses for the beneficiaries.

82. Senegal has also finalized the initial report which it is due to submit soon to the United Nations Committee concerned, and acceded to the request for a visit by the United Nations Special Rapporteur on the rights of migrant workers, Mr. Jorge Bustamante.

83. The protection of minors is seen as a matter of necessity, since children are often used, against their will, in dangerous journeys within or across borders. It is for this reason that Senegal has signed bilateral agreements to prevent the migration of unaccompanied Senegalese minors.

F. Freedom of conscience and religion and cultural rights

84. Article 24 of the Senegalese Constitution recognizes the right to freedom of conscience and religion in the following terms: “Freedom of conscience, religious and cultural freedoms and the religious profession are guaranteed to all subject to the protection of public order. Religious institutions and communities have the right to develop without hindrance. They are not subject to State control. They regulate and administer their affairs in an autonomous manner.”

85. This political determination is reflected in practice by the existence of several Muslim groups coexisting in harmony with Christian congregations, and more generally by Senegal's strong commitment to promoting tolerance and dialogue among civilizations.

86. A better illustration of the harmony among communities of different faiths can be seen in the fact that during the 11th Summit of the Organization of the Islamic Conference (OIC), held in Dakar on 13 and 14 March 2008, when the new charter of OIC was adopted, Senegal, which holds the Presidency of OIC for the current three-year period and has already ratified the charter, added its voice to that of the "Ummah" Islamic community in reaffirming, if reaffirmation were needed, the peaceful and tolerant nature of Islam. In a world where religion in general and Islam in particular is denigrated and attacked for its religious beliefs or practices, Senegal is planning to hold an Islamic-Christian summit in Dakar in 2009.

87. As regards cultural rights, Senegal has a rich cultural heritage, some elements of which, such as the island of Goree, a symbol of the slave trade, have been elevated to the rank of world heritage. On attaining independence, Senegal affirmed its inclination to use culture as a means of bringing people together by organizing the first Festival of Negro Arts in 1966 - an event it intends to repeat from 1 to 21 December 2009 in Dakar. A Conference of Intellectuals from Africa and the Diaspora also took place in Dakar, from 7 to 9 October 2004.

88. Senegal understands culture not only as a tool for promoting friendship among peoples but also as a lever for economic and social development. Hence it is bound bilaterally by agreements on cultural cooperation with countries in various parts of the world. It ratified the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions on 20 September 2006; the Convention entered into force on 18 March 2007.

89. On the legal front, cultural rights are enshrined in article 8 of the Constitution and are buttressed by laws including the Act No. 2008-09 of 25 January 2008 on copyright and neighbouring rights.

G. The fight against poverty

90. This area, long a matter of concern to Senegal for obvious reasons related to its status as a developing country, remains a priority.

91. In logical progression, the Government has put in place:

(a) A Social Development Fund (from 2002 to 2005) which has supported the implementation of 1,172 projects together worth 10.5 billion CFA francs (2 billion CFAF for projects directly affecting families) with 486 Community Base Organizations (CBOs) including 300 women's CBOs. The total number of beneficiaries is 917,385;

(b) The Poverty Reduction Support Programme (PAREP), funded with 1.3 billion CFA francs between 2003 and 2005, to help marginalized and vulnerable groups (women, youth, children, handicapped persons, the elderly, displaced persons and refugees) through their organizations;

(c) The Poverty Action Programme (PLCP) with a total worth of CFAF 15 billion, benefiting 75,236 recipients of microcredits, 80 per cent of them women;

(d) The National Solidarity Fund, with an annual expenditure in 2004 estimated at CFAF 650 million.

92. The most far-reaching measure taken by the Government in the fight against poverty has been the production of the poverty reduction strategy paper (PRSP).

93. The PRSP follows up on the various stabilization policies followed since the late 1970s, and the first structural adjustments in the mid-1980s, with the devaluation of the CFA franc in January 1994, which allowed the Senegalese economy to return to growth. However, the return to growth over the period 1995-2001 was not enough to ensure a significant reduction in poverty.

94. Because of the participatory process that gives it legitimacy, the PRSP is the reference point for all stakeholders. It serves as a basis for the development of sectoral development plans and investment programmes.

