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Senegal

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Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its seventeenth session from 21 October to 1 November 2013. The review of Senegal was held at the 2nd meeting on 21 October 2013. The delegation of Senegal was headed by Mr. Sidiki Kaba, Minister of Justice. At its 10th meeting held on 25 October 2013, the Working Group adopted the report on Senegal.

2. On 14 January 2013, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Senegal: Botswana, Spain and Republic of Moldova.

3. In accordance with paragraph 15 of the annex to resolution 5/1 and paragraph 5 of the annex to resolution 16/21, the following documents were issued for the review of Senegal:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/17/SEN/1);

(b) A compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/17/SEN/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/17/SEN/3).

4. A list of questions prepared in advance by Czech Republic, Germany, Netherlands, Slovenia, Spain and United Kingdom was transmitted to Senegal through the troika. These questions are available on the extranet of the UPR.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. Le Ministre de la Justice a commencé son allocution en renouvelant l'adhésion du Sénégal à l'EPU et son engagement en faveur de la promotion et de la protection des droits humains. Le Sénégal s'est fait une réputation de défenseur des droits de l'Homme consubstantielle à son expérience d'Etat de droit et de démocratie, illustrée et renforcée par une nouvelle alternance politique et pacifique à la tête de l'Etat en 2012.

6. Le Sénégal vient de modifier, le 28 juin 2013, son Code de la nationalité mettant ainsi fin au traitement différencié entre l'homme et la femme quant à la transmission de la nationalité sénégalaise par le mariage, la filiation et l'adoption. Déjà en 2010, le Sénégal s'était doté d'une Loi novatrice instituant la parité absolue Homme-Femme dans les Institutions électives et semi-électives. A l'heure actuelle, la représentation des femmes au Parlement sénégalais est passée de 33 à 64 députés sur 150 soit 43 % de l'effectif total.

7. De même, de nouvelles politiques multisectorielles, sont mises en œuvre dans le cadre de la lutte contre les mutilations génitales féminines et d'autres formes de violences faites aux filles et aux femmes.

8. Concernant la santé, la délégation a relevé que le budget alloué au Ministère en charge de ce secteur a connu une hausse entre 2000 et 2013, passant ainsi de 48,69 milliards de FCFA à 123,692 milliards de FCFA. Le Sénégal a lancé une initiative visant à

assurer une Couverture Maladie Universelle pour la population, avec comme objectif d'atteindre un taux de 75% en 2017.

9. La prise en charge des personnes vivant avec un handicap reste une priorité pour le Gouvernement. En 2010, une loi d'orientation sociale pour leur protection a été adoptée. La carte d'égalité des chances est en cours d'élaboration. Elle permettra à son titulaire d'accéder gratuitement à des services essentiels.

10. Par ailleurs, un Programme National de Bourses de Sécurité Familiale a été mis en œuvre, qui permet de pallier la vulnérabilité des familles démunies. Il s'agit de mettre à la disposition de 250.000 familles, en situation d'extrême pauvreté, des bourses de sécurité familiale de 100.000 FCFA par an.

11. La lutte contre la traite des enfants est un des axes majeurs de la Stratégie Nationale de Développement Economique et Social. Le Sénégal a élaboré, le 05 juin 2013, une feuille de route en vue de l'élimination des pires formes de travail des enfants d'ici 2016. La prise en compte de la dimension sous-régionale du phénomène a conduit à une concertation sur la thématique avec les pays frontaliers.

12. Un accent particulier a été mis sur la construction d'écoles au cours de cette dernière décennie. Les infrastructures sont passées, entre 2000 et 2010, dans le préscolaire, de 449 à 1.958, dans l'élémentaire, de 4751 à 8.198, dans le moyen, de 455 à 917 et dans le secondaire, de 111 à 326. Dans la même période, le taux brut de scolarisation est passé de 2,3 à 9,8% dans le préscolaire, de 67,2 à 94,4% dans l'élémentaire, de 19,6 à 45% dans le moyen et de 9,3 à 19,4% dans le secondaire.

13. Le Sénégal accorde, également, une grande importance à la liberté de la presse, domaine caractérisé par un pluralisme médiatique avec plus de deux cents organes d'informations générales qui s'expriment librement, sous réserve du respect de la vie privée d'autrui, des droits et libertés des citoyens et de l'ordre public. La recommandation relative à la dépénalisation des délits de presse est examinée dans le cadre du projet de loi portant Code de la presse.

14. La délégation a souligné que le Gouvernement déploie les efforts nécessaires en vue d'améliorer les conditions de détention dans les lieux de privation de liberté. L'Observateur national des Lieux de Privation de Liberté est devenu opérationnel depuis 2012. L'accent a été également mis sur la lutte contre les longues détentions préventives.

15. Dans le cadre de la lutte contre l'impunité, les éléments des forces de défense et de sécurité impliqués dans des actes de torture, ont fait l'objet de poursuites judiciaires. Mais l'expression la plus achevée de la volonté du Sénégal de respecter ses engagements internationaux en matière de lutte contre l'impunité, est la création des Chambres africaines extraordinaires pour juger l'ancien Président tchadien, Monsieur Hissène Habré.

16. Le Gouvernement soutient le processus de réforme en cours du Comité sénégalais des droits de l'Homme et prendra toutes les mesures pour assurer sa conformité aux « principes de Paris » et la reconquête de son statut « A ». Un militant des droits de l'Homme reconnu a été nommé pour mener la redynamisation de cette structure.

17. Pour la délégation, le chemin parcouru depuis 2009 a été important. Mais, il subsiste des défis et des contraintes. Le Sénégal s'emploie avec constance et détermination à les affronter pour les surmonter dans un proche avenir.

B. Interactive dialogue and responses by the State under review

18. During the interactive dialogue, 88 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

19. United Arab Emirates commended the adoption of legislation on vulnerable groups and the establishment of a national unit to combat human trafficking. It requested an evaluation of the action plan to protect victims of trafficking. It made a recommendation.

20. The United Kingdom of Great Britain and Northern Ireland commended the establishment of the Extraordinary African Chambers and encouraged accelerated implementation of the Social Policy Orientation Act. It expressed deep concern about child trafficking, exploitation, abuse and health. It requested information on decriminalizing homosexuality. It made recommendations.

21. The United States of America welcomed Senegal's commitment to try Hissène Habré. It raised concerns about the trafficking of children and women, the need for government authorization to form trade unions and the recurring intervention of security forces during authorized marches. It made recommendations.

22. Uruguay commended legislation on protecting persons with disabilities, gender equality in decision-making processes and outlawing violence against women and female genital mutilation (FGM). It made recommendations.

23. Venezuela (Bolivarian Republic of) commended the ratification of the CPED and CRPD, the introduction of compulsory education from 6 to 16 years and the commitment to ensuring gender equality in decision-making bodies. It made a recommendation.

