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**SUMMARY PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER  
FOR HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (C) OF  
THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1\***

### Senegal

The present report is a summary of four stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

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\* The present document was not edited before being sent to the United Nations translation services.

## **I. BACKGROUND AND FRAMEWORK**

### **Institutional and human rights infrastructure**

1. The Senegalese National Organization for Human Rights (ONDH) and the International Federation for Human Rights (FIDH) reported no let-up in the serious and recurrent violations of fundamental freedoms and noted the undisguised apathy of the main State mechanism for the promotion and protection of human rights, the Senegalese Human Rights Committee, which has not produced an annual report for three years.<sup>2</sup> The two NGOs recommended that the Senegalese authorities should provide the Senegalese Human Rights Committee with adequate human and material resources and guarantee its independence in accordance with the Paris Principles.<sup>3</sup>

## **II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND**

### **Implementation of international human rights obligations, taking into account applicable international humanitarian law**

#### **1. Right to life, liberty and security of the person**

2. With regard to violations of the right to life and physical integrity, ONDH and FIDH said the main issue is the large number of deaths in Casamance as a result of the ongoing conflict: some are the direct result of fighting between the Senegalese Armed Forces and rebel movements, others are indirect, victims of antipersonnel mines or atrocities of all kinds perpetrated by rogue elements. ONDH and FIDH reported that a few months ago dozens of people were subjected to serious violations of their physical integrity by unidentified armed groups who captured them and then cut off their right ears. ONDH and FIDH recommended that the Senegalese authorities should institute some supervision and investigate the human rights violations in Casamance, bring the perpetrators of human rights violations to justice, compensate the victims and continue with human rights training for all security forces and law enforcement officials, as recommended by the Human Rights Committee.<sup>4</sup>

3. Internal Displacement Monitoring Centre (IDMC) stressed that although all-out armed conflict seems to be over in Casamance, communities are vulnerable to violent crime and still caught up in occasional armed skirmishes, and that loss of life in Casamance is also due to landmines and explosive remnants of war. It added that roads and tracks around Ziguinchor as well as the districts of Oussouye and Bignona have been heavily mined during the course of the conflict, and that rebels began planting anti-personnel mines in 1997 to protect their bases.<sup>5</sup> According to IDMC, since 2006, casualties from landmines or explosive remnants of war have been steadily declining, although humanitarian-demining operations proceeded slowly. The Senegalese army demined pockets of the region and, in December 2006, launched a demining programme. IDMC stated that elements of the *Mouvement des Forces Démocratiques de la Casamance* (MFDC), however, reacted with force to stop the operations and that attacks on civilians allegedly perpetrated by MFDC members have also increased in number in 2008 in an attempt to restrict their access to farming land.<sup>6</sup>

4. ONDH and FIDH noted that torture has been common practice in Senegal for at least two years.<sup>7</sup> Amnesty International (AI) indicated that it continues to receive reports of torture and other forms of ill-treatment and use of excessive force against criminal suspects and political activists involved in public demonstrations; that torture and ill-treatment is generally reported to have taken place in the custody of the security forces; and that in 2007 at least one detainee died in

detention. AI was concerned that these acts of torture and ill-treatment remain unpunished, and that while some security forces have faced administrative sanctions, very few, if any, have - to Amnesty International's knowledge - been brought to justice.<sup>8</sup>

5. ONDH and FIDH recommended that the Senegalese authorities should meet their international obligations to protect human rights, in particular the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; ensure that all crimes referred to in article 4, paragraph 1, of the Convention against Torture are promptly and thoroughly investigated as a matter of course by the competent judicial authorities and the prosecutor; explicitly prohibit the obtaining of evidence by means of torture and the use as evidence in any proceedings of statements demonstrably obtained by such means;<sup>9</sup> and ensure that NGOs' allegations are properly investigated, as recommended by the Committee against Torture.<sup>10</sup> AI made similar recommendations.<sup>11</sup>

6. AI stated that in July 2008, a group of Senegalese NGOs submitted a draft bill to the Government for the establishment of a mechanism to prevent torture and ill-treatment as part of implementing the Optional Protocol to the Convention against Torture, ratified by Senegal in 2006, and that the draft bill proposes the establishment of an independent administrative body, an Inspector of places of detention (*Inspecteur des lieux de privation de liberté*), which would have the power to visit any detention center in Senegal and make recommendations to the authorities. AI mentioned that as of 1 September 2008, the Government had yet to make the proposed document an official draft bill.<sup>12</sup>