95. The PRSP is a consensus document in that it is prepared on the basis of the needs expressed by citizens and civil society during extensive consultations. Its aim is to create wealth, build capacity and promote basic social services, improve the living conditions of vulnerable groups and introduce a participatory approach to implementation and monitoring/evaluation based on decentralization of management and implementation. On the technical side, its development has been facilitated by the Senegalese Household Survey (ESAM I and ESAM II).

96. The financing requirements of priority actions were evaluated and compared to resources available under existing programmes and the Three-year Public Investment Programme (PTIP). The funding gap has been calculated and split between State commitments and resources to be sought from funding partners, including in the context of HIPC interventions.

97. Today, PRSP II contains commitments for funding undertaken since October 2007 by the Paris Club. This document, which builds on the first programme, has the same aim of reducing poverty by strengthening the capacity of vulnerable populations, especially women. Therefore, in the section on wealth creation and growth, all the priority sectors identified in PRSP I are maintained. In addition, the Accelerated Growth Strategy (CAS) will occupy a central place, highlighting new priorities in transport infrastructure and energy as multisectoral policies to stimulate growth.

98. PRSP II, which is to be implemented over the period 2006-2010, has a more explicit long-term vision leading up to 2015, and is coordinated with the Millennium Development Goals (MDGs).

H. The right to food

99. The realization of this right, to which the Government of Senegal is committed, has been disrupted by the general rise in prices of staple foods and the price of oil.

100. The hardest hit by these problems have been the African people and, in particular, the Senegalese population. Accordingly, on 23 April 2008, the Head of State launched, in Dakar, a plan called the Great Offensive for Agriculture, Food and Abundance (GOANA), in order to significantly increase production of crops for the people, so as to achieve food self-sufficiency. This initiative was welcomed by donors and seems destined to become a model for others to follow.

101. Moreover, it would be a good idea, in the current global food situation, to place more emphasis on issues related to the right to food and extreme poverty, so that these issues can be taken up more effectively by the international community.

I. Prevention of racism, racial discrimination, xenophobia and related intolerance

102. Senegal is a country known for *teranga*, a term in Wolof (the language of the majority ethnic group) that refers to the hospitality and tolerance of its people. It is among the countries that have a long tradition of harmonious coexistence between different cultures and of dialogue between religions. Its population is 94 per cent Muslim, 5 per cent Christian, and 1 per cent atheist/animist, whose experience of nation-building is a positive one.

103. Successive Governments, in the name of continuity, have always worked to prevent and combat any form of racial discrimination. It is for this reason that a policy of equality based on the rule of law and democracy was introduced at an early stage.

104. The original constitution, and its successors, as well as legislation, under every regime, has always guaranteed the prevention, if not the elimination, of all forms of racial discrimination.

105. Thus, in Senegal, marriage between people of different faiths is common and is seen as natural, as is the burial of people belonging to different religions side by side in the same cemetery, in “mixed” graveyards.

106. In addition, and as a natural consequence, there are many families with members of religious denominations and different religious beliefs, and this is not seen as a source of friction or social unrest.

107. In the same vein, it is important to note that, under the new Constitution of 2001, the President of the Republic takes an oath before God without reference to any religion, sect, gender or ethnicity.

108. These characteristics of the Senegalese institutions enabled Senegal to play an important role in the preparation and holding of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban in 2001, notably by hosting the African preparatory meeting and chairing the Preparatory Committee for the Conference. Senegal has finalized its report to the Committee on the Elimination of Racial Discrimination.

J. Social protection

109. Through the Social Security Fund, the Government has established a modern system of social security for workers and their families. A review of benefits since 2000 has led to a 50 per cent increase between 2002 and 2008 in pensions, which are paid fortnightly. The family allowance rose from 750F to 2,400F a month per child. The allowance is payable for school children up to the age of 21, for children serving an apprenticeship (including in the crafts sector) up to the age of 18, and for children not attending school up to the age of 15. Through the Health, Social and Family Service, the Social Security Fund also provides other benefits for vulnerable groups, such as access to low-cost medicines.

110. In order to extend the benefits of the current system, which benefits only employees affiliated to the Social Security Fund, Senegal has recently developed a National Strategy for Social Protection, which extends social protection to non-formal sectors in which vulnerable groups work, with a view to establishing mutual insurance associations. This strategy covers fishermen, farmers and street vendors.

