



**Optional Protocol to the
Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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**Subcommittee on Prevention of Torture and Other Cruel,
Inhuman or Degrading Treatment or Punishment**

**Visit to Senegal undertaken from 5 to 16 May
2019: recommendations and observations
addressed to the State Party**

Report of the Subcommittee*, **

* In accordance with article 16 (1) of the Optional Protocol, the present report was transmitted confidentially to the State Party on 30 September 2020. On 26 March 2025, the State Party requested the Subcommittee to publish the report, in accordance with article 16 (2) of the Optional Protocol.

** The annexes to the present report are being circulated in the language of submission only.



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I. Introduction

1. In accordance with its mandate under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Subcommittee on Prevention of Torture carried out its second visit to Senegal from 5 to 16 May 2019. Senegal ratified the Convention on 21 August 1986 and the Optional Protocol on 18 October 2006.
2. The Subcommittee members conducting the visit were: Joachim Gnambi Garba Kodjo (head of delegation), Patricia Arias Barriga, Carmen Comas-Mata Mira, Abdallah Ounnir, Catherine Paulet and Haimoud Ramdan. The Subcommittee was assisted by three human rights officers from the Office of the United Nations High Commissioner for Human Rights, two United Nations security officers and four interpreters.
3. The principal objectives of the visit were: (a) to visit a range of places of deprivation of liberty in order to assist the State Party in fully implementing its obligations under the Optional Protocol, particularly the obligation to strengthen the protection of persons deprived of their liberty from the risk of torture and ill-treatment; and (b) to provide advice and technical assistance to the national preventive mechanism of Senegal and to consider the extent to which the national authorities are supporting its work and responding to its recommendations, taking account of the Subcommittee's guidelines on national preventive mechanisms (CAT/OP/12/5). More specifically, the purpose of the visit was to follow up on the implementation of the recommendations made by the Subcommittee after its first visit to Senegal, from 10 to 14 December 2012, including the recommendations made in the report addressed to the national preventive mechanism, the National Observatory of Places of Deprivation of Liberty (CAT/OP/SEN/2), and the recommendations to the State Party. The Subcommittee finds it regrettable that, unlike the national preventive mechanism, the State Party has neither authorized the publication of nor responded to the previous report addressed to it.
4. The delegation held meetings with the persons listed in annex I and visited the places of deprivation of liberty listed in annex II. Interviews were conducted with persons deprived of their liberty, law enforcement and detention officers, medical personnel and others. Meetings were held with members of the national preventive mechanism, which permitted the Subcommittee to examine the mechanism's mandate and working methods and to consider how best to improve its effectiveness. In order to better understand how the national preventive mechanism works in practice, the Subcommittee also visited, together with the national preventive mechanism, several places of deprivation of liberty chosen by the national preventive mechanism (see annex III). Those visits were led by a representative of the national preventive mechanism, with the members of the Subcommittee as external observers.
5. At the end of the visit, the delegation presented its confidential preliminary observations orally to government authorities and officials and to the national preventive mechanism.
6. In the present report, the Subcommittee sets out its observations, findings and recommendations relevant to the prevention of torture and ill-treatment¹ of persons deprived of their liberty under the jurisdiction of Senegal.
7. The Subcommittee reserves the right to comment further on any place visited, whether or not it is mentioned in the present report, in its discussions with Senegal. The absence of any comment in the present report relating to a specific facility or place of detention visited by the Subcommittee does not imply that it has a positive or negative opinion of it.
8. **The Subcommittee recommends that the present report be distributed to all relevant authorities, departments and institutions, including but not limited to those to which it specifically refers.**

¹ The present report uses the generic term "ill-treatment" to refer to any form of cruel, inhuman or degrading treatment or punishment, in accordance with article 16 of the Convention.

9. The present report will remain confidential until such time as Senegal decides to make it public, in accordance with article 16 (2) of the Optional Protocol. The Subcommittee firmly believes that the publication of the present report would contribute to the prevention of torture and ill-treatment in Senegal.

10. **The Subcommittee recommends that Senegal request the publication of the present report and the previous report in accordance with article 16 (2) of the Optional Protocol.**

11. The Subcommittee draws the attention of Senegal to the Special Fund established under the Optional Protocol. Only recommendations contained in those Subcommittee visit reports that have been made public can form the basis of applications to the Fund, in accordance with its published criteria.

II. Facilitation of the visit and cooperation

12. The Subcommittee wishes to express its gratitude to the authorities for their help and assistance relating to the planning and undertaking of the delegation's visit. It also wishes to thank the Permanent Mission of the Republic of Senegal to the United Nations Office and other international organizations in Geneva, with which it had a constructive dialogue.

13. The Subcommittee finds it regrettable, however, that the information and documents it had requested before the visit were not provided in full or were not provided until very late, thereby preventing the delegation from preparing for the visit in a wholly satisfactory manner. It also notes with regret that the required authorizations were not provided to the delegation, which resulted in unnecessary complications during the visit. While the Subcommittee is aware that the visit took place during a complex political period, it finds it regrettable that it did not enjoy the same level of cooperation as it did during its visit in 2012.

14. The Subcommittee notes with satisfaction, however, that the prison directors and the authorities at police and gendarmerie stations, including junior personnel, were duly informed of its visit and provided full access to places of deprivation of liberty and detainees, with two exceptions, namely the Ziguinchor remand prison and detention centre and the Thiaroye psychiatric hospital, where officials requested authorization from their superiors before granting access because the delegation was unable to present them with authorizations in due and proper form.

III. Report methodology and structure

15. The Subcommittee wishes to emphasize that, while there have been some improvements, the situation has not changed significantly and the observations and recommendations made in its previous report are still fully valid and applicable.

16. The present report consists of three main parts: the first reverts to the issue of the national preventive mechanism; the second focuses on various aspects of the conditions of detention; and the third deals with legal and institutional issues. The Subcommittee is of the view that these three parts address intrinsically linked structural problems and that analysing them together is likely to facilitate the prevention of ill-treatment.

IV. National preventive mechanism

17. The Subcommittee is concerned that the independence of the national preventive mechanism is not sufficiently guaranteed, as required under article 18 of the Optional Protocol. It is particularly concerned about: (a) the fact that the normative framework (Act No. 2009-13 of 2 March 2009, art. 2) describes the Observatory as an "administrative authority"; (b) the Observatory's nomination procedure and the discretionary power held by the Minister of Justice (Decree 2011-842 of 16 June 2011, art. 1); (c) the preferential selection of members from among persons with experience in the judiciary, the bar association or the security forces, which could give rise to real or perceived conflicts of interest and does not

allow for an open, inclusive and participatory process; and (d) the secondment of members from the Ministry of Justice.

18. The Subcommittee notes that the mandate of the Observatory, as set out in article 6 of Act No. 2009-13, is more limited than that envisaged in articles 4 and 20 of the Optional Protocol. Furthermore, pursuant to article 5 of this law, the Observatory is competent to handle complaints from persons deprived of their liberty, which does not, strictly speaking, fall within the preventive mandate of a national preventive mechanism according to the Optional Protocol.

