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African Commission on Human & Peoples' Rights

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Commission Africaine des Droits de l'Homme & des Peuples

Kairaba Avenue, P. O. Box 673, Banjul, The Gambia Tel: (220) 392 962; Fax (220) 390 764 E-mail: achpr@achpr.gm; Website: <http://www.achpr.org>

**REPORT
OF
THE PROMOTIONAL MISSION
TO THE
REPUBLIC OF SENEGAL**

19-23 August 2002

INTRODUCTION

Article 45(1) of the African Charter on Human and Peoples' Rights mandates and authorises the African Commission on Human and Peoples Rights to undertake promotional missions to States Parties to the African Charter in order to popularise and monitor the implementation of the Charter. Such Missions are also a way of strengthening relations between the Commission and the State Parties concerned, popularise the Commission and its work and raise issues of human rights concern with the Governments concerned. It is within the framework of these promotional visits that Commissioner Jainaba Johm who is the Commissioner in charge of the Republic of Senegal requested to embark on a promotional mission to the Republic of Senegal from 19 to 23 of August 2002.

PREPARATION FOR THE MISSION

The Secretariat of the African Commission on Human and Peoples' Rights began exchanging correspondences relating to the mission with the Ministry of Foreign Affairs of Senegal as far back as 1st February 2002. The latter was informed of the intention of the Commission to undertake a promotional visit to Senegal. The Government of Senegal confirmed its availability in July 2002 to receive the Mission during the second week of August, precisely from the 19 – 23 of August 2002. Arrangements were then commenced and finalised by the Secretariat to enable the Mission go to Senegal.

COMPOSITION OF THE DELEGATION

The delegation comprised of Commissioner Jainaba Johm, Vice President of the African Commission and Ms. Isatou Harris, legal Intern with the Commission.

TERMS OF REFERENCE OF THE MISSION

The terms of reference of the mission to the Republic of Senegal were as follows:

- Raise awareness of the Charter amongst the relevant Government Institutions and civil society.
- Encourage the Government of Senegal to continue its observance and implementation of the Charter.
- Raise issues of human rights concern with the Government of Senegal and draw the attention of the Senegalese government to the following issues in particular:
 - Need to submit its Reports due since 1992;
 - The issue of the plight of refugees and displaced persons within Senegal;
 - The issue of Street Children/'Almoudou' Children;
 - Rights of Women (succession, and polygamy).

Meet with NGO'S in the field of human rights and discuss with them:

- The extent to which they can contribute in the implementation of the provisions of the African Charter on Human and Peoples Rights;

Need for them to participate in the work of the Commission and to encourage them to apply for observer status with the Commission.

THE COUNTRY, THE LAND AND THE PEOPLE

The Republic of Senegal gained independence from France in 1960. Senegal is a semi-arid country located on the westernmost part of West Africa, surrounded by the Atlantic Ocean, Mauritania, Mali, and Guinea-Bissau with The Gambia penetrating more than 320 km (200 Miles) into it. It has well defined dry and humid seasons and an annual rainfall between June and October.

It has a largely rural population with a high density in the west and central region. Senegal's population is estimated at 9,800,000. The official language in the country is French but there are various indigenous languages of which Wolof is the most commonly spoken. Senegal is predominantly a Muslim country.

Senegal has over the years gained international recognition as a democratic State. Senegal after independence was under the leadership of Leopold Sedar Senghor. He ruled Senegal until 1980 when he voluntarily retired from politics. Leadership of Senegal was then handed over power to, Abdou Diouf who ruled the country from 1981 until 2000 when opposition leader Maitre Abdoulaye Wade defeated him to take over the leadership of Senegal. He is the current leader of Senegal. In Senegal currently there is in existence 71 political parties and a flourishing independent media. Senegal has a generally tolerant culture with active democratic politics.

Senegal is a secular Republic, with a presidency, legislature and judiciary. The five-year term of the Presidency is renewable only once and is through universal suffrage. The 120 members of the National Assembly are elected. The legal system is based on the French civil law and comprised of ordinary, higher and special courts. Muslims however have a right to choose between customary or civil law in certain civil cases relating for instance to matters of inheritance and divorce. There is however a separate military court system for the armed forces and the gendarmerie. There also exists a right of appeal in all courts except for the military courts and the special courts set up to deal with matters of unlawful acquisition of wealth. The Nations highest tribunals are the Cour de Cassation (Highest appeal court) and the Constitutional Council.