K. Right to health

111. The priority given to primary health care at the national level has resulted in a reasonable distribution of health facilities.

112. Coverage by health workers (1 per 11,000 inhabitants - close to the national target), has been reinforced by taking additional measures in accordance with the recommendations of the Bamako Initiative (reducing costs, improving management, involving the population, streamlining prescriptions).

113. These measures have enabled free or cheap access to health services, implemented through programmes and action plans such as:

- (a) Expanded Programme on Immunization (EPI);
- (b) Antenatal consultation (CPN);
- (c) Primary medical consultation (CPC);
- (d) Treatment for older persons (Sesame Plan);
- (e) Programme for the Integrated Management of Childhood Illness (IMCI);
- (f) Epidemic Management Programme;
- (g) Nutrition Programme (PRN).

114. The Government launched the Sesame Plan at the behest of the Head of State. This initiative has been welcomed by the target group of vulnerable elderly people, whose health care has often been compromised by the absence of a special medical programme dedicated to them. This ambitious plan provides the elderly with free medical care and certain commonly used drugs.

115. The Government also attaches top priority to the fight against malaria and HIV/AIDS, given the impact of these scourges on human development. The rate of HIV prevalence in the general population was estimated in 2005 at 0.70 per cent (DHS-2005) and 1.5 per cent at so-called “sentinel sites”. The results of the National Action Plan against HIV/AIDS, which covered the period 2002-2006 will be maintained through another plan of similar scope which ends in 2011.

L. Right to education

116. Education is a priority sector for Senegal. For this reason, the budgetary resources allocated to education, from preschool to higher education, rose from 35 per cent in 2003 to 37 per cent in 2004 and 40 per cent in 2005. The education indicators for 2000-2005, published by the Department for Education Planning and Reform, show that the aim of allocating 33 per cent of the operating budget of the State (excluding debt-servicing and joint expenditure) to the education sector in the period 2000-2004 was finally achieved in 2005, and in fact was largely exceeded, rising to 40 per cent thanks to the proactive policy of the President of the Republic.

117. In addition, in 2004 the Government and its partners spent nearly US\$ 52 million on primary education in rural areas. The contribution of households, through parents' associations, accounted for 15 per cent, that of donors for 6 per cent, and that of local government for 2 per cent.

The Government made considerable efforts to increase the supply of primary education in rural areas. During the period 2000-2004, the Government built 7,109 new primary classrooms and renovated a further 930.

118. Senegal has introduced a completely new system of student grants. Any student who does not receive a national student grant, is automatically given assistance by the university. This incentive system was originally planned only for students in the public education sector but has been extended since 2000 to students in private institutions, which have experienced a surge of interest.

119. Another innovative experiment, to support young children, is the national programme “Case des Tout-Petits” (PNCTP), which has been in operation since April 2004. The Government of Senegal is implementing this programme throughout the country, having set up a national agency especially for this purpose. The programme aims to help young children up to the age of 6 from disadvantaged backgrounds by providing them with education, health care and nutrition.

120. In order to combat illiteracy, Senegal has introduced functional literacy programmes, targeting especially the areas around cities and rural areas. In 2005, these programmes helped educate a number of people through various kinds of organizations, including the following:

- (a) Functional literacy centres (FCA), with 40,470 students (53 per cent);
- (b) *Daaras* (experimental Koranic schools), with 18 per cent of students;
- (c) Basic community schools, with 15 per cent of students;
- (d) Reading centres, with 14 per cent of students.

121. Senegal’s current education policy (1999-2008), is based on General Principles Act No. 91-22 of 16 February 1991, and is part of the Ten-year Education and Training Programme (PDEF) designed for Senegal within the framework of the United Nations Special Initiative for Africa.

122. Senegal has agreed to the request to visit the country received from the United Nations Special Rapporteur on the right to education, Mr. Vernor Muñoz Villalobos. It only remains for the date of the visit to be fixed.