19. **The Subcommittee recommends that the State Party review the law establishing the Observatory with a view to:**

- (a) **Including a reference to the Subcommittee in the text of the law;**
- (b) **Extending immunity to all appointed observers;**
- (c) **Prohibiting reprisals against persons who provide information to the Observatory;**
- (d) **Clarifying the relationship between the Observatory and the executive;**
- (e) **Giving elected representatives the opportunity to have a debate on the Observatory's annual report by having it submitted to the National Assembly;**
- (f) **Ensuring transparency in the Observatory's nomination procedure and introducing a process for the appointment of the Director and of members that is based on efficiency and transparency, through the use of a call for candidatures;**
- (g) **Bringing the mandate of the Observatory into line with articles 4 and 20 of the Optional Protocol.**

20. **The Subcommittee recommends that the law establishing the Observatory be revised to clarify, inter alia, that handling complaints is not part of the mandate of the Observatory; it wishes to emphasize the preventive nature of national preventive mechanisms envisaged in the Optional Protocol.**

21. The Subcommittee notes that, while the budget of the Observatory is increasing, it is still not sufficient to allow it to carry out its mission effectively in all places of deprivation of liberty in Senegal. The Subcommittee also notes that the Observatory lacks financial independence.

22. **The Subcommittee recommends that the State Party substantially increase the budget of the Observatory, taking into account the needs expressed by the Observatory itself, ensure its financial independence and strengthen its capacities.**

23. The Subcommittee welcomes the government authorities' willingness to cooperate with the Observatory, as demonstrated by the visibility of the Observatory on the ground.

24. **The Subcommittee encourages the State Party to continue and strengthen its cooperation with the Observatory to enable it to operate throughout the whole country, by assisting it in its awareness-raising efforts and involving it in all activities that come under its mandate.**

25. The Subcommittee invites the State Party to encourage debate on the content of the annual report of the Observatory in the national parliament. It also invites the State Party to establish forums for exchange and cooperation with national stakeholders.

26. The Subcommittee commends the efforts of the Observatory to improve its visibility and notes that all officials in the places visited were aware that the Observatory existed.

27. **The Subcommittee encourages the State Party to take steps at the national level to make the Observatory more visible to the public, and in particular to persons deprived of their liberty, so that it occupies its rightful place in the institutional and political landscape of Senegal. The reports of the Observatory could thus become points of reference and the Observatory itself could play an important part in proposing legislative reform.**

V. Visits to places of deprivation of liberty

A. Police and gendarmerie stations

1. Physical conditions of detention

28. The Subcommittee considers that the physical conditions of police custody are, on the whole, a cause for concern. Detainees in police and gendarmerie stations were held in conditions that were not in compliance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).² There was inadequate lighting and ventilation in some cells and a lack of hygiene and bedding in all holding cells. Detainees slept on the floor, without blankets or mosquito nets. With the exception of the gendarmerie stations in Saint-Louis and Mbour, custody facilities were generally insalubrious and very dilapidated. The advanced state of disrepair or cramped conditions in most premises housing police or gendarmerie stations made it difficult for officers to carry out their work and manage persons in custody.

29. The majority of police and gendarmerie stations did not have specific holding cells for minors. While detainees were always separated by gender, women were often held behind the reception desk in police stations, in an inappropriate environment. The majority of holding cells were located in the lobbies of police stations, thus exposing persons in custody to public view.

30. No budgetary provision was made for the care of persons in police custody. Those who had no parents or relatives, particularly foreigners in border areas, depended on the kindness of police or gendarmerie officers for their food.

31. The Subcommittee recommends that the State Party take measures to ensure that every police and gendarmerie station has separate cells for the three categories of person who may be held in police custody, namely men, women and minors. It also recommends that the State Party ensure that holding cells are well ventilated and naturally lit; that mattresses, blankets and mosquito nets are made available to persons in custody; and that cells are properly maintained, to respect the dignity of persons in custody.

32. The Subcommittee urges the State Party to make a budget available to police and gendarmerie stations for the care of persons in custody, in particular for the provision of food and potable water.

33. The Subcommittee also recommends that the State Party take steps to refurbish the premises of police and gendarmerie stations.

2. Fundamental legal safeguards

34. The Subcommittee notes that the adoption and entry into force of the new Code of Criminal Procedure and efforts to raise awareness of the Code among police officers and gendarmes have had a positive impact on the observance of basic legal safeguards. The Subcommittee believes that this is a very positive development. It notes, however, that the systematic application of these provisions in individual cases still presents some challenges.

(a) *Right to be informed of one's rights and the reasons for one's arrest*

35. The Subcommittee notes that the Code of Criminal Procedure provides that all persons placed under arrest must be informed of their rights and the reasons for their arrest. Most of the persons interviewed in police and gendarmerie stations, as well as persons already transferred to prisons, stated that they had not been informed of their rights or the reasons for their arrest at the time of arrest.

36. The Subcommittee recommends that the State Party ensure the strict application of the provisions of the Code of Criminal Procedure to guarantee that, in practice, all

² General Assembly resolution 70/175, annex. See rules 12–16.

detainees, including foreign nationals, enjoy all fundamental legal safeguards from the outset of their deprivation of liberty, including the right to be informed of the reasons for their arrest.

(b) *Right of access to a lawyer*

37. The Subcommittee notes that the right of access to a lawyer is a fundamental safeguard against the risk of torture and ill-treatment, and welcomes Ministry of Justice Circular No. 00179/MJ/DACG/MN of 2018 on the procedures for upholding the right of access to a lawyer from the moment that a person is detained. It is concerned, however, at reports that detainees are not always informed of this right, especially in cases involving foreign nationals, despite the fact that records of proceedings systematically state the contrary. It also notes that, while lawyers were allowed to be present during questioning, they were not entitled to intervene. While this passive presence serves to prevent and deter ill-treatment, it negates the right to effective legal assistance.

38. The Subcommittee recognizes the challenges inherent in ensuring, in practice, that everyone can exercise the right of access to a lawyer, in view of the shortage of lawyers registered with the bar association and the concentration of lawyers in the four main cities of Dakar, Thiès, Saint-Louis and Ziguinchor. It also notes that the majority of persons in police custody were unable to afford a lawyer.

39. The Subcommittee recommends that the State Party ensure the full application of the provisions of the Code of Criminal Procedure and the Nelson Mandela Rules. It also encourages the Senegalese authorities to ensure the effective application of Regulation No. 05/CM/UEMOA on the harmonization of rules governing the legal profession in the West African Economic and Monetary Union, which makes the presence of a lawyer mandatory from the moment that a person is detained; to declare null and void any proceedings that did not comply with this requirement; and to recognize all the legal consequences arising from the annulment of proceedings. The Subcommittee regards as illegal the practice whereby persons released on the ground of the annulment of proceedings are taken back into custody by the criminal police on the orders of the public prosecutor as soon as they leave the court or remand prison.

40. The Subcommittee also encourages the Senegalese authorities to continue their efforts to hold the bar association entrance examination annually and to take the necessary measures to ensure that all persons have access to legal aid, which needs to be greatly strengthened.

(c) *Right to a medical examination*

41. The Subcommittee notes that national legislation does not require that persons taken into police custody undergo a medical examination. The conduct of a medical examination is left to the exclusive discretion of the public prosecutor, and the costs of any examination carried out at the request of the detainee, his or her lawyer or any other person, rather than at the initiative of the prosecutor, are borne by the detainee. This practice is arbitrary and undermines the equality of treatment to which all persons held in police custody are entitled. Moreover, it is contrary to the provisions of guideline 4 (g) of the Guidelines on the Conditions of Arrest, Police Custody and Pretrial Detention in Africa (Luanda Guidelines), which provides that all persons in police custody have the right to a medical examination.