The Republic of Senegal is a Party to the African Charter on Human and People's Rights. It ratified the Charter on 13th August 1982. As at the time of this Mission Senegal had however only submitted 2 reports to the Commission under its obligation as per article 62 of the African Charter. It is yet to submit its 5 overdue reports.

Senegal is also party to the following international and regional human rights instruments:

- **Convention on the Elimination of all forms of Racial Discrimination**
Ratified: 19th April 1972
- **Convention on the Elimination of all forms of Discrimination Against Women**
Ratified: 5th February 1985
- **Convention on the Rights of the Child**
Signed: 18th May 1992
- **OUA Convention Governing Specific Aspects of Refugee Problems in Africa**

Ratified: 1st April 1971

- **African Charter on the Rights and Welfare of the Child**
Ratified: 29 September 1998
- **International Covenant on Civil and Political Rights**
Ratified: 13th February 1978
- **International Covenant on Economic, Social, and Cultural Rights**
Ratified: 13th February 1978
- **Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**
Ratified: 21st August 1986
- **The Protocol to the African Charter on Human and People's Rights on the Establishment of an African Court on Human and People's Rights**
Ratified: 29 September 1998
- **The Treaty of Rome Establishing the International Criminal Court**
Ratified: 2001

GOVERNMENT EFFORTS TO ADDRESS HUMAN RIGHTS ISSUES

The Government of Senegal has created various institutions engaged in human rights related work are: the Senegalese Human Rights Committee (SHRC), the Ombudsman, the National Observatory of Elections (ONEL), the Ministry for Human Rights Office in the Office of the President and the Inter-Ministerial Committee on Human Rights and Peace.

Furthermore the Senegalese Government has taken the following initiatives:

- The Senegalese's Government adopted a new law no. 96-15 dated 28 August 1996 regarding the repression of torture and other forms of inhuman treatment.
- During the ceremonial reopening of the courts and tribunals on the 8th November 1996, the government decided to exceptionally recruit 100 Magistrates to make effective the right of fair trial and to reduce the huge gap in the administration of Justice between those in the Capital (Dakar) and those residing in the interior.
- The Government adopted Law no. 96-06 on Monday 5th of February 1996 defining the local authority system, which put in place the decentralisation policy. The decentralisation is a major aspect of the democratisation process
- In 1997, the National Assembly passed a bill to strengthen the (SHRC). The establishment of the (SHRC) under the law as opposed to one established by decree or regulation, significantly improved its standing. Its role as a mediator between civil society and government is invaluable as it helps to build a cooperative and responsive relationship between government and the NGOs.

NON-GOVERNMENTAL ORGANISATIONS are allowed to operate throughout the country, and presently thirteen NGOs in Senegal enjoy observer status with the African Commission on Human and People's Rights.

PERSONS AND PLACES VISITED

Date: Tuesday 20 August 2002

Time: 16.00hrs

Location: The Office of the President

Persons met:

- Maître Mame Bassine Niang, Minister for Human Rights,
- Mrs. Maty Diaw, Director of Family Affairs;
- Mr. Cheikh Tidiane Thiam, Director of Legal Affairs, Ministry of Foreign Affairs;
- Babacar Samb, Administrator of Legal Protection, UNHCR;
- Mr. Mamadou Ndiaye, Officer in Charge of Programs at the Department of Human Rights and Peace, Office of the President;
- Amadou Yoro Niaye, Director, Ministry of Family and Infancy matters;
- Mr. Doudou Ndir, Director of Criminal and Indemnity Matters, Ministry of Justice.

Issues Discussed

Vice Chairperson Jainaba Johm introduced the African Commission to the meeting She spoke about the teams mandate, the role the Commission and Senegal's role as a State Party to the African Charter. Commissioner Johm specifically raised the following issues with this high-powered Senegalese delegation representative of key human rights institutions:

- Senegal's overdue periodic report as per article 62 of the African Charter on Human and Peoples' Rights.
- Ways in which the Government can be assisted by the Commission in fulfilling its obligations under the Charter and how the African Commission and the Government can enhance their working relationship;
- The situation of Street Children in Senegal;
- The rights of women, in relation to polygamy, inheritance and early marriage;
- The situation of refugees and displaced persons in Senegal.
 1. The Minister of Human Rights, Maitre Mame Bassine Niang, thanked the Commissioner for her frank discussion and commented that her Department is a new one aimed at improving the Human Rights Situation in Senegal. She however said that they have started formulating new rules and procedures to address Human Rights issues in Senegal She also said Senegal's overdue reports will soon be finalized and submitted to the Commission.
 2. In answer to the question on Rights of women and Polygamy, the Director of family affairs, Mrs. Maty Diaw said that Women, family and child rights play a very important role in the Human Rights agenda of Government. Her

Department will be ready to work with the Commission towards the Promotion of Women, Family and Child rights.

