

## SENEGAL

### CERD 30<sup>TH</sup> No. 18 (A/10018) (1975)

146. Members of the Committee took note of the information contained in the initial report of Senegal, and in particular on the articles of the Constitution which declared acts of racial or ethnic discrimination offences punishable by law and proclaimed the equality of all people before the law, and on the activities of the Senegalese United Nations Association. However, they noted that the articles of the Penal Code which appeared to give effect, in part, to the provisions of article 4, paragraph (a), of the Convention were paraphrased in the report; and that information on the implementation of article 4, paragraph (b), and on articles 6 and 7 of the Convention was totally lacking, as was also information on relevant judicial, administrative and other measures. Nor was the information envisaged by the Committee in general recommendations III (on relations with racist régimes) or IV (on the composition of the population) supplied by the reporting State. Finally, members of the Committee noted that the information contained in the report was not organized in accordance with the guidelines laid down by the Committee at its first session.

147. It was asked whether article 7 of the Constitution, which made any administrative decision based on racial or ethnic discrimination unlawful, also applied to legislative acts of such a nature; and whether article 56 of the Constitution, which provided that the law should prescribe the regulations concerning the fundamental guarantees granted to citizens, was supplemented by legislative provisions which allowed its effective implementation.

148. The representative of Senegal assured the Committee that his Government would take into account the observations which had been made and would endeavour to remedy the inadequacies pointed out during the discussion. With regard to relations with the racist régimes of South Africa, he informed the Committee that, as early as 1963, his Government had severed consular relations with South Africa and had prohibited South African aircraft from flying over Senegalese territory and landing on airfields on Senegalese territory, prohibited the entry to Senegal of all South African citizens and prohibited the import of products originating in South Africa.

**CERD A/31/18 + Corr. 1 (1976)**

240. The Committee considered the second periodic report of Senegal without the participation of a representative of the Government of the reporting State. It noted with satisfaction that, in the preparation of that report, account had been taken of the comments made during the Committee's consideration of the initial report of Senegal, and that the information envisaged in general recommendation III was also supplied.

241. Members of the Committee noted with appreciation that articles 1, 6 and 7 of the Constitution of Senegal clarified that the principle of equality before the law applied not only to citizens of Senegal but to all human beings in the country; that the right to work extended to everyone, including foreigners residing in the country; that Senegal observed the obligations stemming from article 6 of the Convention; that measures in the field of education, aimed at developing peace and co-operation among groups and peoples and at instilling belief in the equality of races, in keeping with the provisions of article 7 of the Convention, had been taken; that a Committee on Human Rights had been established; and that Senegal had participated actively in the world-wide struggle against racism and apartheid.

242. It was observed that additional information and clarification was needed in several areas. With regard to legislative measures given effect to the provisions of article 4 of the Convention, it was asked whether there were specific provisions stipulating penalties for the promotion and incitement of racial discrimination in addition to those relating to propaganda threatening the internal security of the State or the integrity of its territory, declaring illegal and prohibiting organizations which incited racial discrimination, and prohibiting discriminatory actions by public authorities. With reference to article 5 of the Convention, it was observed that the report did not make it clear exactly how the constitutional provision proclaiming the equality of human beings before the law was reflected in legislation, particularly the Criminal Code; and information on the implementation of article 5, paragraph (e), of the Convention was requested. With respect to the provisions of article 6 of the Convention, the procedures for recourse against any act of racial discrimination were not entirely clear: could the victim request the Public Prosecutor to take up his case or could he institute proceedings directly? With regard to the measures which had been adopted to give effect to the provisions of article 7 of the Convention, some members wished to know whether those measures included also "propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination" and the International Convention on the Elimination of All Forms of Racial Discrimination, as required by article 7 of the Convention. Several members expressed interest in the Committee on Human Rights established in Senegal and voiced the hope that the next report of that country would contain information on the competence and activities of that body. Members of the Committee expressed a wish to receive the texts of all relevant legislative provisions mentioned in the reports of Senegal and the text of article 56 of that country's Constitution. Finally, with regard to the information envisaged in general recommendation III, more information on the attitude of the reporting State towards the illegal régime in Rhodesia was requested. In that connection, it was wondered whether, in view of the recent political developments in Portugal and the accession to independence of its former colonies, the provisions relating to Portugal in Decrees 63-524 and 63-535 and the Declaration of 16 July 1963 were still in force.



## **CERD A/34/18 (1979)**

171. The third periodic report of Senegal (CERD/C/40) was considered together with the supplementary information provided by the representative of the reporting State in his introductory statement. <sup>11/</sup> The representative informed the Committee of measures taken by his Government to combat all forms of racial discrimination and to guarantee human rights and freedoms for all, both at the international and national levels. At the international level, he stated, Senegal was observing strictly the relevant resolutions and recommendations of the United Nations concerning the struggle against racial discrimination and giving effective support to the liberation movements fighting the racist régimes of southern Africa. At the national level, he referred to the relevant provisions of the Constitution of Senegal, as the corner-stone of the struggle against racial discrimination, supplemented by the relevant provisions of the Penal Code and other legislations. In addition, the Senegalese Government was making determined efforts to educate and awaken the public conscience by such measures as the establishment of the Senegalese United Nations Association, the Senegalese Human Rights Committee and recently, the National Town Twinning Committee responsible for promoting twinning arrangements between Senegalese and foreign towns.