42. The Subcommittee recommends that the State Party ensure that an independent medical examination is provided for all persons held in police custody.

(d) *Right to notify one's family members and diplomatic representation*

43. The Subcommittee notes that the right of persons taken into custody to notify their relatives of their arrest is not recognized in the Code of Criminal Procedure. According to criminal police officers, a family member or a close friend may be notified but purely as an act of kindness. In the case of foreign detainees, diplomatic missions are not systematically notified.

44. **The Subcommittee recommends that the State Party make it mandatory under the Code of Criminal Procedure to grant every person taken into custody the right to notify his or her family or a close friend of his or her arrest and, if the detainee is a foreign national, to notify his or her diplomatic or consular representation if he or she so wishes, in accordance with the Vienna Convention on Consular Relations. The State Party must always inform foreign nationals taken into custody that they have this right.**

(e) *Duration of police custody*

45. The maximum duration of police custody is set by the Code of Criminal Procedure at 48 hours, with the possibility of one extension for the same period by means of a reasoned decision issued by the public prosecutor.

46. While this provision appears to be respected in practice in most proceedings, the Subcommittee remains concerned about the practice known as “*retour de parquet*”, or detention subject to holding order, which allows for the holding of persons who have been brought before the public prosecutor beyond the end of the prescribed maximum period of police custody. This practice constitutes a violation of the right of persons in custody to appear before a judge as soon as possible and places them outside the protection of the law upon their return to the police station, since they are neither in police custody nor in pretrial detention. The Code of Criminal Procedure, which provides a legal basis for this practice, fails to clarify the procedural status of persons subject to *retour de parquet*.

47. **The Subcommittee recommends that the State Party abolish the practice of *retour de parquet*, which is the only judicial mechanism of its kind and which constitutes a violation of the rights of persons deprived of their liberty.**

48. **If the State Party continues the practice of *retour de parquet* for a transitional period, the Subcommittee urges it to take all necessary measures to ensure that this period is as short as possible and that the time spent in a police or gendarmerie station following *retour de parquet* is counted, in the event of conviction, as time spent in detention.**

49. **The Subcommittee also encourages the State Party to make available the necessary financial and human resources to enable the justice system, especially the Public Prosecution Service, to work in strict compliance with the legally prescribed time limits for police custody.**

3. Registers

50. The delegation noted that registers were not uniform in all places visited and that there were shortcomings in their upkeep, including incomplete entries. The Subcommittee notes that the standardization of registers would make it possible to collect and record data on the reasons for arrest; the exact time and date of the start of police custody, its duration, its end, the identity of the detained person and that of the officer who authorized the custody; information concerning the place of custody; the presence of a lawyer, his or her identity and the duration of questioning (hours and days, officers present); whether the person in custody was informed of his or her rights and, if so, by whom, and whether those rights were effectively exercised; the date of any medical examination; the first appearance of the detainee before a judicial authority; and any extension of police custody, the authority that ordered the extension and its duration.

51. **The Subcommittee recommends that the State Party standardize its registers, which is also an effective means of preventing torture and ill-treatment, referring to the requirements on the content of police custody registers established in the Luanda Guidelines. It also recommends the introduction of digital registers.**

4. Allegations of torture and ill-treatment

52. The delegation received very few reports of alleged acts of torture. However, it received numerous allegations relating to ill-treatment and excessive use of force during arrests by police officers, gendarmes and especially community security officers.

53. **The Subcommittee encourages the State Party to be particularly careful to ensure that: (a) in all places, persons in police custody are not subjected to torture or ill-treatment; (b) in the event of torture or ill-treatment, they may file a complaint; (c) immediate, impartial investigations of these violations are carried out, in accordance with articles 12 and 13 of the Convention against Torture; and (d) the perpetrators, if found guilty, are punished commensurately with the gravity of their acts.**

54. **The Subcommittee stresses the importance of the training of law enforcement personnel, especially those involved in the supervision, questioning and treatment of persons in police custody or detainees. It recommends that the State Party reinforce the training of officers authorized to carry out arrests, in particular community security officers, with a view to oversight of such officers, in order to ensure that law enforcement personnel prioritize respect for citizens' rights and their safety. Career prospects in the law enforcement professions must also be improved.**

B. Prisons

1. Overcrowding

55. The Subcommittee is very concerned about the chronic overcrowding that it observed in the majority of the prisons visited. The Thiès prison has a capacity of 600 places but had 1,136 inmates on the day of the delegation's visit – almost double its capacity. The situation was even more worrying in the Rebeuss remand prison, which housed 2,452 inmates yet has a capacity of only 1,500 and where 200 inmates were living in one cell measuring 4.5 metres by 11.

56. The Subcommittee welcomes the various decisions taken by the Head of State to grant presidential pardons in order to address prison overcrowding. However, it considers that this measure alone will not be sufficient to reduce overcrowding. It also welcomes the amendment of the Code of Criminal Procedure, pursuant to which permanent criminal chambers have been established to replace the assize courts in order to expedite the hearing of criminal cases and avoid lengthy pretrial detention, which increases the prison population.

57. The Subcommittee also notes with interest the State Party's ambitious programme to build new prisons to relieve overcrowding in existing facilities but recalls that such construction projects are not the solution to prison overcrowding.

58. The Subcommittee notes that the causes of prison overcrowding include, inter alia, excessive use of detention, the low rate of application of alternatives to deprivation of liberty, and the dilapidated or inadequate buildings used for detention. It considers that such a degree of overcrowding is tantamount to cruel, inhuman or degrading treatment, to the extent that it is lasting and accompanied by the absence of acceptable physical conditions and takes place with the full knowledge of State authorities.

59. The Subcommittee notes with regret the slowness of judicial proceedings and the lack of lawyers, which contribute to overcrowding, in particular in pretrial detention, and undermine the principle of the presumption of innocence.

60. The Subcommittee recommends that the State Party reduce prison overcrowding not only by granting presidential pardons or conditional release and building new prisons, but also and above all by avoiding the excessive use of pretrial detention, which should always be a last resort, and by giving priority to alternatives to deprivation of liberty, in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules).

2. Separation of persons deprived of liberty

61. The Subcommittee notes with satisfaction that, in all the places of deprivation of liberty that it visited, the principle of the separation of women and men is respected and female detainees are guarded by female staff. It is concerned, nevertheless, that in most prisons, convicted prisoners and defendants awaiting trial occupy the same cells, and that in

some prisons, female minors share cells with adult women. At the Liberté 6 prison camp, male minors were held together in a large dormitory in the adult men's wing.

62. The Subcommittee welcomes the fact that there is a prison reserved exclusively for male minors in Dakar and another reserved exclusively for women.

63. The Subcommittee notes that children under the age of 3 may live with their mothers in prison but that specially adapted cells are not available and no special care is provided.