3. Mr. Ndir also in his response, said that the overdue reports is caused by some constraints at the governmental level and that the problem has been resolved and they will submit the over due report very soon. He also said that the Government of Senegal has supported the establishment of the African Court and is the first Country to have ratified the Protocol of the African Court. Mr. Ndir also said that they have an independent judiciary.
4. The Vice-Chairperson asked what role if any was the Senegalese government playing in the Promotion of the Charter.
5. In answer to the question, Maître Mame Bassine Niang explained that the Government had the provisions of the Charter enshrined in their Constitution. She further said that administrative controls are base on the provisions of the Constitution. She also talked about the different Human Rights structures put in place for the Promotion of Human Rights
6. Mr. Ndir also said that in 1985 the Institute for Human Rights and Peace in the Cheikh Anta Diop University of Dakar organised an International Symposium on Africa and International Law. This was a means of promoting human rights as provided for under the African Charter on Human and Peoples' Rights in 1985.
7. In her response, Madam Maty Diaw welcomed the team and briefed us about her role as a member of the Association of Women Jurists and as the Director of the Promotion of the Status of Women in Senegal. Her role is to combine all the texts and regulations as they relate to Human Rights. She also said that as regards the issue of Polygamy and Succession the Government was working to alleviate the problems related to these issues. She also said the Government has set-up a programme trying to seek solutions as regards the problem of Street Children/Almoudo. She further added that the Government of Senegal would participate in the ECOWAS conference in October 2002 relating to child matters in the area of Health, education, nutrition and good environment.
8. Maître Mame Bassine Niang, explained that the Government had its strategy which included the establishment of the following Committees:
9. The Eligibility Committee, chaired by the Court of Final appeal
10. The Refugee Management Committee.
11. The Vice Chairperson of the Commission, Madam Jainaba Johm, thanked them for their time and very useful and frank explanations. The Vice Chair on a final note asked if arrangements could be made for her team to visit at least one of the Prisons and the Gendarmerie.
12. Mr Ndir replied and said that as he was the Director in charge of criminal and indemnity affairs, he will arrange the visit of the team to the Prisons and the Gendarmerie.

Date: Wednesday 21st August 2002

Time: 09.00 hrs

Location: Administrative building

Person met: Prime Minister, Maître Mame Madior Boye

Issues discussed: *The role of the African Commission and the mandate of the team:*

10. Commissioner Jainaba Johm thanked the Prime Minister, Mame Madior Boye for receiving the team. She further briefed her on the role, organisation and functioning of the Commission with emphasis on the objectives of the mission she was undertaking in Senegal. She said she wanted to meet all the authorities whose work involved human rights She finally raised the issue of Senegal's overdue periodic report
11. In return The Prime Minister thanked her for coming and said the team was welcomed in Senegal and that arrangements would be made for the team to visit any place of interest. She advised the team to meet Youssoupha Ndiaye, the President of the Senegalese Committee of Human Rights and a former member and Chairman of the African Commission, as he could give the team a better insight about the human rights issues in the country..

Date: Wednesday 21 August 2002

Time: 10 00hrs.

Location: Ministry of National Solidarity

Persons met:

- Mr. Ousmane Ka, National Coordinator for Poverty Projects
- Madam Safiétou Bâ Diop, Technical Adviser no. 2, Ministry of Social Development and National Solidarity
- Mr. Babacar Ciss, Director of Community Development

Issues discussed: *Relationship between the Government and the NGOs,*

- Government and NGO Strategy towards Street/Almudou Children,
 - Area of Action
12. After formal introductions, discussions ensued between the Commissioner and those persons present. Mrs Johm thanked them for granting her an audience. She talked about the work of the Commission and the role NGO's should play in the promotion and protection of human rights in not only Senegal but the whole of Africa. She further went on to say she is available at all times, as the Commissioner responsible for Senegal
 13. Mr. Babacar Ciss specified areas his department was taking action on. These are some of them:

- ◆ Social Management
- ◆ Strategy for Social Development
- ◆ Poverty Alleviation

Mr. Ciss pointed out that the protection of human rights forms an integral part of their work. He however indicated that at the institutional level, the responsibility for the protection of human rights falls under the purview of the Ministry in charge of Family and Infancy Affairs.