24. Viet Nam noted efforts to help vulnerable groups and legislation enacted on gender equality. It welcomed efforts to eliminate FGM and the worst forms of child labour. It made a recommendation.

25. Yemen commended Senegal on creating a unit to combat human trafficking and on coordinating with civil society to protect victims and prosecute perpetrators. It made a recommendation.

26. Zambia commended the adoption of the Social Policy Orientation Act, a strengthened Human Rights Committee and the establishment of a unit to protect trafficking victims. It noted efforts to combat all forms of violence against women. It made a recommendation.

27. Algeria noted the creation of the National Observatory on Gender Equality and a unit to combat human trafficking. It welcomed plans and programmes to reach the Millennium Development Goals. It made recommendations.

28. Angola welcomed the creation of the national observatory of places of detention and the Human Rights Directorate and improved gender equality. It made a recommendation.

29. Argentina commended the creation of the Human Rights Directorate, ratification of the CRPD and efforts to eliminate all forms of violence against women, particularly FGM. It encouraged Senegal to ensure that the National Observatory of Places of Deprivation of Liberty was adequately resourced. It made recommendations.

30. Australia welcomed continued efforts to combat FGM and increase women's participation in legislature. It expressed concern over discrimination against some minorities. It commended the establishment of the Extraordinary African Chambers. It

regretted Senegal's Human Rights Committee being downgraded to 'B' status. It made recommendations.

31. Austria raised concerns about street children, the poor implementation of legislation in that area and the criminalization of same-sex sexual acts. It highlighted the need to improve detention conditions. It made recommendations.

32. Azerbaijan noted accession to core human rights instruments, development of laws to prevent torture in prisons, establishment of the National Observatory on Gender Parity and other bodies, and commended Senegal's cooperation with the special procedures mandate holders. It made recommendations.

33. Bangladesh noted measures to eradicate FGM and the strategic plan to protect and educate child beggars and children who did not attend school. It encouraged Senegal to pursue human rights efforts.

34. Belgium commended the establishment of the Extraordinary African Chambers. It expressed concern over children's rights and over unclear provisions in article 319 of the Criminal Code. It made recommendations.

35. Benin noted efforts to improve gender parity, tackle FGM, protect persons with disabilities, strengthen the rights to education and freedom of the press and combat corruption. Benin invited the international community to support Senegal. It made recommendations.

36. Botswana commended the Poverty Reduction Strategy, universal health access, and measures to protect human rights. It encouraged Senegal to amend its Criminal Code to address the sale and trafficking of children, at the request of the Special Rapporteur. It made recommendations.

37. Brazil noted measures to combat HIV/AIDS and violence against women. It expressed concern regarding human rights defenders and journalists, who had been victims of attacks and detentions. Criminalization of homosexuality led to discrimination. Brazil made recommendations.

38. Burkina Faso congratulated efforts to eradicate FGM and urged efforts to raise awareness and share information on FGM. It welcomed Senegal's ongoing commitment to creating a human rights culture. It made recommendations.

39. Cambodia noted the adoption of national programmes and action plans against poverty, the ratification of international conventions, including ICCPED, CRPD and OP-CRPD, and initiatives to combat trafficking in persons. Cambodia made a recommendation.

40. Canada asked what steps were being taken to increase awareness of access to judicial institutions and what progress had been made to guarantee better functioning of the judicial system. It welcomed Senegal's commitment to gender equality. Canada made recommendations.

41. Cape Verde noted national and international instruments and legislation and commended the adoption of the second National Action Plan on FGM. It encouraged the continued implementation of existing instruments and policies to ensure sustainable solutions. It made a recommendation.

42. Central African Republic, noting the ratification of nearly all international human rights instruments, encouraged ratification of ICCPR-OP 2 towards the abolition of the death penalty and urged the international community to support Senegal in that regard.

43. Chad commended the ratification of nearly all international human rights instruments, which demonstrated Senegal's commitment and political will. It welcomed the

inclusive consultations held with ministers, national structures and civil society actors to prepare the national report.

44. China welcomed the implementation of recommendations accepted during the previous review on poverty reduction, women's and children's rights, gender parity, reduction of FGM and health development. It urged the international community to support China in reducing poverty. China made a recommendation.

45. Comoros noted efforts to protect the rights of women, children and persons with disabilities, particularly in maternal and child health. It noted Senegal's commitment to human development and encouraged Senegal to continue its efforts in human rights.

46. Congo commended efforts to implement the recommendations from the previous UPR cycle, namely the strengthened institutional framework and new legislative measures. It applauded legislation on gender parity in all public policies. Congo made a recommendation.

47. Costa Rica welcomed implementation of recommendations from the previous UPR cycle, especially on institutional reform. It asked whether the circular indicating that pregnant girls should leave school would be withdrawn. It made recommendations.

48. Cote d'Ivoire welcomed steps taken to protect children from violence, promote gender equality, freedom of the press and the right to food and combat FGM. It called on the international community to provide further support. It made recommendations.

49. Cuba congratulated efforts towards gender equality, eradication of child exploitation, and removing children from the streets. It noted increased numbers of staff and enrolments in schools and better access to health services. Cuba made recommendations.

50. The Democratic Republic of the Congo asked whether the National Observatory of Places of Deprivation of Liberty had improved prison conditions and what the impact had been of programmes to keep girls in school. It made recommendations.

51. Djibouti asked about the results of programmes to strengthen national decision-making institutions and bodies. It commended ratification of international instruments, particularly the CRPD. Djibouti made a recommendation.

52. Ecuador welcomed ratification of the CRPD, reduction of child mortality and steps towards the abolition of female circumcision. It noted the establishment of the National Observatory of Places of Deprivation of Liberty, in line with the CAT. Ecuador made recommendations.

53. Egypt believed that Senegal had taken numerous measures and initiatives in its efforts to achieve broadest possible enjoyment of all human rights and fundamental freedoms. It made recommendations.

54. Ethiopia commended Senegal on setting up institutional frameworks, including in the areas of combating human trafficking and gender parity, and the National Human Rights Advisory Council. It made recommendations.

55. France congratulated Senegal on ratifying the CPED, on combating impunity and on opening the Extraordinary African Chambers. It considered the creation of domestic security centres and universal medical insurance for all children as further advances. It made recommendations.

56. La délégation du Sénégal a remercié les délégations pour leurs encouragements et a expliqué qu'elle avait regroupé en quatre grandes catégories les observations et recommandations qui venaient d'être faites: la lutte contre les

discriminations, les lieux de détention, l'accès aux droits sociaux, économiques et culturels et, finalement, la lutte contre l'impunité.