## **2. Administration of justice and the rule of law**

7. ONDH and FIDH reported that there have been numerous violations of the independence of the judiciary, particularly in cases pending before investigating judges, and that the statute of the Higher Council of the Judiciary does not permit it to accomplish the task it is charged with, namely to guarantee the independence of judges. They further noted that the composition of the Council is more a matter of appointment by the executive than the election of judges by their peers; the judges are demanding, to no avail, much more substantial representation on the Council and structured career development.<sup>13</sup> ONDH and FIDH recommended that the Senegalese authorities should cease interfering in the administration of justice so as to guarantee genuine independence for judges.<sup>14</sup>

## **3. Right to privacy, marriage and family life**

8. AI was concerned that individuals face arbitrary arrest, harassment and discrimination solely on the basis of their real or perceived engagement in consensual same-sex sexual acts or practices.<sup>15</sup> AI called on the Government of Senegal to respect, protect, and fulfil the human rights of all persons, without discrimination of any kind, to immediately and unconditionally release all prisoners of conscience who are held solely on the basis of their actual or imputed sexual orientation or gender identity, and to end incitement to discrimination.<sup>16</sup>

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

9. ONDH and FIDH said that violations of freedom of expression on the part of the Senegalese authorities are becoming increasingly serious and are symptomatic of the authorities' attitude to collective and individual freedoms in Senegal. According to the two NGOs, violations take the form of repeated and unjustified summonses from the Criminal Investigation Division, threats against journalists and opposition politicians, confiscation of newspapers, and pressure on publishing or

printing firms to stop books or newspapers coming out. ONDH and FIDH also said that the private press seems to be a favourite target for harassment, intimidation and pressure in an attempt to curb any opinions that might be at odds with the official line.<sup>17</sup> AI stated that journalists have also become a regular target of harassment.<sup>18</sup>

10. Reporters Without Borders (RSF) indicated that even though scores of newspapers appear in Dakar, no serious tools exist to handle the regulation of the media and no legislation exists to sanction fairly the journalists responsible for libel or publication of false news.<sup>19</sup> RSF also deplored the lack of political will from the Government to cooperate on the reform of the press law, for example, or to show more transparency and openness to proposals made by local or international NGOs whenever a journalist is arrested. RSF recalled that, faced with an outcry over the imprisonment in 2004 of journalist Madiambal Diagne, President Abdoulaye Wade promised to reform the press law, a measure that Senegalese journalists are still waiting for.<sup>20</sup> RSF recommended that the Government should abolish the existing press law and adopt a new legislation adapted to democratic standards, eliminating prison terms for press offences and providing a credible regulation tool for the media. It also recommended that the armed forces (police and army) receive training on human rights and press freedom, while sanctions mechanisms should be put in place in order to tackle impunity of law enforcement officers whenever they attack, or wrongfully detain, journalists.<sup>21</sup>

11. AI was concerned about continuing reports of restrictions on the rights to freedom of expression, association and assembly in an attempt to stifle voices critical of the Head of State. AI reported that in the last two years, supporters of opposition parties and human rights defenders have been subjected to arrest, ill-treatment and harassment and that in recent years, several peaceful demonstrations have been banned, and those that took place despite this prohibition were restricted.<sup>22</sup> According to AI, in the last couple of years, several political opponents have been arrested and some were detained for several months accused of threatening state security or insulting the Head of State. AI said it was concerned that these arrests and detentions were attempts to silence political opposition<sup>23</sup> and called on the Government of Senegal to take concrete and effective measures to protect the rights to freedom of assembly and freedom of expression and to ensure that law enforcement officials are fully trained and equipped to maintain public order without resort to excessive force, with any breaches vigorously and independently investigated.<sup>24</sup>

12. ONDH and FIDH noted that the Senegalese authorities do not guarantee freedom of expression in practice, even though it is established and guaranteed by the Constitution, and that, with very few exceptions, anything remotely resembling a peaceful demonstration or march is automatically banned and put down with violence.<sup>25</sup>