14. Commissioner John enquired as to whether there is any collaboration in the field of human rights protection between the Ministry in charge of National Solidarity and the Ministry responsible for Family and Infancy Affairs.
15. According to Mr. Ciss, studies commissioned by the office were entrusted to the Ministry for Family and Infancy Affairs; meetings were organized between the two but within an informal framework
16. The Vice Chairperson enquired as to whether the Constitution had provisions for the protection of handicapped persons.
17. Mr. Ousmane Ka responded in the affirmative. He confirmed that the Constitution had provisions on the protection of handicapped persons.
18. According to Mrs. Diop, there are on-going projects and feasibility studies being carried out by the Government regarding street children. These studies take into account the entire family unit; He said that amongst 94 street children that were returned to their families, only 19 went back to the street. In order to ensure that street children are adequately taken care of, the President instructed that a brief report containing the grievances of the children be prepared and submitted to him.
19. Furthermore, Mrs. Diop emphasized the President of the Republic's desire to resolve this problem through professional and religious training. There is also the existence of a school for the blind.

Date : Wednesday 21 August 2002

Time : 11.00hrs.

Location: Administrative Building

Person met: Mr. Ndir, Director of Criminal Affairs

Issues discussed: *The Senegalese legal system and the planned visit to the prisons and the gendarmerie*

20. The Vice Chairperson wanted to know more about the Senegalese legal system.
21. According to Mr. Ndir, it is clearly indicated in article 88 of their Constitution that the judicial authority is independent from the legislature and the executive arms of the state. He said as much as possible the independence of the judiciary is maintained in practice. He said the judiciary is composed of the Constitutional Council, the Council of State, the Court of Appeal, the revenue court and the courts and tribunal. He gave the team documents relating to the set-up of the legal system. He further said he had finally arranged the visit to one of their prisons and gendarmerie.

Date: Wednesday 21st August 2002

Time: 12.00hrs

Location: Ministry of Armed forces

Person met : Colonel Abdoul Aziz Ndaw , Director of Research and Legal Oversight a the Ministry in charge of the Armed Forces

Issues discussed : *The mandate of the team.*

22. After formal introductions, discussions ensued between Commissioner Johm and the Director about the role of the Commission and her terms of reference. The Commissioner said she had already made a request to visit at least one of the prisons.

Date: Wednesday 21st August 2002

Time: 15.00hrs

Location: Gendarmerie of the City of Dakar

Persons met:

- Mamadou Fall, Warrant Officer-Commander of the Gendarmerie Brigade for the City of Dakar
- Lieutenant Cheikh Sarr, Assistant Commander of the Gendarmerie Brigade of the City of Dakar.

Issue discussed: *The role of the Gendarmerie and the Conditions of detention within the Gendarmerie*

23. Lieutenant Cheikh Sarr, welcomed the team and explained that the Gendarmerie unit we are visiting is the biggest one in town and comprises of 9 squads. He said the Gendarmerie was built in 1945 at the Rue de Thiong, Dakar.

24. He pointed out that their operations are sub-divided into fourteen zones with each zone headed by a Police Superintendent.

25. He added that their job is to ensure that Human Rights are respected, look out for those that commit offences and hand them over to the Public Prosecutor's Office.

26. He said the limits for police custody are defined by the criminal procedure code. One must not be detained for more than 48h. After the 48h they consult a lawyer for advice.

27. Mrs Johm wanted to know what procedure is applicable in the case of civil litigation.

28. Mr. Mamadou Fall responded that in cases of civil litigation, they perform their investigation and then forward their report to the competent authority.

29. Mrs Johm asked them if in cases of emergency they do not encounter much trouble to get to the place.

30. Mr. Fall explained that they have set up neighbour-hood Police Units for night patrols and toll-free numbers are set up to enable to them act immediately. He added that there are other special brigades that cover the airport and seaport of Dakar.