57. En ce qui concerne la lutte contre l'excision, le Gouvernement sénégalais a entrepris une triple action pour combattre cette pratique néfaste à la santé de la femme. Il s'agit de réprimer l'excision, de sensibiliser la population et de reconverter les femmes qui s'adonnent à cette pratique pour qu'elles puissent définitivement l'abandonner. Plusieurs régions ont abandonné cette pratique. Ainsi, sur environ 5.000 communautés de base, plus de 4.500 ont déclaré avoir abandonné la pratique de l'excision. Les efforts sont concentrés sur les 500 communautés restantes qui font l'objet de la triple action mentionnée précédemment. La délégation a, en outre, souligné que les autorités sénégalaises avaient remarqué que pour rendre plus efficace leur action, il fallait développer la coopération régionale.

58. Par rapport à la situation des enfants, la délégation a relevé les efforts faits, notamment dans le domaine de l'éducation. Ainsi, la scolarité obligatoire qui dure 10 ans (6 à 16 ans) a permis à des enfants de quitter la rue. L'accent est particulièrement mis sur l'éducation des filles et les résultats obtenus qu'elles ont obtenu en 2010 et 2011 au baccalauréat sont particulièrement encourageants. En effet, 40% des candidats reçus à cet examen sont des filles. Il convient aussi de souligner la modernisation des écoles qui apporte aux enfants une vraie éducation à la fois en arabe, français et en langues nationales et qui leur permet de ne plus être dans la rue, exposés aux dangers.

59. Pour les lieux de détention, la délégation a rappelé que, conformément au protocole facultatif à la Convention contre la torture, le poste d'Observateur national des Lieux de Privation de Liberté a été créé en 2011. Même si les moyens mis à sa disposition ne sont pas encore suffisants, l'objectif visé est de doter l'Observateur de la capacité d'effectuer des visites inopinées dans les 37 lieux de détention au Sénégal. L'Observateur a fait, en outre, des recommandations en matière de santé, de nourriture et de réduction de la surpopulation carcérale à la suite des visites des établissements pénitentiaires.

60. La délégation a expliqué qu'il n'y a pas au Sénégal d'incrimination de l'homosexualité en tant que telle et que l'article 319 du Code Pénal se réfère à des actes contre nature. Le fait d'être homosexuel n'est pas un délit au Sénégal et aucune poursuite judiciaire n'est menée à l'encontre des personnes du seul fait de leur homosexualité.

61. En ce qui concerne l'Affaire Hissène Habré, la délégation a noté qu'en vertu de la Convention contre la Torture et du mécanisme de compétence universelle, le Sénégal a décidé de juger l'ancien Président tchadien. La délégation a précisé qu'il était reproché à H. Habré plusieurs crimes, mais il appartiendra aux juridictions compétentes d'établir la réalité de l'accusation. Le Sénégal s'engage à lui assurer un procès équitable, juste, impartial et transparent qui ne sera soumis à aucune pression.

62. S'agissant de la lutte contre le viol, la délégation a rappelé que le viol, qui est un délit dans la législation sénégalaise, est puni de 5 à 10 ans de prison et que la peine de 10 ans est obligatoirement prononcée pour les viols d'enfants de moins de 13 ans.

63. Gabon welcomed Senegal's ratification of virtually all international and regional legal instruments and noted its cooperation with United Nations human rights mechanisms. It noted its commitment to promote and protect human rights and combat all forms of discrimination. It made recommendations.

64. Germany commended Senegal for its progress in eradicating FGM. It asked whether the Children's Code would define a child as a person up to the age of 18 and whether the Family Code would ensure a minimum age of marriage of 18. It made recommendations.

65. Ghana commended Senegal on pursuing its efforts to expand basic education for boys and girls and universal health care and to continue promoting gender parity. It encouraged Senegal to counter any complacency in promoting and protecting human rights. It made recommendations.

66. Greece noted continued restrictions in freedom of expression and was concerned about the situation involving children's rights. It also noted that Senegal continued to discriminate against sexual orientation. It made recommendations.

67. India commended Senegal on ratifying the CRPD, establishing the National Observatory of Places of Deprivation of Liberty, a national unit for combating trafficking and on its commitment to gender equality through the National Observatory on Gender Parity. It made recommendations.

68. Indonesia appreciated Senegal's comprehensive legislative and institutional measures with regard to children's rights and commended it for its strong commitments in the area of health, with specific reference to the child and maternal mortality. It made recommendations.

69. Iraq congratulated Senegal on its progress and achievements since the UPR first cycle in the field of promoting and protecting human rights. It welcomed Senegal's adoption of a law against trafficking and slavery.

70. Ireland welcomed Senegal's efforts to bring Mr Hissène Habré to justice and urged it to ensure his fair and expeditious trial. It was concerned by shortcomings in the treatment of LGBT persons and by reports of torture referenced by the CAT. It made recommendations.

71. Italy asked Senegal for further information on on-going legislative reforms to combat gender discrimination, on the plan to eliminate excision (especially on monitoring initiatives and implementation resources) and on envisaged additional measures to regulate Koranic schools and eradicate child panhandling. It made a recommendation.

72. Lebanon noted Senegal's commitment to cooperating with the UPR process, as reflected by its detailed national report for this second cycle. It made recommendations.

73. Libya noted that Senegal has ratified most human rights instruments, including the CPED and CRPD. It thanked Senegal for having fulfilled its commitments to defending the rule of law and ensuring implementation of UPR recommendations.

74. Luxembourg was concerned about the situation of children subjected to religious extremism, slavery and enforced begging. It asked about Senegal's strategic programme for educating and protecting beggar or unschooled children and whether a monitoring mechanism had been implemented on domestic violence, FGM, sexual abuse and enforced marriage. It made recommendations.

75. Madagascar congratulated Senegal on ratifying the CRPD and the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption and on creating a National Observatory on Gender Parity. It commended Senegal for combating FGM through strengthened awareness campaigns and legislation against excision, poverty and the worst forms of child labour.

76. Malaysia noted Senegal's progress in multiple areas of human rights, including combating poverty by promoting the modernization of agriculture, enhancing social protection and developing programmes to improve its education sector. It made recommendations.

77. Maldives commended efforts to eliminate FGM and measures adopted regarding child beggars. It urged the Government to take steps to harmonize national legislation. It made recommendations.

78. Mali congratulated Senegal on ratifying several international human rights conventions and agreements. It highlighted achievements in protecting women's and children's rights. Mali welcomed the measures taken which has improved the conditions of detention.

79. Uganda commended the accession to United Nations and African Union conventions protecting the most vulnerable. It praised the establishment of a national unit to combat human trafficking and the National Family Welfare Grant Programme. It made a recommendation.

80. Mexico applauded measures to protect street children's rights and to combat discrimination and violence against women. It noted the finalization of its periodic reports to the Committee against Torture and the Committee on Migrant Workers. It made recommendations.

81. Montenegro appreciated Senegal's commitment to strengthen institutional human rights framework, especially the establishment of the National Observatory of Places of Deprivation of Liberty. It requested more information on prosecutions brought and convictions handed down in FGM cases and on obstacles to the ratification of the ICCPR-OP 2. Montenegro made recommendations.