172. The third periodic report of Senegal consisted of two parts: the first part described the measures adopted to combat racial discrimination in the economic, cultural and social fields, and the second part consisted of two annexes providing information on the demographic composition of Senegal and reproducing certain articles of the Senegalese Penal Code relating to the struggle against racial discrimination.

173. The information contained in the report and supplemented by the representative of Senegal was welcomed by members of the Committee. They commended, in particular, the policy pursued by Senegal to oppose all forms of racial discrimination and to guarantee the enjoyment of human rights and fundamental freedoms. It was regretted, however, that the report did not follow the sequence of the articles of the Convention or place the information contained therein in the proper context of the Convention.

174. It was noted that the information given in annex I on the demographic composition of the population did not concern the various ethnic groups which spoke the six national languages and constituted the Senegalese nation, but referred only to the number of foreigners living in that country. A member stated that if Senegal had decided for reasons of national unity not to include in its reports any data on the ethnic composition of its population, it should so inform the Committee. Another member, however, stated that he was satisfied with the figures given concerning the composition of the Senegalese population and was convinced that the task of the Committee was not to carry out a detailed demographic study, but to obtain information concerning the attitude of society in general towards the less developed groups existing in its midst. It was also pointed out that the Senegalese population, although speaking various languages, was essentially homogeneous in its ethnic composition and that great harmony reigned among the various sectors of the population.

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<sup>11/</sup> In accordance with the decision taken by the Committee during the meeting, the statement is reproduced verbatim in the summary record of the 419<sup>th</sup> meeting (CERD/C/SR.419).

175. Particular attention was drawn to the concept of négritude (black consciousness), a philosophy which not only identified the values of the black world but was also an invitation for the creation of a universal civilization. Another member stated that the concept of négritude had furnished Senegal and black Africa with a means of achieving awareness of values that were in no way inferior to those other cultures.

176. As regards article 4 of the Convention, a member recalled that during the consideration of the previous report not all members of the Committee had been in agreement on how to interpret article 4 of the Senegalese Constitution which provided that any act of racial, ethnic or religious discrimination and regionalist propaganda shall be punishable by law. A majority, however, had considered that that provision satisfied the requirements of article 4 (a) of the Convention, but that additional information was essential in respect of other provisions of article 4. Various members regretted the omission of further information on the implementation of article 4 and, pointing in particular to a statement in the report that the authorities have had no need to adopt other measures for the purpose of combatting the evil of racial discrimination, they stated that that position was by no means consonant with the position of the Committee. Clarification was requested on the scope of article 106 of the Penal Code, namely, whether or not it covered racial discrimination. A member believed that subparagraphs (a) and (c) of article 4 of the Convention were covered by existing legislation, but found no provision concerning subparagraph (b) of that article. Another member, recalling that the previous report of Senegal had quoted provisions of articles 248 and 261 of the Penal Code concerning the penalties applicable in respect of the defamation of a private person or group of persons through the public information media, welcomed the inclusion in the third periodic report of supplementary information by citing the text of article 262, paragraph 2, of the Code. Referring to article 106 of the Code, he asked if that article or article 1 of the Constitution would be applied in case any of the public servants specified in article 106 ordered or committed any act of racial discrimination.

177. With reference to article 5 of the Convention, members of the Committee noted with appreciation the detailed information provided in the report, in particular the provisions of article 1 of the Constitution, which ensured equality before the law for all citizens without discrimination, and the measures adopted to give effect to the economic, social and cultural rights covered by article 5 (e) of the Convention. The problem was raised whether these rights could be invoked by citizens though they were set forth only in the preamble of the Constitution. Further information was, however, asked for concerning the steps taken to guarantee respect for the civil rights listed in article 5 (d) of the Convention. Some members welcomed the details supplied in the report concerning the legal aid provided to persons who lacked adequate financial resources, and asked if such aid had been supplied in cases of racial discrimination. It was also asked if the granting of legal aid was subject to any conditions other than lack of adequate resources and, if so, in what legislative text were these conditions laid down and who was responsible for taking the decision to grant or refuse legal aid.

178. It was recalled in connection with article 6 of the Convention that the appropriate mechanism for recourse against any act of racial discrimination had been set out in the previous report of Senegal. Additional information was requested especially with regard to the functions of the Public Prosecutor; as to whether adequate remedies were available to victims of racial discrimination; if a person who considered himself aggrieved could request the Public Prosecutor to take up his case; or whether he could institute proceedings directly.