Date: Wednesday 21st August 2002

Time: 16.00hrs

Location: Prison Administration Head Office

Person met : Mr. Leity Ka, Director of Prisons

Issues Discussed: *The role of his Office and the conditions of prisons in Senegal.*

31. Mr. Leity Ka made a formal introduction of the prison administration to the delegation. He talked briefly about the history of the department.
32. He explained that the department was attached to the Ministry of Interior. In 1962 it was placed under the Ministry of justice. In 1963 the department was transferred back to the Ministry of Interior, later to the probationary education department in 1971 and finally since 1992 the department is now attached to the Ministry of Interior.
33. Mr. Leity Ka talked about the organization of the department which comprises of several divisions namely; staff unit, equipments unit, agricultural workshop unit, communication unit and mail tracing unit. He went on further to say that they had created a National Collaboration system to prepare for retirement and social work for prison staff in their prisons all over Senegal.
34. Mr Kah stated that there were a total of 37 prisons in Senegal. He said the main role of prison officials was to guard and help in the rehabilitation of prisoners.
35. The prison is divided into camps; they have one for criminals who have a conviction for one year and above, a correction camp for those whose conviction are less than a year, a *maison d'arret* for those whose conviction is just for a year .
36. He further indicated that there were two prisons for females. This was the one in Liberté IV for female prisoners on remand and another for female convicts which is located in Rufisque.
37. Mr. Kah said that between 1999 and 2002 the prison population grew to 5,614 prisoners against 3,283 places it was originally meant to accommodate. They are therefore confronted with problem of overcrowding.
38. Mr. Ka pointed out that in the department there were 2 police officers, 96 administrative officers, 859 Prison Guards, 9 social workers and 3 State Nurses. He also pointed out that the ratio of guard per prisoner is 1 to 15; which is contrary to the internationally defined standard of 1 guard for every 2 prisoners.
39. The Vice Chairperson Mrs. Johm thanked Mr. Ka for his time and the reception accorded to the team .

Date : Wednesday 21 August 2002

Time : 17.00hrs

Location : Reubeuss Central Prison

Persons met :

- Mohamed Diop, Director of Reubeuss Central prison
- Mrs. Bittèye, Chief Clerk of the Reubeuss Central Prison
- The Prisoners

40. The Vice-Chairperson met with the prison officials and informed them about her desire to visit the prison and see prisoners in their cells. She spoke at length about the Commissions interest in encouraging States to reform their prisons in accordance with recognized international standards and norms.
41. Mr. Diop, director of the prisons thanked the delegation and spoke amongst other issues about some of the problems like human resource and vehicles. Later Mr. Diop accompanied by Mr. Ka, Director of the Prisons Department took the Vice Chairperson and her delegation on a conducted tour of the cells of the Reubeuss Prison.
42. In some of the cells visited, prisoners complained about overcrowding in their cells. There was for example about 75 inmates in one particular cell that should have ordinarily accommodated about 15 persons.
43. The Vice-Chairperson asked the director about financial and material constraints they may be facing particularly with regards to the upkeep of prisoners.
44. The director responded that the prison had a budget funded by the State which covers the operational costs and on the other hand they received material from the families of the prisoners, but said that they needed more assistance to achieve.
45. The director further informed the team that they have a project for the modernization of the kitchen, that they have already built a large ventilated reception hall for visitors that will become operational in some weeks time. They also have a health center and rooms for admitting the sick.
46. The Vice-Chairperson thanked the officials for having received them and taken them around the prison.

Date : Thursday 22 August 2002

Time: 09.00hrs

Location: Office of the High Commissioner for Refugees (UNHCR)

Persons met :

- Rufin Gilbert Loubaki, Head of Directorate (Legal protection)
- Babacar Samb, Officer in the Legal Protection

Issue discussed : *The Situation of Refugees in Senegal*

47. Mrs. Johm made a brief introduction on relations between the commission and the Office of the High Commissioner for refugees (HCR) and thanked the director for receiving the delegation.

48. In his turn, Mr. Loubaki thanked the Vice-Chairperson. He informed the team that he was accredited to the following countries: Senegal, The Gambia, Guinea Bissau, and Mali. His role is to solicit the support of governments, provide refugees with documents, ensure their protection.
49. He said the UNHCR was in the process of putting in place an eligible national committee to begin the registration of refugees in January in some of these countries in order to issue the refugees with identity cards.
50. In Senegal Mr.Loubaki indicated that there were some refugees. He further indicated that the UNHCR did not encounter any difficulties for the protection of refugees in Senegal.
51. Vice-Chairperson Mrs. Jainaba Johm explained to him that the refugee issue has been included in the programme of work of the Commission and invited him to attend the 32nd Ordinary Session of the Commission to be held in Banjul, The Gambia from 17 to 31 October 2002.