82. Morocco welcomed the cooperation between Senegal and OHCHR and expressed its appreciation of the re-institutionalization of the national Commission of Human Rights and the operationalization of the national Observatory of Places of Deprivation of Liberty. It also welcomed the implementation of the national Family Welfare Grant Programme.

83. Mozambique noted advances in the rights to education, health and gender equality and the rights of children and children with disabilities and measures adopted to curb human trafficking. It encouraged the reinstatement of the Senegalese Human Rights Committee.

84. The Netherlands congratulated Senegal on its efforts to reduce FGM, but noted that abuse against women and girls often remained unpunished. It noted programmes implemented to raise HIV awareness and to combat AIDS, but underlined that criminalisation of homosexuality makes LGBT's reluctant to participate in these programmes. It made recommendations.

85. New Zealand congratulated Senegal on the creation of the National Observatory of Places of Deprivation of Liberty, an important step in combating torture and ill-treatment. It noted progress made in achieving the health-related Millennium Development Goals (MDGs). It made recommendations.

86. Nicaragua applauded the rolling out of the National Strategy of Economic and Social Development, which focused on vulnerable groups, particularly street children. It made a recommendation.

87. Niger commended the ratification of almost all regional and international human rights instruments and the setting up of an institutional framework to ensure enjoyment of those rights. It made recommendations.

88. Nigeria commended progress made in promoting and protecting human rights across a broad range of areas. It made recommendations.

89. Oman noted the Government's concern to adopt policies to bolster its national decision-making. It noted the awareness campaigns under way in the judiciary and efforts to enhance gender parity and eliminate violence against women. It made recommendations.

90. Pakistan commended efforts to combat violence against women and enhance their participation in elected bodies. It welcomed the establishment of the National Observatory of Places of Deprivation of Liberty. It made recommendations.

91. Paraguay noted the ratification of the CRPD, the creation of the National Observatory of Places of Deprivation of Liberty and a national unit to combat trafficking. It made recommendations.

92. Philippines noted the ratification of the ICRMW and lauded Senegal for its determination to eradicate FGM. It made recommendations.

93. The Republic of Moldova saluted measures adopted to protect children, particularly street children, and noted efforts to attain the MDGs. It made recommendations.

94. Romania congratulated Senegal on the reinstatement of the National Human Rights Advisory Council, the growing role and political visibility of women, thanks to legislation adopted on gender parity. It welcomed the amendment of the Nationality Act. It made recommendations.

95. The Russian Federation was satisfied with measures adopted to protect human rights and the achievements made. The Russian Federation made recommendations.

96. Rwanda commended developments in the normative and institutional frameworks for human rights. Rwanda noted with satisfaction that the new National Assembly had 65 women members and that measures had been taken to combat FGM. Rwanda made recommendations.

97. Sierra Leone noted that Senegal had made commendable efforts in many areas, including human trafficking and gender parity. It highlighted that a law on enslavement, as well as legislative and regulatory measures protecting human rights, had been adopted. Sierra Leone made recommendations.

98. Au sujet des syndicats, la délégation sénégalaise a expliqué que pour constituer un syndicat, il n'est pas nécessaire d'obtenir une autorisation préalable. Le régime applicable est celui de la déclaration préalable. Donc, il n'y a aucune difficulté à créer un syndicat au Sénégal.

99. Quant à l'accès à la justice, dans le cadre d'un vaste programme de modernisation, le Gouvernement a entrepris trois types d'actions: la création de maisons de justice, afin de pourvoir des services de justice aux personnes les plus démunies et aussi pour désengorger les tribunaux ainsi que la mise à disposition par l'Etat, d'une aide juridictionnelle de quelque 400 millions de FCFA aux barreaux afin de leur permettre d'assister les personnes qui, autrement, n'auraient pas accès à la justice. La troisième action consiste dans l'amélioration des infrastructures judiciaires qui s'est, notamment, traduite par la construction d'un certain nombre de tribunaux et de cours d'appel.

100. Concernant la question de la torture, abordée au cours du dialogue interactif, le Gouvernement a entrepris une réforme du Code pénal et du Code de procédure pénale qui sera soumise à l'Assemblée nationale avant la fin de l'année 2013. En vertu de cette réforme, les Procès-Verbaux d'audition obtenus par le biais de la torture sont considérés comme nuls. Aussi, l'avocat du détenu devra-t-il être présent dès la première heure de son arrestation.

101. D'un autre côté, la délégation a souligné qu'un projet de Code de l'enfant a déjà été adopté par le Conseil des ministres. Un Défenseur des droits de l'enfant a été institué et sa nomination devrait intervenir au début de l'année 2014.

102. En ce qui concerne la coopération avec les mécanismes des Nations Unies, le Sénégal a reçu depuis 2009 plusieurs visites. De même, le Sénégal s'emploie à se mettre à jour dans la présentation et la finalisation des rapports dus aux Organes de traités.

103. La résolution du conflit en Casamance est une priorité pour le Gouvernement. Un vaste programme de développement économique et social, et de réinsertion a été mis en place. Un espace de dialogue, de vérité et de réconciliation a aussi été établi et touche toutes les personnes concernées, y compris les victimes.

104. Le Gouvernement comprend les enjeux du Deuxième protocole facultatif au Pacte international relatif aux droits civils et politiques, se rapportant à la peine de mort. A cet égard, la position du Sénégal sur la peine de mort est sans équivoque depuis 2004. Le Sénégal prend bonne note des recommandations concernant ce Protocole et va les examiner.

105. La délégation a, en outre, précisé que la dépénalisation des délits de presse est à l'étude dans le cadre du projet de code de la presse.

106. Singapore congratulated Senegal on its progress in human rights, particularly in education and child protection, including through a training programme for judicial staff and social workers. Singapore made recommendations.

107. Slovenia commended the accession of Senegal to most international human rights instruments. The juvenile justice system continued to cause concern and reports existed of intimidation, threats, physical attacks and arbitrary detention of human rights defenders and journalists. Slovenia made recommendations.

108. South Africa praised the steps taken concerning human rights, including the establishment of the National Observatory on Gender Parity and Senegal's commitment to the development of Africa. It made recommendations.

109. South Sudan welcomed the steps taken by Senegal to combat FGM. It commended the establishment of institutional frameworks strengthening human rights and noted the progress in implementing recommendations from the previous UPR. It made a recommendation.

110. Spain congratulated Senegal on the progress made in women's rights. It supported Senegal in its efforts to combat violence within its territory, but noted that all State action in that area should respect the Rule of Law and human rights. Spain made recommendations.

111. Sri Lanka praised the progress made by Senegal in the promotion and protection of human rights, including on gender parity and the right to education. It welcomed the attention given to the empowerment of women. It made recommendations.

112. The State of Palestine commended Senegal for ratifying the Optional Protocols to ICSECR and CRC. It welcomed efforts made to address the problem of child beggars and counter trafficking in children. It made recommendations.

