



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

List of issues prior to submission of the fourth periodic report of Senegal, due in 2016*

Draft prepared by the Committee

The Committee against Torture, at its thirty-eighth session (A/62/44, paras. 23 and 24), established an optional procedure which consists in the preparation and adoption of a list of issues to be transmitted to the State party concerned prior to the submission of its periodic report. The replies of the State party to this list of issues will constitute its report under article 19 of the Convention.

Specific information on the implementation of articles 1 to 16 of the Convention, including with regard to the Committee's previous recommendations

Articles 1 and 4

1. With reference to the Committee's previous concluding observations (para. 8),¹ please provide detailed information on the measures taken to adopt a definition of torture in domestic criminal law in line with article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and more particularly to include acts aimed at obtaining information from punishing, intimidating or coercing a third party.

* Adopted by the Committee at its fifty-third session (3–28 November 2014).

¹ The paragraph numbers in parentheses refer to the Committee's previous concluding observations, adopted on 19 November 2012 (CAT/C/SEN/CO/3).



Article 2²

2. With reference to the Committee's previous concluding observations (para. 10) and the State party's follow-up replies (CAT/C/SEN/CO/3/Add.1), please provide information on the measures taken by the State party and on the procedures in force to ensure that:

(a) All detainees enjoy, *de jure* and *de facto*, all legal safeguards from the moment they are deprived of liberty, particularly the right to be informed of the reasons for their arrest, including the charges against them, to have access to a lawyer from the very start of the deprivation of liberty, to be examined by an independent doctor, to notify a relative and to be brought promptly before a judge. In particular, please provide details of the content and progress of the reform of the Code of Criminal Procedure intended to strengthen legal safeguards for the protection of liberty;³

(b) The practice known as "retour de parquet" is prohibited and the time taken to bring cases before a court is reduced;

(c) Legal assistance is available for the most disadvantaged. Please state, in that connection, how effective the legal aid fund is.⁴

3. Further to the Committee's previous concluding observations (para. 23),⁵ please describe the measures taken to ensure that the Senegalese Human Rights Committee operates in conformity with the Paris Principles,⁶ so as to guarantee its operational independence, and that adequate resources are assigned to it. Please also provide information on the measures taken to provide the necessary resources to the National Observatory of Places of Detention, to ensure its independence and to implement its recommendations in practice.⁷

4. Further to the Committee's previous concluding observations (para. 18), please describe the action taken by the State party to increase the number of people working in the justice system, including lawyers. Please also describe the progress made with the draft amendment to reform the High Council of the Judiciary, strengthen the independence and impartiality of judges and uphold the principle of security of tenure for judges.⁸

5. Bearing in mind the Committee's previous concluding observations (para. 14), please provide information on the state of progress of the project to set up a national observatory on violence against women. Please also provide information on the measures taken to combat and punish all forms of violence against women, to raise awareness among the public and law enforcement officials and to offer victims medical and psychological

² The issues raised under article 2 could also be relevant to other articles of the Convention, such as article 16. As stated in paragraph 3 of the Committee's general comment No. 2 (2008) on the implementation of article 2 by States parties: "The obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment (hereinafter 'ill-treatment') under article 16, paragraph 1, are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture ... In practice, the definitional threshold between ill-treatment and torture is often not clear." See also chapter V of the same general comment.

³ A/HRC/25/4, para. 100; A/HRC/WG.6/17/SEN/2, para. 37; A/HRC/WG.6/17/SEN/3, para. 28; CAT/C/SEN/CO/3/Add.1, p. 2.

⁴ CAT/C/SEN/CO/3/Add.1, p. 3.

⁵ A/HRC/25/4, paras. 123.15–123.22.

⁶ Principles relating to the status of national institutions for the promotion and protection of human rights, adopted in General Assembly resolution 48/134 of 20 December 1993.

⁷ CAT/OP/SEN/2; CAT/C/SEN/CO/3/Add.1, p. 5; A/HRC/WG.6/17/SEN/1, para. 13; A/HRC/WG.6/17/SEN/3, para. 6; A/HRC/25/4, para. 59.

⁸ A/HRC/WG.6/17/SEN/1, para. 113.

support.⁹ Please also provide statistical data covering the reporting period on the number of complaints of different forms of violence against women and the number of convictions, the penalties imposed and the compensation awarded to the victims (para. 26).

6. Please provide up-to-date information on the progress achieved in the implementation of the second national action plan to hasten the end of the practice of excision (2010–2015).¹⁰ Please indicate what steps have been taken by the State party to enforce the law prohibiting female genital mutilation. Please provide detailed and up-to-date statistics on complaints, investigations, prosecutions, convictions and sentences imposed on perpetrators of criminal acts related to harmful traditional practices, and on the assistance and compensation afforded to victims.