64. **The Subcommittee recommends that the State Party ensure strict compliance with the principle of the separation of different categories of persons deprived of their liberty, specifically the separation of convicted prisoners from defendants awaiting trial and of minors from adults.**

65. **The Subcommittee also recommends that the State Party ensure that the special needs of children living with their mothers in prison are taken into consideration.**

3. Conditions of detention

(a) *Physical conditions*

66. The Subcommittee notes an improvement in the physical conditions of detention at the Rebeuss remand prison, particularly the tiling of the cells and courtyards, the construction of visiting rooms and a kitchen, the installation of extractor fans and the construction of a new building with a capacity of 150 places. It also welcomes the refurbishment of the women's wing at the Thiès remand prison and detention centre. The vast majority of the establishments visited, however, dated from the colonial period, were dilapidated, poorly maintained and unsuitable for use as places of deprivation of liberty. In Thiès, the cells were crowded and some cells flooded during the rainy season; the premises of the Ziguinchor remand prison and detention centre were unsuitable for detention, as a result of which the minors held there never left their cells.

67. In most cases, cells were poorly ventilated and could therefore become extremely hot; for example, in the Kolda remand prison and detention centre, the temperature sometimes rose above 44°C. During the visits, many detainees complained about the high temperatures in the prisons, especially the temperatures reached when metal cell doors were closed for several hours, sometimes with more than 100 prisoners locked inside the small cells, a situation reported in Kolda and Ziguinchor, for example. The delegation also observed that cell windows were obstructed by detainees' personal belongings, preventing the flow of fresh air.

68. In all cases, the sanitary facilities, latrines and showers were insufficient in number and, for the most part, dilapidated, dirty and foul-smelling. At the Rebeuss remand centre, one cell housing 200 inmates had only one latrine.

69. The main concern of the Subcommittee, however, remains prison overcrowding, which has undermined every effort made by the State Party. Detainees complained about the conditions of detention and the delegation noted a lack of sleeping places and mattresses, insufficient and poor-quality food, and insufficient cleaning and personal hygiene products.

70. **The Subcommittee recommends that the State Party redouble its efforts to refurbish and build prison facilities and to ensure minimum physical conditions of detention for detainees, including proper ventilation and hygiene in cells and dormitories, in accordance with the Nelson Mandela Rules.**

(b) *Living arrangements*

71. The prison regime observed in Senegal was semi-open. Detainees had the right to spend time outdoors, but the level of overcrowding denied them sufficient space to move around, walk or exercise.

72. Detainees were entitled to make paid telephone calls but had to do so from the yards, surrounded by other inmates and without any privacy. Family visits were very short (5 to 10 minutes) because of the high level of overcrowding. There were no spaces reserved for

conjugal visits. Notably, at the Liberté 6 women's remand prison, a visit reserved exclusively for detainees' children was organized once a month.

73. Some prisons organized workshops of varying sizes, in which participants could practise sewing, carpentry, cooking, hairdressing and dyeing, but on the whole these workshops were insufficient to keep detainees busy or contribute to their rehabilitation. At the Rebeuss remand prison, for example, there were various workshops, but only small groups of 10 to 15 people could participate in them. In some cases, inmates were permitted to sell the items that they had made within the prison, including to visitors.

74. According to the information received, foreign detainees were not permitted to make telephone calls to their countries of origin. According to the information provided by prison officials, foreign consulates, including the consulates of neighbouring countries, were notified of the detention of nationals of their countries but showed no particular interest in their situation.

75. The Subcommittee notes with satisfaction that some prisons employ a social worker to liaise with lawyers, consulates and diplomatic representatives and to assist detainees with administrative procedures.

76. The delegation was informed that the food budget had been significantly increased to provide for three meals a day, a significant achievement that the Subcommittee welcomes. However, the food was often of poor quality and prepared in unhygienic conditions. Such was the case, for example, at the Dakar prison camp.

77. The Subcommittee recommends that the State Party ensure that a minimum range of activities is offered to detainees, in accordance with the Nelson Mandela Rules, with a view to their training and rehabilitation.

78. The Subcommittee encourages the State Party to establish protocols to ensure contact between foreign detainees and their consulates or diplomatic representation.

79. The Subcommittee recommends that the State Party ensure the presence of a social worker in all prisons.

80. The Subcommittee also recommends that the State Party improve the quality of the food served to detainees, ensure that food is prepared in hygienic conditions, and carry out regular inspections in that regard.

4. Healthcare services in prisons

81. The Subcommittee notes with satisfaction the availability of health services in prisons, the majority of which provide for the presence of nurses 24 hours a day and have access to local technical and hospitalization facilities and a dedicated national hospital unit at the Dakar University hospital centre. It also welcomes the fact that medical care and medicinal treatment are provided free of charge.³

82. Outside the capital city, however, the standard of the equipment in infirmaries and the availability of medicines left much to be desired. Moreover, the Subcommittee has doubts about the qualifications of the nursing staff, which was composed of prison officers whose training,⁴ provided by the military healthcare service, is not equivalent to the training provided to nurses⁵ working in hospitals or with the general population.

83. The delegation noted that medical examinations performed on entry were not always systematic, careful and recorded in all prisons.⁶ The number of nurses in the majority of the prisons visited was insufficient to ensure a 24-hour presence or allow for prompt responses to requests for consultations or regular follow-up with patients. Moreover, consultations with

³ An allowance of 100 CFA francs per day per prisoner is provided to cover the cost of treatment.

⁴ Technical certificate No. 2 in health care.

⁵ State-certified diploma.

⁶ Medical examinations were performed at the remand prisons/detention centres in Ziguinchor, Kolda and Hann but not at the Rebeuss remand prison because of overcrowding and the high number of new arrivals in relation to the number of nurses. Records of consultations with new arrivals and individual medical files on each prisoner were not systematically kept.

general practitioners and dentists were generally not organized in prisons.⁷ Nursing staff were assisted by detainees trained as auxiliary nurses.

84. The delegation also noted the absence of a procedure for registering bodily injuries,⁸ as well as the lack of any specific response to the health needs of women, children living with their mothers, minors or persons with psychological disorders.

85. The transport of patients was also problematic owing to the lack of available transport vehicles reserved for this purpose. The medical equipment and accommodation in infirmaries and their observation wards were in poor condition.

86. **The Subcommittee recalls the important role of health personnel in identifying and preventing ill-treatment, both upon admission to prison after a period of police custody and during detention. It recommends that the State Party ensure that medical examinations are systematically carried out upon admission to all prisons, in order to make a record of the detainee's state of health and register any injuries.**

87. **The Subcommittee recommends that the State Party increase the number of nurses in proportion to the number of detainees in prisons, ensure that the equipment in infirmaries is regularly upgraded, attend to the specific needs of detainees in vulnerable situations, and provide prisons with transport vehicles reserved for medical transfers. It also encourages the State Party to review the status and training of prison nurses.**

5. Internal regulations and disciplinary measures

88. The internal regulations applied in prisons, which are based on a decree issued in 2001, did not provide for a complaints mechanism or a disciplinary sanctions procedure. They merely contained a list of punishable disciplinary offences, the sanctions that could be applied and the persons with the authority to impose those sanctions. They did not specify which sanction should be applied for each offence, leaving the prison governor free to determine the appropriate measure. This lack of clarity could lead to arbitrary treatment and confusion.⁹

89. The delegation observed that, on the whole, detainees were not familiar with the internal regulations, which were displayed in places that were inaccessible to them. The Subcommittee finds it regrettable that the disciplinary regime is not strictly regimented, in terms of either the display and dissemination of the rules or the rigorous maintenance of disciplinary records. It reminds the State Party that the lack of due process exposes detainees to the risk of arbitrary decisions, including arbitrary decisions related to solitary confinement.