113. Sudan noted the legal human rights frameworks and the programmes created to implement them and the recommendations from the first UPR. It welcomed the adoption of legislation and programmes, including on protecting vulnerable groups. Sudan made recommendations.

114. Switzerland commended Senegal on its commitment against impunity regarding the trial of Hissène Habré. Switzerland was concerned about discrimination

against the LGBT community in Senegal but noted with satisfaction the abolition of the death penalty in its national legislation. Switzerland made recommendations.

115. Thailand commended the adoption of human rights legislation. It praised the ratification of the CRPD and steps taken to address street children. Concerns surrounding gender discrimination and gender-based violence remained. It made recommendations.

116. Togo praised the promotion of democracy in Senegal, its policies promoting human rights and projects to ensure the people's well-being. It noted the implementation of several laws, including those on gender parity. Togo made recommendations.

117. Tunisia noted the progress made by Senegal, particularly the ratification of international and regional human rights instruments. It commended the strengthening of child protection and the implementation of a national mechanism for preventing torture. Tunisia made recommendations.

118. Turkey commended the promotion of women's rights and measures taken concerning child beggars. It noted with satisfaction the agreement signed by Senegal and the African Union regarding the trial of Hissène Habré. Turkey made recommendations.

119. Turkmenistan commended measures adopted to develop legislative and institutional frameworks to promote and protect human rights, especially to combat racial discrimination and protect persons with disabilities. Turkmenistan made recommendations.

120. Mauritania praised steps taken to combat domestic violence, its ratification of the Rome Statute and the alignment of its domestic legislation with international obligations, particularly regarding gender parity and nationality rights.

121. Uzbekistan welcomed the cooperation of Senegal with the OHCHR and other bodies. It commended the structures countering human trafficking and welcomed the progress concerning gender parity, education and the rights of children and persons with disabilities. It made recommendations.

122. En conclusion, le Chef de délégation a remercié l'ensemble des délégations pour leurs commentaires et recommandations. Le Sénégal étudiera sérieusement ces recommandations. Le Gouvernement est engagé dans la promotion et la défense des droits de l'homme. Ce qui constitue un engagement, par ailleurs, est au service de la paix et de la sécurité aux niveaux national, régional et international.

II. Conclusions and/or recommendations

The recommendations formulated during the interactive dialogue/listed below have been examined by Senegal and enjoy the support of Senegal

122.1 Adopt as soon as possible a Code on the Rights of the Child (Belgium);

122.2 Finalize the drafting and adoption of the Children's Code (Botswana);

122.3 Continue its efforts to draft and adopt its Children's Code, in accordance with its national human rights agenda (Indonesia);

122.4 Accelerate the process of the adoption of the Code of the Child (Togo);

122.5 Accelerate the adoption of the Code of the Child (Tunisia);

- 122.6 Enact relevant legislation to promote and protect the rights of children in all settings (Maldives);**
- 122.7 Continue its efforts to finalizing and adopting its Children’s code as a matter of priority (Thailand);**
- 122.8 Take measures aimed at further strengthening of national human rights institutions (Pakistan);**
- 122.9 Further its endeavours with regard to the smooth and productive activities of the bodies involved in the promotion and protection of human rights within the country (Azerbaijan);**
- 122.10 Further strengthen the independence and capacity of the institutions for the promotion and protection of human rights (Niger);**
- 122.11 Make available the necessary resources to the National Unit to Combat Trafficking in Persons, the National Observatory on Gender Parity, the Human Rights Directorate and the National Human Rights Advisory Council to ensure that they fulfil their important roles (South Africa);**
- 122.12 Ensure the National Observatory of Places of Deprivation of Liberty a capability to fulfil its mandate by making the institution independent from the Ministry of Justice and by providing it with a sufficient budget (Austria);**
- 122.13 Take steps to ensure the operational independence of the Observatory of Places of Deprivation of Liberty by separating it from the executive branch and enabling it to select recruit and remunerate its own staff (New Zealand);**
- 122.14 Promptly provide the national mechanism for the prevention of torture with the necessary resources and ensure that its recommendations are acted upon (Tunisia);**
- 122.15 Ensure that the Senegal Human Rights Committee has the necessary resources to enable it to function independently and in accordance with the Paris Principles (Australia);**
- 122.16 Intensify its efforts to bring the Senegalese Human Rights Committee into full compliance with the Paris Principles and thus to restore its “A” status (Sierra Leone);**
- 122.17 Revisit the Law concerning the Senegalese Commission of Human Rights to bring it into conformity with the Paris Principles (Benin);**
- 122.18 Continue its efforts to restore the A status to the Senegalese Human Rights Committee before the International Coordinating Committee of National Human Rights Institutions (Burkina Faso);**
- 122.19 Continue its efforts to conform the Senegalese Committee for Human Rights to the Paris Principles (Congo);**
- 122.20 Take the necessary measures so that the Senegalese Human Rights Committee works with full compliance with the Paris Principles (Costa Rica);**

122.21 Ensure the compliance of the Senegalese Human Rights Committee with the Paris Principles (France);

122.22 Strengthen the administrative and budgetary autonomy of the Senegalese Committee for Human Rights (Gabon);

122.23 Continue its efforts in promoting and protecting human rights in the future (Yemen);

122.24 Strengthen and diversify cooperation with bilateral partners in areas of common interest in order to promote human rights (Democratic Republic of the Congo);

122.25 Further strengthen human rights, particularly economic, social and cultural rights for its people, for which international cooperation and solidarity are important (Venezuela);

122.26 Accelerate the implementation of the package of measures for the protection of children, including the prompt adoption of a comprehensive Code of the Child; the establishment of a Children's Ombudsman with effective means, and the implementation of a plan to pull out children from streets (Cape Verde);

122.27 Accelerate the adoption and implementation of the law on the Children's Ombudsman and strengthen actions for the education and protection of vulnerable children who are begging or are not attending school (Republic of Moldova);

122.28 Continue to enhance its institutions in the field of child protection and stop their exploitation (Sudan);

122.29 Continue its active engagement with the human rights mechanisms of UN for the protection and promotion of human rights (Azerbaijan);

122.30 Continue the practice of constructive engagement by the country with relevant international human rights mechanisms (Pakistan);

122.31 Effectively enforce the national law criminalising those who organize begging and trafficking of children and establish a high level focal point responsible to coordinate child protection efforts (Austria);

122.32 Deploy the necessary legal, financial and human resources to achieve as soon as possible the objectives of the roadmap of 5 June 2013 for the elimination of the worst forms of child labor (Belgium);

122.33 Incorporate clear definitions of "sale of children" and "trafficking in children" in the Criminal Code and Anti-trafficking Act respectively, and specify the penalties for offenders, under the Criminal Code, in accordance with the Palermo Protocol (Botswana);

123 The following recommendations enjoy the support of Senegal which considers that they are already implemented or in the process of implementation:

123.1 Pursue its thorough efforts to enshrine democratic norms and human rights (Russian Federation);

123.2 Continue its on-going review of national laws to ensure that they are in line with its international human rights law obligations (Turkmenistan);

- 123.3 Standardize the legal definition of the child in order to harmonize the national legislation with international law and facilitate its implementation (Mexico);
- 123.4 Reinforce the multi-party system (Russian Federation);
- 123.5 Continue to collaborate with neighboring countries to seek ways of providing assistance to children at risk (Nigeria);
- 123.6 Continue its efforts to prioritize the restoration of lasting peace in Casamance, including through its Casamance development pole project (Sierra Leone);
- 123.7 Continue determinedly its effective measures to achieve the Millennium Development Goals, including the fight against poverty, male/female equality and access to education without discrimination (Viet Nam);
- 123.8 Continue to ensure better protection of the rights of all citizens through the implementation of the national action plans recently adopted, in particular those relating to efforts to ensure the conditions for durable and sustainable socio-economic growth with a view to a significant reduction in poverty and the achievement of the Millennium Development Goals (Cambodia);
- 123.9 Reinforce efforts to achieve the Millennium Development goals by the target date (Sri Lanka);
- 123.10 Intensify efforts to achieve the MDGs (Uzbekistan);
- 123.11 Strengthen the process of empowerment of the grassroots communities in the framework of the fight against poverty (Djibouti);
- 123.12 Continue to prioritise policies aimed at promoting equality, ensuring the reduction of poverty and strengthening the promotion and protection of human rights for all (South Africa);
- 123.13 Continue to provide educational and training facilities for persons with disabilities; double its efforts to reduce child labour and provide care for vulnerable children in schools and on the streets (Zambia);
- 123.14 Mobilize sufficient resources for the implementation of the Child Survival Action Plan launched on 7 July 2013 (Burkina Faso);
- 123.15 Develop a policy for child protection ensuring a better system of guarantees of the rights of the child (Luxembourg);
- 123.16 Continue on the path of strengthening the protection of children, particularly by continuing the fight against child begging, accelerating the modernization program of the daaras and facilitating access to justice for minors (Turkey);
- 123.17 Continue to promote the empowerment of women (Rwanda);
- 123.18 Continue to commit itself to implementing a poverty reduction strategy and improving maternal and infant care (China);
- 123.19 Continue its efforts in the fight against maternal mortality, to facilitate women's access to health, and for the enrollment and retention of girls at school and in vocational training centers (Republic of Moldova);

- 123.20 Continue taking measures to protect social rights, including the rights of children, women and persons with disabilities (Uzbekistan);
- 123.21. Redouble its efforts for the implementation of all economic, social and cultural rights for its population (Lebanon);
- 123.22. Complete and submit the pending reports to corresponding treaty bodies (Mexico);
- 123.23 Sustain the initiatives to promote gender parity (Ghana);
- 123.24 Continue the policy of eliminating inequalities between men and women (Romania);
- 123.25 Continue the significant efforts underway to ensure gender equality (Côte d'Ivoire);
- 123.26 Pay increased attention to matters of gender parity (Russian Federation);
- 123.27 Ensure equal treatment and non-discrimination against women and persons with HIV/AIDS (Thailand);
- 123.28 Respect all obligations under the Convention against Torture and other Cruel, Inhuman or Degrading treatment or punishment , trying to avoid, by all means, incidents of torture in police custody, and, on the presumption that these may have taken place , that these crimes remain unpunished (Spain);
- 123.29 Review its legislation to expressly prohibit that a statement made under duress or as a result of torture acts or practices be considered as evidence (Uruguay);
- 123.30 Increase efforts in order not to use declarations of persons affirming having confessed under torture as evidence in judicial procedures, and carry out the corresponding thorough investigations (Uruguay);
- 123.31 Further strengthen its efforts to prevent torture and ill treatment in places of deprivation of liberty, combat trafficking in persons and promote gender parity (Azerbaijan);
- 123.32 Provide clear instructions to the police, the gendarmerie and other relevant public officials as to their obligation to respect the absolute prohibition of torture (Ireland);
- 123.33 Bring its Criminal Code fully in line with the Convention against Torture, particularly to include acts aimed at obtaining information from, punishing or intimidating a third person, and explicitly prohibit the use as evidence of any statement made under duress or as a result of torture (Maldives);
- 123.34 Address prison overcrowding by giving preference to alternatives to imprisonment when feasible in light of the United Nations Standard Minimum Rules for Non-Custodial Measures (Austria);
- 123.35 Ensure the improvement of prisons' conditions by providing training in human rights to penitentiary staff and strengthening the National Observatory of Places of Deprivation of Liberty (France);
- 123.36 Effectively implement the Standard Operational Procedures on the prevention and management of Gender-Based Violence, including through adequate funding (UK);

123.37 Further safeguard and promote the rights of women by placing greater emphasis on the fight against domestic violence and violence against women (Australia);

123.38 Introduce measures aimed at the elimination of discrimination against women and the improvement of the implementation of existing laws criminalizing rape and domestic violence, including investigations and prosecutions related to violence against women, and also by strengthening the relevant legal framework (Canada);

123.39 Continue to fight violence against women in all fields (France);

123.40 Redouble its efforts in the prevention of violence against women (Luxembourg);

123.41 Take the necessary measures in terms of the criminal law to punish acts of all forms of violence against women and girls (Luxembourg);

123.42 Continue its programs aimed at combating violence against women (Philippines);

123.43 Address the violation of women's rights, domestic violence and the use of child labour (Russian Federation);

123.44 Continue its efforts to increase awareness and repression of all forms of violence against women, particularly female genital mutilation (Gabon);

123.45 Strengthen actions against harmful cultural practices (Côte d'Ivoire);

123.46 Continue its efforts to achieve the goals of the second national Plan to eliminate excision (2012-2015) (Algeria);

123.47 Continue, in the framework of the fight against female genital mutilation, its action in the implementation of the second National Action Plan for accelerating the abandonment of this practice until 2015 (Angola);

123.48 Continue its efforts to eradicate female genital mutilation (Argentina, Ecuador);

123.49 Maintain and reinforce all measures aimed at eradicating female genital mutilation, which is often related to other forms of aggression against women (Brazil);

123.50 Continue to strengthen all public policies with a view to eliminating feminine genital mutilation (Paraguay);

123.51 Prosecute and punish persons who, despite awareness campaigns, continue to be perpetrators or accomplices of FGM, according to the law of 22 January 1999 (Burkina Faso);

123.52 Continue its positive engagement toward the total eradication of excision by 2015 as indicated in national Action Plan (Rwanda);

123.53 Provide the necessary support to the national unit for combating human trafficking (UAE);

123.54 Strengthen measures to protect children through adequate investigations; timely prosecutions; sufficient penalties in cases of child trafficking; and implementation of legislation prohibiting the use of children

for begging for the purposes of economic exploitation; in line with its obligations under international treaties and instruments (UK);