7. Further to the Committee's previous concluding observations (para. 16),¹¹ please provide detailed information on the measures taken to put an end to human trafficking and on the resources devoted to prosecuting and punishing the perpetrators. Please provide information on the measures taken to strengthen protection for victims and to provide them with legal, medical and psychological assistance. Please also provide detailed and up-to-date information on the activities and achievements of the National Unit to Combat Trafficking in Persons. Moreover, please describe the measures taken to ensure the full effectiveness of the national action plan to combat human trafficking, together with up-to-date information, disaggregated by the victims' age, sex and ethnic origin, on the number of complaints lodged, investigations, prosecutions and convictions, the sentences handed down and the compensation granted to victims in cases involving trafficking in persons since the consideration of the State party's previous report.

8. In its previous concluding observations (para. 9), the Committee expressed its concern about the amnesty laws in relation to the situation in Casamance.¹² Please inform the Committee whether amnesties for torture or ill-treatment have been repealed. Please also provide detailed information on the redress granted to victims of torture in Casamance.

Article 3

9. Further to the Committee's previous concluding observations (para. 21),¹³ please provide information on the revision of the law on the status of refugees that is intended to align it more closely with international standards. In particular, please indicate whether a body has been established to rule on applications for refugee status and on such issues as family reunification and the protection of unaccompanied minors. Please also provide information on the measures taken to improve the issuance and recognition of identity cards for refugees.

10. Please provide statistics, disaggregated by age, sex and nationality, for the period since the consideration of the most recent report, namely since 2012, on:

- (a) The number of asylum applications registered and accepted;
- (b) The number of applicants whose asylum application has been accepted on the basis of torture that they have suffered or because they might be subjected to torture if returned to their country of origin, or for any other reason;

⁹ A/HRC/25/4, paras. 124.37–124.44.

¹⁰ A/HRC/WG.6/17/SEN/1, paras. 25, 26, 94 and 95; A/HRC/25/4, para. 57.

¹¹ A/HRC/WG.6/17/SEN/1, paras. 15 and 86; A/HRC/25/4, paras. 124.53 and 124.65–124.67.

¹² A/HRC/WG.6/17/SEN/3, paras. 30 and 31.

¹³ A/HRC/WG.6/17/SEN/2, paras. 61 and 62.

(c) The number of persons removed, expelled, returned or extradited, the countries of destination concerned and the means used by the State party to ensure that such persons are not at risk of being subjected to torture in the country of destination.

11. Please provide information on the number of cases of refoulement, extradition and expulsion carried out by the State party during the reporting period through the acceptance of diplomatic assurances or the equivalent thereof. Please give details of what the State party's requirements are for such assurances and which post-return monitoring mechanisms have been adopted to monitor the person's situation in the country of return. Please also provide details of instances in which the State party has offered diplomatic assurances or guarantees.

Articles 5, 6, 7, 8 and 9

12. In the light of the Committee's previous concluding observations (para. 12) and the State party's follow-up replies,¹⁴ please provide information on the implementation of the cooperation agreement with Chad concerning the trial of Hissène Habré and on the operation of the Extraordinary African Chambers, together with information on the measures taken to protect victims and witnesses involved in the trial.

13. Please indicate whether, since the consideration of the previous report, the State party has rejected, for any reason, any request for extradition by another State of an individual suspected of having committed an act of torture and has itself started prosecution proceedings as a result. If so, please provide information on the status and outcome of such proceedings.

14. Please indicate whether, since its most recent report, the State party has had occasion to use the Convention as a legal basis for the extradition of persons accused of having committed acts of torture. Please also indicate whether the State party has concluded other extradition treaties and, if so, with which countries. Please quote cases in which extradition has been denied under article 3. Lastly, please indicate the agreements on mutual judicial assistance that apply to your country and whether the State party has returned persons on this basis.

Article 10

15. In the light of the Committee's previous concluding observations (para. 25),¹⁵ please provide further information on the human rights training given to law enforcement officers and other public officials, specifying the number and content of training programmes on the treatment of detainees and the prohibition against torture and ill-treatment, and measures undertaken for the prevention of torture and ill-treatment. Please also provide information on the participation of civil society and the Senegalese Human Rights Committee in the development and delivery of training programmes. Please indicate whether the State party has developed a method of assessing how effective training and educational programmes are in reducing the occurrence of torture and ill-treatment and, if so, please provide information regarding that method.

16. Please provide details of information and training programmes for judges, prosecutors, forensic physicians, medical personnel and members of the Senegalese Human Rights Committee who deal with detained persons concerning the definition of torture and the detection and documentation of the physical and psychological after-effects of torture.

¹⁴ A/HRC/25/4, para. 61; CAT/C/SEN/CO/3/Add.1, pp. 6 and 7.

¹⁵ A/HRC/WG.6/17/SEN/1, para. 36.

Please specify whether such programmes include specific training on the use of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).

Article 11

17. In the light of the Committee's previous concluding observations (para. 17),¹⁶ please describe the measures taken by the State party to reduce prison overcrowding including alternatives to imprisonment, both before and after trial. Please indicate the measures taken by the State party to improve the sanitation and hygiene conditions and the diet in prisons and other places of detention and to provide medical care, particularly access to a doctor. Please also indicate the measures taken by the State party to ensure that detainees are separated from convicted prisoners and adults from minors in all places of detention.