Date : Thursday 22 August 2002

Time: 11.00hrs

Location: Conference Hall of the Ministry of Foreign Affairs

Persons Met : Non-Governmental Organizations

Issues Discussed :

- ✓ *Brief overview of the Commission;*
- ✓ *Resolution for the granting of Observer Status;*
- ✓ *Relations between the NGOs and the Commission.*

52. The Vice-Chairperson made a brief presentation on the mandate and objectives of the Commission as well as relations between the Commission and the NGOs. She expounded on the resolution regarding criteria for granting and enjoying Observer Status for Non-Governmental Organizations with the African Commission for Human and Peoples' Rights.
53. Mrs. Christiane Agboton Johnson expressed her pleasure for having participated in this meeting and for having been provided with information on the criteria for granting observer status to NGOs. She expressed the hope that she will be able to attend the 32nd Ordinary Session of the Commission.
54. In his turn, Mr. Djibril Badiane expressed his delight with the delegation's visit to Senegal. He apologised for the delay in the submission of their reports and that his Organization will henceforth ensure that the rules of the Commission are respected. He added that his organization was for the past six months engaged in a systematic survey of the refugee situation in Senegal. He concluded by appealing to the Senegalese government and UNHCR to provide assistance to NGOs.
55. The Vice-Chairperson thanked the NGOs for the invaluable role that they are playing in the field of Human Rights in Senegal and again pledged the Commission's readiness to work with them.

Date: Thursday 22 August 2002

Time: 13.00hrs

Location: The Senegalese Human Rights Committee

Person met :

- Mr. Youssoupha N'diaye, Chairman of the Senegalese Committee
- Mr. Malick Sow, Coordinator of the Committee

Issues Discussed:

- ✓ *The real nature of the Organization*
- ✓ *The problem of late submission of Senegal's periodic report*

56. The Chairman, Youssoupha N'diaye thanked the delegation and expressed his concern about the lack of effective coordination between the Committee and other human rights institutions and departments in Senegal.
57. The N'diaye said that he would like to be provided with the documents of the Commission regularly to enable them possess maximum information on the Commission and its work in the field of protection and promotion of human rights in Africa. He emphasized that the Senegalese Committee was the first committee to be established since 1970, and said that the inter-ministerial committee which had been in existence before and functioned more effectively, should be revived. He recommended that the Head of State reintroduce that old system. According to him, this organizational problem is the cause of the late submission of the periodic report. In fact he said it would have been the duty of that Committee to write the report to be submitted to the Commission
58. He added that his Office has complained about the proliferation of human rights institutions within Senegal and recommended that what was needed was more team work which reflected the old system. He suggested that the Government could do away with the Office of the High Commissioner it had recently created. He said he would recommend a meeting of all the human rights institutions within the country in order to attain a more efficient and effective output.
59. Mr. Youssoupha N'diaye talked about the role of his Office which included the obligation to submit every year a report to the President of the Republic. He however lamented that even though his Office had been submitting its report there has been no follow up to which unfortunately there were no follow-ups. He further indicated that the Committee was the only entity that adhered to the national and international standards. The Committee was established under law. The chairman concluded by stressing the need for Senegal to speak with one voice in Human Rights matters as well as settle the coordination issue.
60. Mrs Johm once more thanked the Chairman of the Senegalese Committee and urged him to participate in the Sessions organized by the Commission. She further assured him that she would inform the African Commission Secretariat in Banjul to be sending his office any relevant information and documentation.

Date: Thursday 22 August 2002

Time : 15.00hrs

Location: Ministry for Women and Infancy Affairs

Persons met :

- Mrs. Maty Diaw, Director, Department of Family Affairs
- Mr. Amadou Yoro N'diaye, Principal Private Secretary of the Ministry for Family and Infancy
- Modou Sall, Director in charge of Family and Infancy Rights.