90. According to the information received, detainees were permitted to file complaints with the judicial authorities and were not censured in this regard. It came to light, however, that the authorities had not investigated all allegations of ill-treatment.

91. In the prisons visited, the punishment cells lacked adequate sleeping arrangements and ventilation, were often dirty and dilapidated, and were sometimes located in a remote part of the prison, which posed a problem if the detainees being held there had an urgent need.

92. The delegation observed some cases in which detainees had been placed in isolation for their own safety.

93. **The Subcommittee recommends that the State Party take the necessary measures to ensure that the use of solitary confinement cells, and of disciplinary sanctions in general, is codified, recorded and properly supervised in accordance with international standards and the Nelson Mandela Rules. It invites the State Party to ensure that solitary confinement cells are reconfigured so as to have light, suitable temperatures, toilets and access to water. It also invites the State Party to standardize the internal**

⁷ With the notable exception of the Rebeuss remand prison.

⁸ See the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).

⁹ At the Thiès remand prison and detention centre, for example, the possession of a private mobile phone resulted in one detainee being deprived of visits for three days and another being placed in a punishment cell for eight days.

prison regulations, to make their enforcement mandatory and to ensure that they are accessible to detainees.

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

94. The delegation received very few reports of alleged acts of torture. However, it received numerous reports regarding the alleged ill-treatment of uncooperative detainees by some prison officers, including reports of beatings with sticks or truncheons, slaps, sewage being thrown at detainees as a form of humiliation, insults and unjustified confinement to punishment cells. Furthermore, the Subcommittee recalls that prison overcrowding, which was observed in most prisons, is in itself tantamount to ill-treatment, within the meaning of the Convention.

95. The Subcommittee recommends that the State Party ensure that prison officers who are alleged to have committed acts of torture or ill-treatment against detainees are brought before the competent authorities – disciplinary or criminal – depending on the gravity of their acts. The State Party should also make every effort to reduce prison overcrowding.

96. The Subcommittee also recommends that the State Party pay particular attention to the training of prison officers on the absolute prohibition of torture and ill-treatment, notably by informing them that any person who engages in such practices is liable to prosecution.

C. Minors in detention

97. The Subcommittee is concerned about the large number of minors in pretrial detention and the fact that they are subject to the same conditions of custody as adults. It is also concerned that these minors did not have access to activities appropriate to their status, including regular educational activities and vocational training.

98. The delegation found that in most of the prisons visited, other than the Hann juvenile remand prison and detention centre, there were no outdoor spaces reserved exclusively for minors, who were idle all day. In the Ziguinchor remand prison and detention centre, the minors remained in their cells for the duration of their detention, without access to fresh air, because of a lack of outdoor space. When questioned, the head warden confirmed that there was no exercise yard for minors but justified the situation by invoking the cramped conditions and dilapidated state of the facility.

99. At the Hann remand prison and detention centre, the dormitories were extremely unsanitary, while the staff offices were well maintained. The Subcommittee is particularly concerned that there were minors under the age of 13 incarcerated in this facility, despite the fact that the Code of Criminal Procedure establishes the age of criminal responsibility at 13. The delegation also noted that in some prisons, minors were not separated from adults. At the Rebeuss remand prison, for example, 5 male minors were held together with 72 adults. At the Liberté 6 women's remand prison, minors were also held together with adults.

100. The Subcommittee recommends that the State Party adopt legislation on juvenile justice and establish a judicial and prison regime specifically adapted to their status.¹⁰ It recalls that minors in detention are entitled to special care and specific procedural safeguards, notably that they should only be placed in detention as a last resort and that, where custody is necessary, the duration should not be the same as for adults. Furthermore, it urges the State Party never to imprison minors under the age of 13 and to immediately find an alternative to the incarceration of the children under the age of 13 detained at the Hann remand prison and detention centre.

¹⁰ See the United Nations Rules for the Protection of Juveniles Deprived of their Liberty; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules); and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines).

101. **The Subcommittee also recommends that the State Party ensure better social and educational support for minors by ensuring that they are all offered educational activities and training. In all prisons, minors must have access to outdoor spaces, recreational activities and a balanced diet. They should also be given access to specific activities, particularly educational activities, and vocational training to prepare them for reintegration into society.**

D. Women in detention

102. None of the establishments visited had rooms reserved for women with children. Children under 3 years of age shared rooms with the general female prison population and slept on mattresses on the floor. The Subcommittee notes with concern that children living with their mothers in prison do not receive any special care from the State Party. They eat the same food as the adult women, unless their mothers and their relatives have the means to tend to their specific needs.

103. The Subcommittee also notes that, with the exception of the Louga remand prison and detention centre, the facilities were dilapidated, the hygiene conditions were appalling and the food was of poor quality. As a result of prison overcrowding, women in pretrial detention were not separated from convicted prisoners. Similarly, pregnant women and women with newborn children were not held separately from other prisoners, contrary to the rules of the Senegalese prison system.

104. The Subcommittee notes that, according to rule 5 of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) and article 24 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), accommodation for women prisoners must have the facilities and materials necessary to meet the needs of pregnant women, women with children and nursing mothers.

105. **The Subcommittee recommends that the State Party take the necessary measures to ensure that the detention of women is carried out in accordance with the Bangkok Rules.¹¹ It also recommends that the State Party prioritize the use of non-custodial sentences, where possible, especially for pregnant women, which will also help to reduce prison overcrowding.**

VI. Healthcare facilities

A. Thiaroye psychiatric hospital

106. The Subcommittee notes that no allegations of ill-treatment were made during the interviews that it conducted.

1. Living conditions

107. The delegation visited the Thiaroye psychiatric hospital, which is the only psychiatric hospital in Senegal authorized to accommodate confined patients. The hospital had 126 beds for patients (109 inpatient beds, 8 beds in isolation rooms and 9 observation beds in the emergency department) and 89 beds for persons accompanying patients.¹²

2. Staff

108. As at 31 December 2018, there were 142 staff members, of whom 108 were permanent staff and 34 were temporary staff. The delegation noted that the healthcare staff were few in number (13 psychiatrists and 56 paramedics) but attentive to the needs of patients. A security

¹¹ Women detainees must have access to home leave programmes, open prisons, halfway houses and community-based programmes and services to ease their transition from prison to liberty.

¹² See the 2018 annual activity and budget implementation report of the Thiaroye psychiatric hospital.

agency employing around 30 agents guarded the perimeter of the grounds; the agents were authorized to intervene in the hospital units, at the request of the healthcare staff, to subdue violent patients.

3. Treatment of patients

109. The Subcommittee notes that the majority of patients had been hospitalized at the request of their families, without the consent of the patients themselves having been obtained. Patients confined on a temporary basis (of whom there were 287 in 2018) were generally brought to the hospital by the police following a breach of the peace. Patients confined after having been exempted from criminal responsibility did not have differentiated status and were treated according to their particular illness. The average length of stay was short, 17 days in 2018, including for confined patients.

110. Treatment was based on medication and the sharing of experiences, notably through “*penc*” therapy. Family members or other companions chosen in consultation with the patient were permitted to accompany patients 24 hours a day to tend to their needs, supervise them and act as a liaison during preparations for their discharge. The costs of patients’ medication, food and, in the case of confined patients, accommodation were covered by the hospital. Patients hospitalized at their own request or at the request of their families bore the cost of their own accommodation.