123.55 Take measures to effectively eliminate forced child labour, including forced begging by talibé children, pursuant to the recommendations of ILO supervisory bodies (US);

123.56 Continue efforts to support at the national level, children on the street in order to achieve the objectives set by the Senegalese Government in this area by the end of 2015 (Algeria);

123.57 Continue efforts to protect children talibés against exploitation and end the practice of child begging at the national level (France);

123.58 Accelerate the Daara modernization program in order to contribute to the eradication of the worst forms of child labour and ensure the enforcement of relevant national laws criminalising the organisation of begging activities (Germany);

123.59 Continue its efforts in combating child destitution and provide care for all street children (India);

123.60 Continue to strengthen its domestic legislation and policies to better protect children against abuses and exploitation (Singapore);

123.61 Intensify its endeavours to eradicate assault, battery and abduction of children. This can be achieved by the government increasing its campaign through raising awareness about the dangers of these practices to affected families (South Sudan);

123.62 Take measures to protect children who are victims of trafficking or of violence (State of Palestine);

123.63 Continue its efforts to counter trafficking in human beings especially children (Sudan);

123.64 Continue its efforts to fight against corporal punishment in all places (Tunisia);²

123.65 Continue to vigorously investigate and prosecute other trafficking offenses and punish perpetrators of sex trafficking (US);

123.66 Ensure that the law on human trafficking is in conformity with international human rights standards and to step up its efforts to prosecute traffickers and to identify and protect all victims of trafficking (Egypt);

123.67 Combat all forms of trafficking in children (Luxembourg);

123.68 Consider extending the National Action Plan to protect and assist in the recovery and reintegration of victims of human trafficking beyond 2013 (Nigeria);

123.69 Increase policies in view to educating and protecting talibé children beggars, particularly from human trafficking, exploitation and all forms of abuse (Paraguay);

² The recommendations as read during the interactive dialogue: Revise the Code of the Family to explicitly prohibit corporal punishment in all places.

- 123.70 Bring the perpetrators of trafficking of children to justice (State of Palestine);
- 123.71 Tighten its legislation on rape, pedophilia and incest and conduct awareness campaigns on this matter in schools and in local communities (Greece);
- 123.72 Enact legislation that penalizes cases of rape, abuse and incest, to raise awareness on these issues, and to actively pursue the punishment of those guilty of those crimes (Netherlands);
- 123.73 Ensure that children with disabilities are protected from all forms of violence and receive suitable inclusive education and training (Germany);
- 123.74 Further strengthen the impartiality of the judicial system (Ethiopia);
- 123.75 Continue its efforts for an adequate training in the field of juvenile justice (Switzerland);
- 123.76 Set up a juvenile justice system and train more judges for juvenile courts (Slovenia);
- 123.77 Bring the case against former President Habré to trial as quickly as possible (Australia);
- 123.78 Complete the trial of former Chadian President Hissène Habré in the framework of the African Extraordinary Chambers to ensure accountability for serious international crimes, in accordance with the due process and international obligations and standards (Canada);
- 123.79 Strengthen its actions to eliminate forced and premature marriage (Ecuador);
- 123.80 Run public awareness programs on the harmful consequences of child marriages (Germany);
- 123.81 Redouble its efforts to improve the enforcement of the minimum legal age for marriage, and remove discrimination based on gender in this respect (Italy);
- 123.82 Raise the age of marriage to 18 and above in order to reduce on the problems of early marriages (Uganda);
- 123.83 Protect the right to freedom of assembly and of expression (Slovenia);
- 123.84 Respect the rights of freedom of expression, association and assembly in accordance with its national and international legal framework and ensure that its security forces maintain public order without resorting to the excessive use of force (Spain);
- 123.85 Undertake the necessary measures to protect the rights of human rights defenders as well as journalists (Slovenia);
- 123.86 Continue its efforts to further improve the living standards of its population, including progress in accessing to basic health services (Cuba);
- 123.87 Continue its efforts to expand access to safe drinking water and sanitation by ensuring better coordination and coherence in the implementation of initiatives aimed at expanding access to water and sanitation in rural areas (Egypt);

- 123.88 Continue its positive approach in combating poverty through providing the necessary public investment in rural infrastructure and its national employment policy to reduce unemployment (Malaysia);
- 123.89 Enhance programs to ensure the right to food and countering malnutrition of the youngest people in Senegal (Oman);
- 123.90 Continue its best poverty eradication strategies (Philippines);
- 123.91 Step up its efforts in empowering grassroots communities and increase rural infrastructure investments towards improving productivity and poverty reduction (Philippines);
- 123.92 Seek to implement the national socio-economic programme and pursue efforts to combat poverty (State of Palestine);
- 123.93 Continue its efforts to provide free health care for children and combat child malnutrition by facilitating access to food (Egypt);
- 123.94 Accelerate efforts providing maternal and child health services, as well as to significantly reduce under five child mortality rates (Ethiopia);
- 123.95 Sustain initiatives taken to enhance universal health care including reducing maternal and child mortality (Ghana);
- 123.96 Continue its policy and measures to guarantee progress in achieving health-related goals of the MDGs (Indonesia);
- 123.97 Undertake to provide free and accessible health care for children up to the age of 6 years by 2015 (New Zealand);
- 123.98 Organise public awareness-raising campaigns, especially among women, on Senegal's law on reproductive health (New Zealand);
- 123.99 Enhance programs and initiatives to broaden health care coverage of mothers and children (Oman);
- 123.100 Guarantee access to health for all (Oman);
- 123.101 Implement the strategy to ensure free health care for children aged from 0 to 5 (Republic of Moldova);
- 123.102 Strengthen efforts to combat maternal mortality (Sri Lanka);
- 123.103 Continue taking measures to improve the education system and universal access to quality education (Cuba);
- 123.104 Work out a binding set of rules with Islamic religious leaders for the establishment and running of daraas in order to secure the right to education of the Talibé (Austria);
- 123.105 Continue efforts to realize the right to education and pay special attention to the access of children and adolescents aged to attend middle and secondary education (Costa Rica);
- 123.106 Continue to pursue all efforts to modernize the legal framework of the education system by enshrining therein the right to basic education (Egypt);
- 123.107 Further work on primary education enrolment (Ethiopia);
- 123.108 Continue its initiatives to enhance access to universal basic education for ten years for both boys and girls (Ghana);

123.109 Take measures to further improve access to education especially to women and children (India);

123.110 Continue the serious efforts already underway to strengthen the right to education, particularly providing for increased access to education at the elementary level for girls (Lebanon);

123.111 Continue its efforts in strengthening the education system including to consider and implement the recommendations made by the Special Rapporteur on the Right to Education to further promote the right to education for all in Senegal (Malaysia);

123.112 Ensure the swift implementation of the strategic plan concerning the education and protection of children who are not in school and implement the recommendations of the Committee on the Rights of the Child in order to stop the practice of child beggars (Maldives);

123.113 Consider and follow up on the recommendations that the Special Rapporteur on the Right to Education has made during his visit in 2010 in order to strengthen national strategies and education programs currently being implemented (Nicaragua);

123.114 Consolidate the gains made in granting children access to education by maintaining the emphasis on the construction of schools and recruitment of teachers (Nigeria);

123.115 Continue its efforts regarding economic and social rights of the population, including modernizing the education system by enshrining the right to basic education in law (Sierra Leone);

123.116 Continue, in cooperation with UNESCO and other relevant international organisations, to promote universal access to education and improve the quality of its education system (Singapore);

123.117 Accelerate the modernization programme of the religious schools (Togo);

123.118 Continue its efforts to strengthen gender equality, especially in education, while ensuring the enrollment and retention of girls in school (Turkey);

123.119 Continue its well-recommended practice to train specialists to work with persons with disabilities (Turkmenistan);

124. The following recommendations will be examined by Senegal which will provide responses in due time, but no later than the 25th session of the Human Rights Council in March 2014.