Issues discussed : *Issues relating to women and street children*

61. Mrs. Johm thanked the personalities for the audience and spoke at length about the role of the Commission and issues that have come before the Commission relating to the rights of children and women in Senegal. She said she welcomes the steps the Government of Senegal has taken over the years to address these issues especially the plight of street children and the rural women and encouraged them to do more.
62. After having welcome the delegation, Mr. Amadou Yoro N'Diaye did a rapid overview of the Ministry's activities. He informed us that the Ministry had come up with a project on the fight against violation of the rights of the child. He recalled that Senegal had adopted the 1991 Convention on the Rights of the Child as well as the African Charter On the Rights and Welfare of the Child.
63. Mr. Modou Sall explained that the Ministry for family affairs is working closely with the High Commissioner for Human Rights.
64. Madame Maty Diaw also talked about the various forms of discrimination that the Senegalese women are subjected to. She said her Office had made some proposals to the Government. She said she was optimistic about the fact that inequality, will soon be a thing of the past . As regards children, she said her Ministry formulated and is implementing a programme meant to seek solutions for street children. Further she said that the Head of State, His Excellency Maitre Abdoulie Wadda had personally pledged to adopt radical measures in respect of Street Children. She emphasized that the Senegalese government had passed a law against female genital mutilation. She further indicated that there was an on-going project to fight against child sexual abuse, violence and labor. According to her the Senegalese government has embarked upon important measures geared towards effective adherence to all the conventions signed, particularly on the rights of the child and women.
65. Vice Chairperson Jainaba Johm thanked them for the warm reception accorded her team and urged them to use their good offices to especially make this phenomenon of street children a thing of the past. The Vice said further that she was impressed with the programmes and policies the Government had put in place to address some of these issues.

Date : Thursday 22 August 2002

Time : 16.00hrs

Location: Ministry of Foreign Affairs

Persons met :

- H.E. Ambassador Babacar Mbaye, Principal Private Secretary
- Cheikh Tidiane Thiam, Director of Legal Affairs
- Abdou Aziz Ndiaye, Director in charge of International Organizations

Issues discussed : *The role of the Commission and the late submission of Senegal's periodic Report*

66. His Excellency Ambassador Babacar Mbaye thanked the delegation on behalf of the Head of State and expressed his delight with the fact the Commission presently has four female Commissioners.
67. H.E. Ambassador Babacar Mbaye recalled that President Senghor was among the founders of the African Charter on Human and Peoples' Rights and since then Senegal did not spare any effort to give effect to the provisions of the charter. Commissioner Johm was assured that they would use their good offices to make sure that Senegal's overdue report be submitted by the next session of the Commission.

Date : Thursday 22 August 2002

Time: 17.00hrs

Location: Conference Hall of The Ministry of Foreign Affairs

Persons met : Journalists

Issue discussed: *A Press Conference was held.*

68. Over twenty journalists representing different media houses attended the Vice-Chairperson's press conference. The Vice Chairperson talked generally about the role of the Commission and spoke specifically about persons she had been able to meet and places she had visited and thanked the Government and people of Senegal for their cooperation, which helped to make her visit to Senegal a success. Finally she thanked those present for their attention.
69. The journalists expressed their delight with the visit of the Vice Chairperson of the African Commission for Human and Peoples' Rights. They asked questions about prison conditions since as journalists they were not allowed to visit cells and complained a lot about this situation.
70. They also wanted to know what were the impressions of the Vice Chairman during her visit to Senegal. They also raised questions regarding refugees, street children and women including the case of Amina Lawal who was sentenced in Nigeria.
71. The Vice-Chairperson explained that a report will be prepared on the visit and submitted to the Senegalese Government after which it will be a public document. This report will contain her findings and recommendations. With regards to the Amina Lawal and other similar cases in Nigeria, the Commission has appealed to the Nigerian Government to intervene and quash the sentence.

CONCLUSIONS

A very well planned programme of activities was prepared for the team and this timetable was strictly followed. This promotional mission helped raise further awareness of the Commission, and also helped the team identify critical human rights issues. As a result of this Mission the delegation was able to establish contacts within the Government and the civil society and hold frank and open exchanges. The delegation is pleased with the efforts being made by the Senegalese government in its implementation of the Charter and other Human Rights conventions and treaties it has ratified. The Government of Senegal has agreed to be attending our sessions and work closely with the Commission.

FINDINGS

The Government of the Republic of Senegal undertook to prepare and submit all its outstanding periodic reports in accordance with article 62 of the African Charter.

The Government of the Republic of Senegal has established various human rights institutions, however these seem to act individually rather than together.

The Government of the Republic of Senegal has started taken steps to address the serious problem of overcrowding in the prisons

The Government of the Republic of Senegal is about to set up a Refugee Management Committee whose function would be to address the issue of refugees.

The Government of the Republic of Senegal has embarked on a lot of programmes aimed at improving the human rights of women and children.

In the Republic of Senegal the NGO community and the Press play an active role in awareness building.