18. Further to the Committee's previous concluding observations (para. 19),¹⁷ please provide information on the measures taken to establish a juvenile justice system in line with international human rights standards and to train judges for juvenile courts. In that connection, please provide information on progress with the bill to establish the position of the children's ombudsman.

Articles 12 and 13

19. Further to the Committee's previous concluding observations (para. 11), please provide information on the measures taken to speed up investigations and criminal prosecutions for alleged acts of torture and ill-treatment. Please provide up-to-date statistical data, disaggregated by sex, age, ethnicity and place of detention, on complaints of acts of torture and ill-treatment recorded since the consideration of the previous periodic report. Please include information on any resulting investigations or disciplinary and criminal proceedings and on convictions or disciplinary sanctions imposed, particularly in the cases of Dominique Lopy, Alioune Badara Diop, Mamadou Bakhoun and Fally Keita. Please also provide detailed information on the outcome of the investigations into the acts of torture and murder committed in Casamance.¹⁸

20. In the light of the Committee's previous concluding observations (para. 24), please provide information on the measures taken to establish a confidential mechanism to receive and consider complaints of torture and ill-treatment and to ensure that it is available in all places of detention. Please also indicate whether the State party plans to set up an independent and impartial body to investigate allegations of acts of torture and ill-treatment by members of the security forces (para. 11).

Article 14

21. In the light of the Committee's previous concluding observations (para. 22), please provide information on the state of progress of the bill on compensation for victims held in detention for a long time who have suffered particularly serious harm and on the implementation of rehabilitation programmes. Please provide up-to-date statistics, disaggregated by age, ethnic origin and nationality, on redress and compensation measures,

¹⁶ A/HRC/WG.6/17/SEN/3, para. 21.

¹⁷ A/HRC/WG.6/17/SEN/2, para. 39; A/HRC/WG.6/17/SEN/1, para. 140.

¹⁸ CAT/C/SEN/CO/3/Add.1, pp. 3 and 4; A/HRC/WG.6/17/SEN/3, paras. 30 and 31; A/HRC/25/4, para. 125.15.

including rehabilitation ordered by the courts and actually delivered to victims of torture or ill-treatment or their families, since the consideration of the State party's third periodic report. Please also indicate what types of rehabilitation programmes are offered to victims and whether they include medical and psychological assistance.

Article 15

22. In the light of the Committee's previous concluding observations (para. 13), please provide information on the draft reforms explicitly prohibiting the use as evidence of any statements made under duress or as a result of torture.¹⁹ Please provide examples of cases that have been dismissed by courts because of the use of evidence or testimony obtained through torture or ill-treatment.

Article 16

23. Bearing in mind the Committee's previous concluding observations (para. 15),²⁰ please provide information on the measures taken to revise the Family Code, particularly article 285, in order to explicitly ban corporal punishment anywhere at all and punish offenders in accordance with the law, while providing legal protection and psychological help to child victims.

24. Bearing in mind the Committee's previous concluding observations (para. 15), please describe the measures taken to combat all forms of ill-treatment and exploitation of talibé children.²¹ Please also provide information on the implementation of the road map for the elimination of the worst forms of child labour.²²

25. Bearing in mind the Committee's previous concluding observations (para. 20), please provide information on the steps taken to protect human rights defenders and journalists and to punish the perpetrators of violence, torture or intimidation directed at them,²³ together with information on the specific measures taken in connection with the investigations into members of *Rencontre africaine pour la défense des droits de l'homme* and the journalists Boubacar Kambel Dieng and Karamokho Thioune.

Other issues

26. Please provide up-to-date information on measures taken by the State party to respond to any threats of terrorist acts. Please state whether, and how, such measures have affected human rights safeguards in law and practice. Please indicate how the State party has ensured that such measures comply with all its obligations under international law, and especially under the Convention, in accordance with the relevant Security Council resolutions, in particular resolution 1624 (2005).²⁴ Please describe the relevant training given to law enforcement officers, the number and types of convictions under antiterrorist legislation and the legal remedies available to persons subjected to antiterrorist measures. Please indicate whether there have been any complaints of non-observance of international standards and the outcome of such complaints.

¹⁹ A/HRC/WG.6/17/SEN/3, para. 20; A/HRC/25/4, para. 100.

²⁰ A/HRC/WG.6/17/SEN/3, paras. 23 and 24.

²¹ A/HRC/WG.6/17/SEN/2, paras. 31, 32 and 33; A/HRC/WG.6/17/SEN/3, para. 27.

²² A/HRC/WG.6/17/SEN/1, para. 32.

²³ A/HRC/WG.6/17/SEN/3, para. 42; A/HRC/25/4, paras. 124.84 and 124.85.

²⁴ S/2002/51; S/2002/1212; S/2003/1104.

**General information on the human rights situation in the country,
including new measures and developments relating to the
implementation of the Convention**

27. Please provide detailed information on any other relevant legislative, administrative, judicial or other measures taken since the consideration of the previous report to implement the provisions of the Convention or the Committee's recommendations. These may include institutional changes and plans or programmes. Please indicate the resources allocated and provide statistical data or any other information that the State party considers relevant.