13. According to ONDH and FIDH, those sectors of Senegalese society that mooted the idea of a national conference to discuss the ills afflicting the Senegalese people and put forward suggestions for ending the crisis have come under threat from the Senegalese authorities. Likewise, some members of civil society have been obliged to withdraw from the conference as a result of the pressure they had been put under.<sup>26</sup> ONDH and FIDH recommended that the Senegalese authorities should guarantee the right to freedom of expression and to peaceful assembly, which are protected by articles 19, paragraph 2, and 21 of the International Covenant on Civil and Political Rights, and to put a stop to all acts of intimidation and harassment against people exercising these rights.<sup>27</sup>

## **5. Right to education and to participate in the cultural life of the community**

14. ONDH and FIDH commented on the threat to Senegalese children's right to education that is posed by repeated strikes by primary school teachers and emphasized that no agreement between the Government and the teachers' unions for the 2007/08 school year was reached until June, which put at risk virtually all schoolchildren's chances of access to an acceptable level of education.<sup>28</sup> The two NGOs recommended that the Senegalese authorities should redouble their efforts to ensure that schools are operating properly so as to guarantee schoolchildren an acceptable level of education.<sup>29</sup>

## **6. Internally displaced persons**

15. IDMC indicated that over the years, the conflict in Senegal's southern Casamance region has allegedly displaced up to 64,000 people internally. Owing to better security cooperation between Senegal and Guinea-Bissau, and to the peace agreement signed in December 2004 between the Senegalese Government and the separatist MFDC, continuous return movements have been reported. According to IDMC there are currently at least 10,000 internally displaced people (IDPs) in Senegal and, given the complexities inherent in the patterns of displacement in Casamance, reliable statistics on the number of internally displaced people have always been scarce. IDMC added that the implementation of a Government survey to shed light on the numbers and situation of IDPs in Casamance awaits funding.<sup>30</sup>

16. IDMC stated that where IDPs have returned, the legacy of the long conflict has continued to hamper their sustainable reintegration, that reconstruction efforts are ongoing but infrastructure and services remain limited, and that the presence of mines has prevented IDPs from farming again. IDPs generally return of their own initiative and they then benefit from recovery and reconstruction programmes supported by Government, local and international partners.<sup>31</sup>

17. IDMC noted that displaced communities can be found in rural areas of Casamance where feeble incomes, as well as the lack of access to credit and to social services, are particularly pronounced among internally displaced people. While IDPs have quickly tried to be self-sufficient by engaging in farming, they have involuntarily contributed to the pressure on land in their host areas already impoverished by overuse and poor rainfall. IDMC added that lacking in most cases the necessary agricultural tools, they have not been able to produce enough food and secure a decent living for their families, and that many IDPs in Casamance have lost their source of income as they had to flee their villages, where they were farmers or petty shopkeepers, to find refuge in urban centres.<sup>32</sup>

18. IDMC noted that, on a positive note, there were no reports of IDPs being disenfranchized during the presidential and the parliamentary elections held in February and June 2007 and that, reportedly, the Government has always tried to facilitate the vote of internally displaced people in Casamance.<sup>33</sup> IDMC recommended that the Government of Senegal take all necessary measures to: ensure that civilians are protected against the dangers arising from military operations, including forcible and arbitrary displacement; engage the MFDC's military factions in allowing neutral actors to undertake humanitarian demining and mine action activities, such as victim assistance and mine-risk education; provide adequate protection to IDPs from threats by insurgents, including in areas of return; assess the situation of IDPs in areas of displacement and return, in consultation with IDP organizations; strengthen the development of livelihood opportunities in areas of displacement and of return, ensure that IDPs have access to these programmes and ensure that all populations affected by the conflict, including IDPs, have access to basic shelter, essential food and water and medical care.<sup>34</sup>

### **III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS**

N/A.

### **IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS**

N/A.

### **V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE**

N/A.

#### *Notes*

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org). (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council.)

#### *Civil society*

ONDH et FIDH	Organisation Nationale des droits de l'Homme du Sénégal, Dakar, Sénégal et Fédération Internationale des Ligues des droits de l'Homme*, Paris, France: joint submission
AI	Amnesty International*, London, United Kingdom.
RSF	Reporters Without Borders*, Paris, France.
IDMC	Internal Displacement Monitoring Centre, Geneva, Switzerland.

<sup>2</sup> Rapport de l'Organisation Nationale des droits de l'Homme du Sénégal, avec le soutien de la Fédération Internationale des Ligues des droits de l'Homme, pour l'EPU du Sénégal, p. 1.