M. The rights of the child

123. Senegal ratified the Convention on the Rights of the Child of 20 December 1989 on 31 July 1990 and initiated several programmes and projects to enhance the well-being of children in Senegal. For example, the Head of State established the “House for Tots” programme, a model of preschool training recognized and praised by UNESCO as a universal model. The legal protection of children has been strengthened with the adoption in 2005 of Act No. 2005-06 of 10 May 2005 to prevent and suppress trafficking in persons and similar practices and to protect victims of trafficking. The protection of minors has been felt as a necessity to the extent that children are often used, under duress, in dangerous travel situations.

124. The interest in suppressing the sale of children, child prostitution, their staging in pornographic films and their forced recruitment is reflected in the choice of the Government to protect and promote human rights in general, but especially the rights of the child, because of the geostrategic position of Senegal, which is predisposed to become a country of origin, transit and destination for trafficked children, and sometimes sought after as an area of choice for sex tourism.

125. The international instruments relating to the Rights of the Child ratified by Senegal include the 1989 Convention on the Rights of the Child and its two Optional Protocols, one concerning the sale of children, child prostitution and child pornography and the other the involvement of children in armed conflict, which entered into force on 12 February 2002 and were ratified by Senegal on 14 October 2003.

126. At the regional level, Senegal ratified the African Charter on the Rights and Welfare of the Child on 29 September 1998 and has already begun the ratification of the African Youth Charter.

127. In terms of health, the national programme against HIV/AIDS, which includes a section on orphans and children made vulnerable by HIV/AIDS (OVC), recorded satisfactory results.

128. Concerning child begging, the State of Senegal has implemented a strict enforcement policy through the application of the provisions of the Criminal Code and of Act No. 02/2005 of 29 April 2005 on human trafficking.

129. In addition, various projects and programmes have been launched with the aim of improving the situation of street children. These include the Partnership for the Withdrawal and Rehabilitation of Street Children (PARER), initiated with the World Bank, UNICEF, French Cooperation and civil society. The partnership focuses on the application of the Act, communication for behaviour change and reintegration of street children, and projects such as “Trilingualism in the *daaras*” (Koranic schools) and “Education for family life in the *daaras*” aimed at enhancing the lifestyle of *talibés* (young students of the Koran in Koranic schools).

130. A national plan to combat child begging is being prepared in order to develop a national strategy to eradicate the practice.

N. Women’s rights and the “gender issue”

131. Senegal has ratified most international instruments on women’s rights. One example is the International Convention on the Elimination of All Forms of Discrimination against Women of 18 December 1979 and its Optional Protocol dated 6 October 1999, and the Optional Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa of 11 July 2003, ratified, respectively, on 5 February 2005, 26 May 2000 and 27 December 2004.

132. At the national level, gender is a major issue in political life, which in recent years has witnessed the accession of more women to senior positions, including that of Prime Minister. The Senate, a new parliamentary institution established in order to enhance democracy in Senegal, has achieved near parity between men and women, in accordance with the Head of State’s declared policy.

133. Article 15 of the Constitution provides that: “Men and women (...) have the right to possession and ownership of land”. This is reflected in the multifaceted assistance provided by the Government, especially for women working in the rural areas through the financing of agricultural projects.

134. New advances in the promotion of women are also recorded in many other areas.

135. For instance, the Senegalese Army has, for the first time in its history, proceeded to recruit women, with the enrolment between September 2007 and January 2008 of 300 young women aged

between 18 and 23. Women have been admitted to all sectors of the armed forces, since the new programme, which was welcomed unanimously, applied to all air, land and sea forces. The national gendarmerie has also admitted women among its ranks.

136. The Senegalese Police, which began recruiting women very early on in the 1970s and now has women in the positions of Senior Divisional Superintendants, the highest rank among police officials, has led the field in promoting women. It has now confirmed and extended that policy by recruiting many young women into its ranks.

137. The Senegalese Customs Office is also following the trend, with the recruitment in 2004 of the first female customs inspector, who, like her male colleagues, holds the rank of lieutenant.

138. From a medical perspective, the Senegalese Government Decision dated 5 October 2006 has recognized the provision of medical care for husbands and children by working women.

139. Today, equal tax treatment between men and women has become a reality in Senegal through the adoption of Act No. 2008-01 of 8 January 2008 amending the relevant provisions of the General Tax Code.

140. In addition, Decree No. 2008-1047 of 15 September 2008 has established the National Observatory for the Rights of Woman (ONDF). This national monitoring and alert mechanism is intended to draw the attention of the public authorities to cases of violations of women's rights and to make proposals to remedy them.