RECOMMENDATIONS

- The Senegalese Government should initiate an open and frank debate with all the various human rights institutions, in order to ensure that there is close collaboration between them. This should enable these institutions better coordinate their activities in the human rights field and facilitate projects like the preparation of Senegal's periodic reports ;
- Senegal should as soon as possible submit its outstanding reports to the Commission.
- The project relating to the rights of children currently underway within the department of Family and Infancy affairs should be accelerated with a view to improving the effective protection of the rights of children in practice ;
- The Government of the republic of Senegal should continue in its efforts to improve prison conditions, particularly with respect to ventilation, hygiene and the number of prisoners in cells;

- The Government of the Republic of Senegal should continue to work closely with non-governmental organizations in order to ensure better implementation of the African Charter.
- The Commission encourages the Government of the Republic of Senegal to quickly set up the proposed refugee management committee. This would further help in addressing the situation of refugees within Senegal.

APPRECIATION

The Mission Team on behalf of the Commission would want to extend its appreciation to the Government of the Republic of Senegal for accepting and facilitating the mission. Further thanks and appreciation goes to the Minister for Human Rights Maître Bassine Niang for organising the programme of the mission and ensuring that the team was comfortable. Our special thanks to Mr Momodou N'diaye for his tireless efforts in making sure this mission was a success. Our special thanks to all the Government personalities, NGO's and the Press who took time out of their busy schedule to meet with the team and more especially to the people of the Republic of Senegal to whom we dedicate this Mission.

PERSONS AND PLACES VISITED

Location: The Office of the President:

Persons met:

- Maître Mame Bassine Niang, Minister for Human Rights;
- Mrs. Maty Diaw, Director of Family Affairs
- Mr. Cheikh Tidiane Thiam, Director of Legal Affairs and consular in the Ministry of Foreign Affairs of African Union
- Babacar Samb, Administrator of Legal Protection
- Mr. Mamadou Ndiaye, Officer in charge of Programs at the Delegation of Human Rights and Peace.
- Amadou Yoro Niaye, Director, Ministry of Family and Infancy matters
- Mr. Doudou Ndir, Director of Criminal and Indemnity matters.

Location: Administrative building

Person met: Prime Minister, Maître Mame Madior Boye

Location: Ministry of National Solidarity

Persons met:

- Mr. Ousmane Ka, National Coordinator for Poverty Projects
- Madam Safiétou Bâ Diop, Technical Adviser no. 2, Ministry of Social Development and National Solidarity
- Mr. Babacar Ciss, Director of Community Development

Location: Administrative Building

Person met: Mr. Ndir, Director of Criminal Affairs

Location: Ministry of Armed forces

Person met : Colonel Abdoul Aziz Ndaw, Director of Research and Legal Oversight at the Ministry in charge of the Armed Forces

Location: Gendarmerie of the City of Dakar

Persons met:

- Mamadou Fall, Warrant Officer-Commander of the Gendarmerie Brigade for the City of Dakar
- Lieutenant Cheikh Sarr, Assistant Commander of the Gendarmerie Brigade of the City of Dakar.

Location: Prison Administration Head Office

Person met : Mr. Leity Ka, Director of Prisons

Location : Reubeuss Central Prison

Persons met :

- Mohamed Diop, Director of Reubeuss Central prison
- Mrs. Bittèye, Chief Clerk of the Reubeuss Central Prison
- Prisoners

Location: Office of the High Commissioner for Refugees (UNHCR)

Persons met :

- Rufin Gilbert Loubaki, Head of Directorate (Legal protection)

- Babacar Samb, Officer in the Legal Protection

Location: Conference Hall of the Ministry of Foreign Affairs

Persons Met : Non-Governmental Organizations

Location: The Senegalese Human Rights Committee

Person met :

- Mr. Youssoupha N'diaye, Chairman of the Senegalese Committee
- Mr. Malick Sow, Coordinator of the Committee

Location: Ministry for Women and Infancy Affairs

Persons met :

- Mrs. Maty Diaw, Director, Department of Family Affairs
- Mr. Amadou Yoro N'diaye, Principal Private Secretary of the Ministry for Family and Infancy
- Modou Sall, Director in charge of Family and Infancy Rights.

Location: Ministry of Foreign Affairs

Persons met :

- H.E. Ambassador Babacar Mbaye, Principal Private Secretary
- Cheikh Tidiane Thiam, Director of Legal Affairs
- Abdou Aziz Ndiaye, Director in charge of International Organizations

Location: Conference Hall of The Ministry of Foreign Affairs

Persons met : Journalists