4. Use of isolation and restraint

111. The hospital had eight isolation rooms, referred to as confinement rooms.¹³ A register on the use of isolation was kept in each department by the head nurse. Since the delegation’s visit took place on a Sunday, it was unable to have access to these registers in order to assess the extent to which isolation (in confinement rooms or in ordinary closed rooms) and restraint were used or the supervision and traceability of such measures.

5. Legal safeguards

112. Under Act No. 75-80 of 9 July 1975 on the Treatment of Mental Illnesses and the Confinement of Certain Categories of Mental Patients, confinement for a period of less than 15 days (provisional confinement) may be ordered by means of a written, reasoned order issued by a prefect. For longer periods, a court order is required. The Subcommittee notes that, in practice, confinement rarely continues for more than a fortnight.

113. There did not appear to be any regular inspections of the hospital by judicial or administrative authorities.

114. The Subcommittee recommends that the State Party strengthen the legal safeguards applicable to the process of obtaining the informed consent of persons committed to hospital, the regular monitoring of confinement measures, and the monitoring of the use of isolation and restraint.¹⁴

115. The Subcommittee would appreciate the State Party’s comments on any legislative and regulatory developments envisaged in the area of national mental health policy.

B. Special wing of the Aristide Le Dantec hospital

116. The delegation visited the special wing of the Aristide Le Dantec hospital, a 60-bed inpatient unit reserved for detainees (men, women and minors) from throughout Senegal, located within the Dakar University hospital centre.

117. The Subcommittee welcomes the renovation and upgrading of the equipment of this prison hospital. According to the information received, there were plans to build seven

¹³ An enclosed area with four confinement rooms opening onto a patio was under construction.

¹⁴ In this regard, the Subcommittee reminds the State Party of the obligations arising from its ratification of the Convention on the Rights of Persons with Disabilities on 7 September 2010.

additional rooms. At the time of the delegation's visit, the facility had nine shared rooms, one of which was reserved for patients with tuberculosis. Because of the construction work, only 16 patients were present, in addition to 7 prisoners employed to provide personal assistance and do janitorial work under the supervision of the nursing staff.

118. The training of the unit's nursing staff,¹⁵ provided by the military healthcare service, is not equivalent¹⁶ to the State-certified diploma required to work in a hospital. Although the number of nurses had been increased from three to six, it was clear that there were too few staff to meet the needs of 60 patients, let alone more. The medical staff consisted of a full-time general practitioner and a referring physician.¹⁷ Specialized examinations and emergencies were handled in the technical facilities of the university hospital centre by the staff of those facilities.

119. The facility operated an open-door regime from 9 a.m. to 6 p.m., or to 7 p.m. on particularly hot days. The internal regulations were based on those of the prison system. Visits of 10 to 15 minutes were permitted from Tuesday to Friday. Only convicts could use the telephone, which they did at their own expense.

120. The rooms, including those that had been refurbished, were not equipped with an alarm system, even though the patients' illnesses were severe (cancer, tuberculosis, decompensated diabetes, post-operative care, etc.); their doors were closed at night and the duty nurse's station was located outside the detention area.

121. Medical records and registers were not filed and documented in the most effective manner. There was no systematic information on the circumstances and causes of deaths.

122. **In view of the seriousness of the illnesses of the patients staying in the special wing, the Subcommittee recommends that the State Party provide for reinforced medical supervision on site and a larger nursing staff. The State Party should also consider revising the diploma for prison nurses to make it equivalent to that for nurses working with the general population.**

123. **The Subcommittee also recommends the installation in patients' rooms of an alarm system linked to the nurse's station.**

124. **The Subcommittee recommends that particular attention be paid to the circumstances and causes of deaths in the special wing of the Aristide Le Dantec hospital and more generally in all prisons,¹⁸ and that they be systematically recorded and, where appropriate, thoroughly investigated, including through an autopsy.**

VII. The specific case of the *daaras*

125. It was brought to the attention of the Subcommittee by several entities, including official ones,¹⁹ that some Qur'anic schools (*daaras*) functioning under a closed regime

¹⁵ The staff comprised 2 members of the prison administration, 13 officers including 2 women, 4 administrative officers, 1 officer seconded to the kitchen, 7 nurses including 1 head nurse, and 2 physicians.

¹⁶ Technical certificate No. 2 in health, which is a lower qualification than the State-certified diploma.

¹⁷ Medical officer in charge of the medical and social centre of the Liberté 6 prison camp.

¹⁸ See the Nelson Mandela Rules.

¹⁹ See, inter alia, BFM TV, "*Sénégal: le sort d'un élève battu à mort dans une école coranique scandalise le pays*" (The fate of a student beaten to death at a Qur'anic school causes an uproar in Senegal), 2020, available at www.bfmtv.com/international/afrique/senegal/senegal-le-sort-d-un-eleve-battu-a-mort-dans-une-ecole-coranique-scandalise-le-pays_AN-202001310086.html; Lucie Sarr, "*Sénégal: un maître d'école coranique condamné pour avoir enchaîné ses élèves*" (A teacher at a Qur'anic school convicted of chaining up students), *La Croix*, 2019, available at www.la-croix.com/Religion/Islam/Senegal-maitre-decole-coranique-avoir-enchaine-eleves-2019-12-05-1201064728; Human Rights Watch, "*Sur le dos des enfants – Mendicité forcée et autres mauvais traitements à l'encontre des talibés au Sénégal*" (On the backs of children: forced begging and other ill-treatment against talibé children in Senegal), 2010, available at www.hrw.org/fr/report/2010/04/15/sur-le-dos-des-enfants/mendicite-forcee-et-autres-mauvais-traitements-lencontre; "Thousands of children are abused in Senegal's religious schools", *The*

reportedly mistreated children and forced them to beg. Having been alerted to the issue, the delegation visited two *daaras* in Dakar, in the department of Pikine, one of which turned out to be an open facility and the other closed. The delegation was well received and was able to speak with the Qur'anic teachers of both *daaras*. While the first school clearly did not fall under the definition in article 4 of the Optional Protocol, the second did meet one of the criteria.

126. The *talibé* children (17 boys and 13 girls of all ages) encountered in the school functioning under a closed regime had been entrusted to it by poor families (including from departments far from Dakar and even from abroad) under a full-time boarding system (the “*confiage*” system) so that they could receive a free education.

127. The delegation observed deplorable material and living conditions. The school consisted of a small rubbish-strewn central inner courtyard, surrounded by a classroom, a small space for the one and only latrine, which was in unacceptably unhygienic condition and was not connected to the water supply, a room serving as a kitchen, two rooms for the children and a dwelling for the Qur'anic teacher and his family. The two large dormitories, one for the boys (about 3.5 metres by 4) and one for the girls (3.5 metres by 3.5), were in a state of disrepair; the children slept squeezed together on the floor on very dirty mats. While the temperature was acceptable, there was a lack of natural light and ventilation, with only one small window through which light and air could enter.

128. The children had to beg three times a day, for approximately two hours on each outing – once before breakfast, once at lunchtime and once in the late afternoon – in order to bring back money or food to support the school. They were not allowed to leave the school outside these periods and were, according to the teacher himself, physically punished, either for reasons related to their education or because they did not bring – or did not bring enough – money or food into the school after their begging outings. The delegation was informed that some children had run away from the school.