141. In socio-economic terms, women are in the front line of the fight against poverty, insofar as they constitute a particularly vulnerable group.

IV. INITIATIVES, PRIORITIES, VOLUNTARY COMMITMENTS, CONSTRAINTS AND CHALLENGES, AID REQUIREMENTS

142. In accordance with the commitments contained in its Declaration of Commitment in support of its candidacy that led to its election to the Human Rights Council, Senegal has completed its initial report on the rights of migrant workers and its periodic reports on racial discrimination and torture for submission to the bodies concerned.

143. However, Senegal still has to make up a certain delay in the submission of other periodic reports.

144. To remedy this situation, the Government has set up a committee in charge of making up the backlog. The above-mentioned reports are the first to have been completed.

145. In the dialogue of civilizations, Senegal, which currently holds the three-year chairmanship of the Organization of the Islamic Conference (OIC), extended its commitment to the international community and to the Human Rights Council by helping to strengthen the dialogue between civilizations, cultures and religions through an initiative to organize a summit on Islamic-Christian dialogue in Dakar in 2009.

146. Senegal is relying on the expected impact of its exceptional commitments in the sectors of education and health, where it has devoted respectively 40 per cent and 10 per cent of its budget in order to open a wide access to all through numerous programmes and projects.

147. With regard to vulnerable groups, Senegal has undertaken to defend the rights of persons with disabilities, by setting up schools specializing in educational and vocational training open to this important section of its population in Dakar and in other parts of the country, like the Talibou Dabo Centre for the rehabilitation of persons affected by motor disability and the verbo-tonal centre for the rehabilitation of deaf mutes in Dakar, or the Centre for Visually Impaired Children of Thiès.

148. These actions, which are still inadequate, will be further strengthened, now that ratification has begun on the United Nations Convention on the Rights of Persons with Disabilities and its Protocol, signed by Senegal on 25 April 2007.

149. The Government had occasionally responded quickly to the effects of the natural disasters, which have been occurring regularly in the country for a number of years. It is also, through awareness campaigns, trying to make people conscious of the danger of building their homes in floodable areas.

150. Priority has also been given, in terms of both quantity and quality, to building social housing, on which Senegal is placing great hopes in its effort to end the dramatic and repetitive problem of flooding.

151. Thus, the social housing programme to benefit the poorest populations, which was initiated to address the damage caused by the torrential rains of the winter of 2005, has gained renewed impetus after the devastating rains of the winter of 2008, and should enable Senegal with the help of its partners to meet the “one family, one roof” challenge, at least and in the short term for part of its population.

152. The current PRSP II for the period 2006-2010 has made a slow start. To remedy this situation and to achieve the set objectives, development partners should act as soon as possible to fulfil their commitments.

153. In a broader framework, the Government of Senegal is resolutely committed to achieving the Millennium Development Goals and will continue its efforts in this field.

154. Regarding the global food and energy crisis, Senegal deplores their dramatic effects, which are already being felt by the African people, insofar as they affect basic human rights, covered inter alia by the Universal Declaration of Human Rights (UDHR).

155. These crises undermine the efforts of developing countries to achieve human rights. There is an obvious and apparently inevitable risk that the scarce resources of developing countries will be devoted to coping with urgent priorities, and that the realization of certain rights will be relegated to second place. Senegal will not be immune to these effects, even if it is aware of the need to make a major effort to limit them.

156. The international community must therefore as soon as possible find effective solutions to address the resulting food and energy crises.

157. Senegal for its part is making every effort to overcome the dangers through initiatives like GOANA. But on its own it remains vulnerable to the drastic consequences of the global crisis, which are gradually affecting the standard of living of its people.

158. On the assumption that human rights remain little known, even in intellectual circles, Senegal wants to disseminate them among the population as a whole and throughout its territory. In this regard, it remains open to support in the form of appropriate information and training modules.

159. Thus, aware of the difficulties that all have to face along the long path to the realization of human rights and the efforts required to reach this goal, particularly through its collaboration with the Council, Senegal with firmness and conviction reasserts its determination to remain in step with the humanitarian movement to promote and protect human rights, which it has always regarded as an imperative.