<sup>3</sup> Rapport de l'Organisation Nationale des droits de l'Homme du Sénégal, avec le soutien de la Fédération Internationale des Ligues des droits de l'Homme, pour l'EPU du Sénégal, p. 3.

<sup>4</sup> Rapport de l'Organisation Nationale des droits de l'Homme du Sénégal, avec le soutien de la Fédération Internationale des Ligues des droits de l'Homme, pour l'EPU du Sénégal, pp. 3, 4.

<sup>5</sup> Internal Displacement Monitoring Centre UPR submission, p. 2.

<sup>6</sup> Internal Displacement Monitoring Centre UPR submission, p. 3.

<sup>7</sup> Rapport de l'Organisation Nationale des droits de l'Homme du Sénégal, avec le soutien de la Fédération Internationale des Ligues des droits de l'Homme, pour l'EPU du Sénégal, p. 1.

<sup>8</sup> Amnesty International UPR submission, p. 3.

<sup>9</sup> Rapport de l'Organisation Nationale des droits de l'Homme du Sénégal, avec le soutien de la Fédération Internationale des Ligues des droits de l'Homme, pour l'EPU du Sénégal, pp. 3, 4.

<sup>10</sup> Amnesty International UPR submission, p. 4.

<sup>11</sup> Amnesty International UPR submission, p. 4.

<sup>12</sup> Amnesty International UPR submission, p. 3.

<sup>13</sup> Rapport de l'Organisation Nationale des droits de l'Homme du Sénégal, avec le soutien de la Fédération Internationale des Ligues des droits de l'Homme, pour l'EPU du Sénégal, p. 1.

<sup>14</sup> Rapport de l'Organisation Nationale des droits de l'Homme du Sénégal, avec le soutien de la Fédération Internationale des Ligues des droits de l'Homme, pour l'EPU du Sénégal, p. 3.

<sup>15</sup> Amnesty International UPR submission, p. 4.

- <sup>16</sup> Amnesty International UPR submission, p. 5.
- <sup>17</sup> Rapport de l'Organisation Nationale des droits de l'Homme du Sénégal, avec le soutien de la Fédération Internationale des Ligues des droits de l'Homme, pour l'EPU du Sénégal, p. 2.
- <sup>18</sup> Amnesty International UPR submission, p. 4.
- <sup>19</sup> Reports Without Borders UPR submission, p. 1.
- <sup>20</sup> Reports Without Borders UPR submission, p. 1.
- <sup>21</sup> Reports Without Borders UPR submission, p. 2.
- <sup>22</sup> Amnesty International UPR submission, p. 4.
- <sup>23</sup> Amnesty International UPR submission, p. 4.
- <sup>24</sup> Amnesty International UPR submission, p. 5.
- <sup>25</sup> Rapport de l'Organisation Nationale des droits de l'Homme du Sénégal, avec le soutien de la Fédération Internationale des Ligues des droits de l'Homme, pour l'EPU du Sénégal, p. 3.
- <sup>26</sup> Rapport de l'Organisation Nationale des droits de l'Homme du Sénégal, avec le soutien de la Fédération Internationale des Ligues des droits de l'Homme, pour l'EPU du Sénégal, p. 3.
- <sup>27</sup> Rapport de l'Organisation Nationale des droits de l'Homme du Sénégal, avec le soutien de la Fédération Internationale des Ligues des droits de l'Homme, pour l'EPU du Sénégal, p. 3.
- <sup>28</sup> Rapport de l'Organisation Nationale des droits de l'Homme du Sénégal, avec le soutien de la Fédération Internationale des Ligues des droits de l'Homme, pour l'EPU du Sénégal, p. 3.
- <sup>29</sup> Rapport de l'Organisation Nationale des droits de l'Homme du Sénégal, avec le soutien de la Fédération Internationale des Ligues des droits de l'Homme, pour l'EPU du Sénégal, p. 4.
- <sup>30</sup> Internal Displacement Monitoring Centre UPR submission, p. 2.
- <sup>31</sup> Internal Displacement Monitoring Centre UPR submission, p. 2.
- <sup>32</sup> Internal Displacement Monitoring Centre UPR submission, p. 3.
- <sup>33</sup> Internal Displacement Monitoring Centre UPR submission, p. 3.
- <sup>34</sup> Internal Displacement Monitoring Centre UPR submission, p. 5.

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