129. The children had three hours of Qur'anic studies a day before lunch. The girls were also expected to perform household chores, such as helping with cooking and cleaning.

130. The Subcommittee recommends that the State Party implement all necessary measures to monitor Qur'anic schools functioning under a closed regime and to put an end to the ill-treatment to which children may be exposed there. It also recommends that the State Party adopt a children's code and a statute for the *daaras* aimed at protecting all minors deprived of liberty, including by putting an end to forced begging, and adopt social and educational policies for vulnerable children. In addition, in line with the recommendations already made by the Committee against Torture,²⁰ the Subcommittee recommends that the State Party implement a zero-tolerance policy towards the ill-treatment of children in the *daaras* and combat the impunity of the perpetrators, whoever they may be, by bringing legal action against them.

Economist, 2019, available at www.economist.com/middle-east-and-africa/2019/06/13/thousands-of-children-are-abused-in-senegal-religious-schools; Understanding Children's Work, “Enfants mendians dans la région de Dakar” (Child beggars in the Dakar region), Project Working Paper Series, 2007, available at www.ceistorvergata.it/public/CEIS/image/UCW/PaperUCW/Country%20Reports/SenegalDAKAR_NoWords_Nocover/child%20labour%20enfants_mendians_Dakar.pdf; Human Rights Watch, “*Il y a une souffrance énorme – Graves abus contre des enfants talibés au Sénégal, 2017–2018*” (Tremendous suffering: serious abuse of talibé children in Senegal), available at www.hrw.org/report/2019/06/11/there-enormous-suffering/serious-abuses-against-talibe-children-senegal-2017-2018; Senegal, Ministry of Justice, national unit to combat trafficking in persons, especially women and children, “*Cartographie des écoles coraniques de la région de Dakar*” (Map of Qur'anic schools in Dakar), 2014, available at <http://cnlp.org/rapport/cartographieaimprimerJuin%202014.pdf>; and “*Saint-Louis: un talibé retrouvé mort dans son daara, et quatre autres gravement...*” (A talibé found dead and four others seriously injured in Saint-Louis), Seneweb, 2018, available at www.seneweb.com/news/Societe/saint-louis-nbsp-un-talibe-retrouve-mort_n_265543.html.

²⁰ See CAT/C/SEN/CO/4.

VIII. Legal and institutional considerations

131. The Subcommittee notes with interest the progress made by the State Party, in particular the adoption of Act No. 2016-30 of 8 November 2016 amending the Code of Criminal Procedure, pursuant to which safeguards for persons in conflict with the law have been strengthened and permanent criminal chambers established, and Organic Act No. 2017-10 of 17 January 2017 on the Status of Judges. Furthermore, the installation of a video surveillance system in the corridors of some police holding cell blocks deserves to be highlighted and encouraged.

132. The Subcommittee notes, however, that much remains to be done to protect more effectively the rights of persons in conflict with the law in general, and more specifically to prevent torture, in particular with regard to the definition of torture, the non-applicability of statutory limitations to acts of torture, the severity of the penalty and the prohibition of all forms of amnesty for acts of torture.

133. The Subcommittee recommends that the State Party amend its Criminal Code to establish the non-applicability of statutory limitations to the crime of torture, provide for appropriately severe penalties and prohibit amnesty for acts of torture.

134. The Subcommittee encourages the State Party to install video surveillance systems on the premises of all police investigation units in order to reduce the risk of torture and ill-treatment during police custody.

A. Definition of torture and impunity

135. The Subcommittee remains concerned that the definition of torture in the Criminal Code is still inconsistent with the provisions of article 1 of the Convention, as indicated by the Committee against Torture.²¹

136. The Subcommittee recommends that the State Party amend its Criminal Code, in particular article 295-1 on the definition of torture, to bring the definition of torture in Senegalese law fully into line with the provisions of article 1 of the Convention, by including acts aimed at obtaining information from, punishing, intimidating or coercing a third person. The crime of torture should also be punishable by appropriate penalties that take into account its grave nature, in accordance with article 4 (2) of the Convention. The Subcommittee also recommends that the State Party revoke any amnesty or other legal obstacles preventing the prosecution and appropriate punishment of perpetrators of acts of torture and ill-treatment.

B. Criminal procedure

137. The Subcommittee takes note of the information provided by the State Party in its reply concerning the measures taken to combat prison overcrowding, including the use of conditional release. The information gathered during the visit, however, shows that use of conditional release remains very limited.

138. The Subcommittee is concerned about reports that detainees have spent many years in detention without having stood trial and that the use of pretrial detention appears to be the rule rather than the exception in criminal proceedings. It is of the view that the systematic use of pretrial detention, in addition to being a major cause of overcrowding, is a sign of a dysfunctional justice system.

139. Senegalese legislation provides for several alternatives to imprisonment, including suspended sentences, probation, community service, sentence enforcement in instalments, discharge and sentence deferment. However, the information received during the visit indicates that the use of adjusted sentences remains rare.

²¹ Ibid.

140. **The Subcommittee recommends that the State Party revise the regulations on pretrial detention in order to clarify the circumstances that may justify it and to ensure that it is imposed only in exceptional circumstances and for limited periods. In addition, it urges the State Party immediately to release all persons who have been detained awaiting trial for a period exceeding the maximum sentence carried by the offence of which they stand accused.**

141. **The Subcommittee recommends that the State Party take the necessary steps to encourage more frequent use of conditional release for detainees who qualify for it. The State Party should systematically and regularly assess the situation of detainees who qualify for conditional release and, as appropriate, release them.**

142. **The Subcommittee also recommends that the State Party diversify the range of alternatives to imprisonment and establish a system for the management and monitoring of such alternatives. It encourages the State Party to adopt the necessary measures, including in terms of awareness-raising for judges, to promote the use of alternatives to pretrial detention, in accordance with international standards. It further recommends that the State Party promote the use of alternatives to the detention of women and minors.**

143. **The Subcommittee recommends that the State Party reflect deeply on its criminal policies and adapt its criminal offences and the applicable penalties accordingly.²² In addition, it encourages the State Party to establish a regularly updated statistical database to assess the impact of the measures taken.**

C. Legal aid

144. **The Subcommittee notes with concern the lack of an effective legal aid system. While the new Code of Criminal Procedure has provisions relating to the assistance of a lawyer at the different stages of the judicial process, the Subcommittee notes that free legal assistance by court-appointed lawyers is provided chiefly for criminal cases. The Subcommittee notes that the number of practising lawyers remains highly inadequate despite the measures taken by the Dakar bar association to increase recruitment and improve the spread of lawyers throughout Senegal.**

145. **The Subcommittee recommends that the State Party establish a system of free legal aid that is accessible to everyone who needs it and that it provide a suitable budget for that system. It encourages the State Party to take stronger measures to increase the number of lawyers trained in the country each year and to encourage them to establish themselves in the country's various regions.**

D. Complaints mechanism

146. **The Subcommittee remains concerned about the lack of a mechanism for receiving complaints of torture and ill-treatment. The Office of the Ombudsman, whose mandate is to receive complaints regarding the functioning of the State, local authorities, public institutions and any other public service bodies, does not appear to handle complaints regarding persons deprived of their liberty.**

147. **The Subcommittee recommends that the State Party establish formal and effective mechanisms for processing complaints regarding acts of torture and ill-treatment and ensure that all persons deprived of their liberty are systematically informed of the existence of such mechanisms upon their arrival at the place of deprivation of liberty, so as to strengthen the prevention of torture and ill-treatment, in coordination with the National Observatory.**

²² The Subcommittee encourages the State Party to consider decriminalizing certain offences, such as drug use, that do not harm a third party or remain within the scope of personal, private decisions, or that result from conditions of poverty and have a significant impact on crime rates and, consequently, on prison overcrowding.