124.1 Ratify those international instruments on human rights to which Senegal is not yet part (Niger);

124.2 Ratify the Second Optional Protocol of the International Covenant on Civil and Political Rights (Australia, Montenegro);

124.3 Accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty (Benin);

124.4 Strengthen its commitment in favor of the abolition of the death penalty by ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights (France);

124.5 Confirm its decision to abolish the death penalty in the international framework by ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights aimed at abolishing the death penalty (Switzerland);

124.6 Proceed to the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty (Gabon);

124.7 Consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of death penalty (Rwanda);

124.8 Recognize the competence of the Committee on Enforced Disappearances (Uruguay);

124.9 Ensure, in the context of the reform of the Penal Code and the Code of Criminal Procedure, to harmonize the Senegalese legislation with international law (Switzerland);

124.10 Extend a standing invitation to all special procedures of the Human Rights Council to promote and strengthen legislation and public policies on human rights (Uruguay);

124.11 Extend a standing invitation to all UN Human Rights Council special procedures (Montenegro);

124.12 Continue advancing in the gradual transformation of the society regarding women's rights , by revising the Senegalese Family Code in order to put an end to legal discrimination situations of Senegalese women , especially in terms of their ability to be the head of household (art.152) (Spain);

124.13 Eliminate the caste system, which leads to stigmatization and ostracism of certain groups of the Senegalese society (Romania);

124.14 Address the due identification and processing of those guilty of human rights violations in conflict situations (Mexico);

124.15 Investigate all disappearances in the context of the conflict in Casamance, activating reparation mechanisms for the families of the persons disappeared when needed (Spain);

124.16 Continue and finalize the procedure for the decriminalization of press offenses (Democratic Republic of the Congo);

124.17 Decriminalise press offenses (France);

124.18 Repeal section 80 of its Penal Code and, generally, ensure the independence and freedom of the press (Greece);

124.19 Support the amendment of relevant provisions of the Labour Code, curb unwarranted intervention by security forces and end anti-union discriminatory practices (US);

125. Senegal considers that the recommendations below cannot be accepted:

125.1 Amend national legislation that entails discriminatory practices, prosecution and punishment of persons for their sexual orientation or gender identity, and adopt measures to promote tolerance in the society through education and awareness campaigns (Uruguay);

- 125.2 Consider adopting all necessary measures to achieve the non-discrimination, protection and integration of the LGBT population (Argentina);
- 125.3 Enact laws criminalising acts of discrimination against minorities such as hate speech (Australia);
- 125.4 Effectively implement the principle of non-discrimination, including on grounds of sexual orientation (Austria);
- 125.5 Amend its Penal Code to decriminalise sexual relations between persons of the same sex (Belgium);
- 125.6 Take all the necessary measures to guarantee that LGBT individuals do not face persecution of any kind (Brazil);
- 125.7 Repeal all laws criminalizing sexual orientation and gender identity and take concrete measures for the protection of sexual minorities (Greece);
- 125.8 Promote respect for human rights of all discriminated groups on grounds of gender, sexual orientation, disability or ethnicity (Paraguay);
- 125.9 Ensure equal treatment and non-discrimination against lesbian, gay, bisexual and transgender persons, and other vulnerable groups (Thailand);
- 125.10 De-criminalize homosexuality, establish a de-facto moratorium on Article 319 of the Penal Code, and ensure that the Code is not used as basis for arbitrary arrests by the police (Germany);
- 125.11 Take steps to combat the persecution of persons on the basis of their sexual orientation or gender identity, in particular by removing Article 319.3 from the Penal Code so as to decriminalise consensual sexual conduct between persons of the same sex (Ireland);
- 125.12 Change Article 319 of the Penal Code and start a national dialogue on the acceptance of homosexuality (Netherlands);
- 125.13 Amend the Criminal Code to respect, protect and enforce the right to non-discrimination for all citizens regardless of their sexual orientation (Switzerland);
- 125.14 Decriminalize consensual sexual acts between adults of the same sex and criminalize violence committed against individuals based on their sexual orientation (Mexico);
126. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

Annex

Composition of the delegation

La delegation du Sénégal a été preside para Monsieur Sidiki Kaba, Garde des Sceaux, Ministre de la Justice, et composé par les membres suivants :

Madame Amsatou Sow SIDIBE, Ministre, Conseiller à la Présidence de la République ;

Maître Djibril WAR, Président de la Commission des Lois, de la Décentralisation, du Travail et des Droits humains de l'Assemblée nationale ;

Monsieur Fodé SECK, Ambassadeur, Représentant permanent du Sénégal auprès de l'Office des Nations Unies à Genève ;

Monsieur Cheikh Tidiane THIAM, Ambassadeur, Conseiller Technique au Ministère des Affaires étrangères ;

Monsieur Ibrahim Al Khalil SECK, Directeur des Affaires Juridiques au Ministère des Affaires étrangères ;

Monsieur Mouhamadou Moustapha SEYE, Directeur des Droits Humains au Ministère de la Justice ;

Monsieur Mouhamadou Moustapha THIOUNE, Directeur des Libertés publiques au Ministère de l'Intérieur ;

Monsieur Alioune TINE, Président du Comité sénégalais des Droits de l'Homme ;

Monsieur Abdoul Wahab HAIDARA, Ministre-Conseiller à la Mission permanente ;

Madame Astou DIOUF, Conseiller Technique au Ministère de la Femme, de la Famille et de l'Enfance ;

Monsieur Mamadou Selly LY, Conseiller Technique au Ministère de la Santé et de l'action sociale ;

Madame Marième SY, Premier Conseiller à la Mission permanente ;

Monsieur Abdoulaye BATHILY, Premier Conseiller à la Mission permanente ;

Madame Ndéye Fatou LO, Premier Conseiller à la Mission permanente ;

Monsieur Mouhamadou DIA, Premier Secrétaire à la Mission permanente.