IX. Next steps

148. The Subcommittee requests that a reply to the present report be provided within six months from the date of its transmission to the Permanent Mission of the Republic of Senegal to the United Nations Office and other international organizations in Geneva. The reply should respond directly to all the recommendations and requests for further information made in the present report, giving a full account of action that has already been taken or is planned (including timescales) in order to implement the recommendations. It should include details concerning the implementation of institution-specific recommendations and concerning general policy and practice.²³

149. Article 15 of the Optional Protocol prohibits all forms of sanction or reprisal, from all sources, against anyone who has been, or who has sought to be, in contact with the Subcommittee. The Subcommittee reminds Senegal of its obligation to ensure that no such sanctions or reprisals take place and requests that in its reply it provide detailed information concerning the steps it has taken to ensure that it has fulfilled that obligation.²⁴

150. The Subcommittee recalls that prevention of torture and ill-treatment is a continuing and wide-ranging obligation.²⁵ It therefore requests that Senegal inform it of any legislative, regulatory, policy or other relevant developments relating to the treatment of persons deprived of their liberty and regarding the work of the national preventive mechanism.

151. The Subcommittee considers both its visit and the present report to form part of an ongoing process of dialogue. The Subcommittee looks forward to assisting Senegal in fulfilling its obligations under the Optional Protocol by providing further advice and technical assistance, in order to achieve the common goal of prevention of torture and ill-treatment in places of deprivation of liberty. The Subcommittee believes that the most efficient and effective way of developing the dialogue would be for it to meet with the national authorities responsible for the implementation of the Subcommittee's recommendations within six months of receiving the reply to the present report.

152. The Subcommittee recommends that, in accordance with article 12 (d) of the Optional Protocol, the national authorities of Senegal enter into dialogue with it on the implementation of its recommendations, within six months of the Subcommittee's receipt of the reply to the present report. The Subcommittee also recommends that Senegal initiate discussions with it on the arrangements for such a dialogue at the time of submission of its reply to the present report.²⁶

²³ The reply should also conform to the guidelines concerning documentation to be submitted to the United Nations human rights treaty bodies established by the General Assembly. See letters sent to Permanent Missions on 8 May 2014.

²⁴ The manner in which the Subcommittee addresses the issue of reprisals and sanctions is set out in [CAT/OP/6/Rev.1](#).

²⁵ See [CAT/OP/12/6](#) and Committee against Torture, general comment No. 2 (2007).

²⁶ Senegal is encouraged to consider approaching the treaty body capacity-building programme of the Office of the United Nations High Commissioner for Human Rights (registry@ohchr.org), which may be able to facilitate the dialogue. The contact details of the Special Fund established under the Optional Protocol are available at www.ohchr.org/EN/HRBodies/OPCAT/Fund/Pages/SpecialFund.aspx.

Annexe I

Liste des interlocuteurs du Sous-Comité

A. Autorités

Ministère des affaires étrangères et des Sénégalais de l'étranger

Martin Pascal Tine (Ambassadeur)

Moustapha Ka (Directeur des droits humains)

Elhadj A.L. Diagne

Abdou Ndoye

Ministère de l'intérieur

Dame Toure

Amadou Salmone Fall

Sofietou Mbaye

Mairièmè SY Loun

Ministère de la justice

Ismaila Madior Fall (Ministre)

Mamadou Saw (Secrétaire d'État)

Daouda Ndiaye

Niane S. Nasser

Samba Diouf

Amadou Ndiaye

Basséna Maruis Atéba

Mar Ndiaye

Ministère de l'éducation nationale

Oumar Mbaye

Ministère de la santé et de l'action sociale

Mamadou Lamine Faty

Diallo Aboubacar (bonne gouvernance)

Assemblée nationale

Seydou Diouf (Président de la Commission des lois)

Moussa Sane (député)

Bounama Fall (député)

Boubacar V. Biaye

Binta Thiam

Charles Sow

Top Sow

Papa Babou Ndiaye

Pouvoir judiciaire

Ahmed Tidiane Coulibaly (Procureur général près la Cour suprême)

B. Observateur national des lieux de privation de liberté

Josette Marceline Lopez Ndiaye (Observateur national des lieux de privation de liberté)

Djibril Ba (Observateur délégué)

Mamadou Boye (Observateur délégué)

Amadou Diallo (Observateur délégué)

Elias Abdoulaye Diop (Observateur délégué)

Yaye Fatou Gueye (Observateur délégué)

Idrissa Ndiaye (Observateur délégué)

Mamadou Ndong (Observateur délégué)

Abdou Gilbert Niassy (Observateur délégué)

C. Organismes des Nations Unies

Haut-Commissariat des Nations Unies aux droits de l'homme

Organisation mondiale de la Santé

Haut-Commissariat des Nations Unies pour les réfugiés

Fonds des Nations Unies pour l'enfance

D. Société civile

ACAT Sénégal

Amnesty International

Association des juristes sénégalaises

Comité sénégalais des droits de l'homme

Handicap Forum

Institut des droits de l'homme et de la paix de l'Université Cheikh Anta Diop de Dakar (IDHP/UCAD)

Ligue sénégalaise des droits humains

Plateforme des associations communautaires pour le respect, la protection et la promotion des droits humains (PAC-DH)

Rencontre africaine pour la défense des droits de l'homme (RADDHO)

Annexe II

Lieux de privation de liberté visités par le Sous-Comité

Gendarmeries

Brigade de gendarmerie de Louga
Brigade de gendarmerie de Saint-Louis
Brigade mixte de Ziguinchor

Commissariats de police

Commissariat central de Dakar
Commissariat central de Saint-Louis
Commissariat de police de l'île
Commissariat de Ziguinchor
Commissariat urbain de Kolda

Prisons

Camp pénal de Liberté 6
Maison d'arrêt de Rebeuss
Maison d'arrêt et de correction de Kolda
Maison d'arrêt et de correction de Louga
Maison d'arrêt et de correction de Saint-Louis
Maison d'arrêt et de correction de Ziguinchor
Maison d'arrêt pour femmes de Liberté 6

Centres pour enfants et adolescents

Maison d'arrêt et de correction de Hann (ex-Fort B)

Établissements de santé

Hôpital psychiatrique de Thiaroye
Pavillon spécial de l'Hôpital Aristide Le Dantec

Autres

Tribunal d'instance et tribunal de grande instance de Saint-Louis
Une daara (régime fermé) dans le quartier de Pikine, à Dakar

Annexe III

Lieux de privation de liberté visités conjointement par le Sous-Comité et l'Observateur national des lieux de privation de liberté

Brigade de gendarmerie nationale de Mbour

Commissariat urbain de Mbour

Maison d'arrêt et de correction de Thiès