179. Referring to article 7 of the Convention, members of the Committee noted with interest that the Senegalese Government had taken particularly effective measures to bring education to the whole population, to improve the standard of teaching at all levels and to surmount language barriers. While the action taken in the field of teaching and education could be expected to make a big contribution to the attainment of the objectives laid down in article 7 of the Convention, the report did not clearly show the link between the measures taken and the requirements of the Convention. The establishment of the Senegalese Committee on Human Rights was welcomed once again by various members of the Committee. It was regretted, however, that the report described only the composition of the Committee but not its powers and activities which the Committee had expressed a hope to receive. A member commenting on the composition of that Committee stated that, in his opinion, such a body would be able to act more effectively and independently if its members were elected rather than appointed. Another member stated that the absence in the report of information on its powers and activities was particularly disappointing since the 1970 Decree establishing the Committee had been replaced in 1978 by a new decree. Receipt of further details concerning the activities of that Committee, in the light of article 7 of the Convention, was again hoped for by members.

180. The representative of Senegal replied to a number of questions raised by members of the Committee. In connection with the 1978 amendment to the Decree establishing the Senegalese Committee on Human Rights, he stated that the Committee now included a representative of the Prime Minister and that the essential purpose of the Committee was to uphold the Government's publicizing action in the field of human rights by means of various activities, such as round-table discussions and radio and television programmes. He stated that in the view of the Senegalese authorities, the provision of article 4 of the Constitution satisfied the stipulations of article 4 (a) and (b) of the Convention. He noted that article 4 of the Convention made it compulsory for States parties to adopt specific legal instruments to counter racial discrimination and assured the Committee that information on such instruments would be provided in the next report. The fundamental rights enshrined in the Preamble of the Constitution could be invoked by citizens. In connection with the ethnic composition of the country, he stated that Senegalese authorities were endeavouring to forge a homogeneous nation and to put an end to antagonisms, while respecting the cultural values of the various groups. The representative assured the Committee that the comments made by various speakers would be conveyed to the competent authorities of his country so that it could take them duly into account when preparing its next periodic report.

## **CERD A/36/18 (1981)**

155. The fourth periodic report of Senegal (CERD/C/48/Add. 9) was introduced by the representative of the reporting State who highlighted some points of the report and provided the Committee with some additional information. Regarding freedom of expression, he informed the Committee that on 11 April 1979 Act. No. 79-44 had been passed concerning the press and the profession of journalism, and defining the special responsibilities and obligations of proprietors and directors of publications. The Act also provided for the establishment of a national press commission responsible for supervising the functioning of the printed media. On the recommendation of the Human Rights Committee, the Council of Ministers had recently adopted a draft law abolishing the exit visa required by Senegalese nationals before they could proceed abroad. It had also adopted a draft law removing the numerical limit - previously four under article 3 of the Constitution - on the formation of political parties. Provision had been made for the organization of a series of lectures in the eight regions of Senegal, dealing with human rights topics and the struggle against racial discrimination. There were also to be radio broadcasts, and daily television sketches on the same subjects were to precede the literacy courses broadcast on the national network.

156. The Committee commended the Government of Senegal for its very good report and for the concise information provided therein, especially concerning article 5 of the Convention. Some members also welcomed the fact that the general guidelines of the Committee had been followed in the preparation of the report and praised Senegal's pioneering role in the promotion of human rights in Africa.

157. In connection with article 2 of the Convention, more information was requested on the situation of the foreign population and its ethnic composition, together with particulars of any agreements concerning refugees and of any provisions relating to the granting of asylum and naturalization. More information was also requested on the experience both of the aliens themselves and of the authorities on how this process of integration was being achieved in implementation of article 2 (e) of the Convention. In view of the large number of different ethnic groups in the country, the Committee asked about the progress made in developing a multicultural society. Senegal's third periodic report had referred to an attempt being made to transcribe the six main national languages, and members wondered what experience had been gained, whether those languages were used in the mass media and whether they were used for teaching in primary schools. It was pointed out that all the documents quoted referred to "citizens" and it was therefore asked whether the guarantees of the Senegalese legal system also applied to non-nationals. Some members further pointed out the need for measures to help the less developed regions of the country and the various ethnic groups, and to reduce any economic disparities which might lead to racial discrimination.

158. The Committee expressed its appreciation of Senegal's decisive condemnation of the racist régime of South Africa which would encourage all who were fighting against racism and colonialism in the African continent.

159. Though some members declared that Senegal was complying almost completely with the

obligations under article 4, others stated that a full implementation by legislation was not yet guaranteed. The draft law concerning measures for combatting racial discrimination had to be put into force in order to implement article 4 (c). Articles 261 and 262 of the Penal Code spoke of groups of persons, but those provisions needed to be supplemented by reference to action committed by individuals. Moreover, it was not clear whether the definition of means formed part of the law, or merely constituted a statement by the authors of the report. It was therefore not clear what real guarantees were available for the protection of individuals and also of aliens: perhaps the next report could include information on court procedures in that respect. Information was also requested on the progress made concerning the draft law on measures for combatting racial discrimination, referred to on page 4 of the report, and when it was expected to be adopted. Noting that the section of the report dealing with the implementation of article 4 (b) referred to political parties and commercial associations, a member inquired whether the prohibition of racial discrimination also applied to non-profit-making organizations other than political parties.

160. Much of discussion revolved around the implementation of article 5 of the Convention. With regard to the principle of equality before the law, a fuller explanation was requested of the constitutional revision of December 1978 authorizing a group of at least 15 members of the Assembly to challenge the constitutional validity of any law in the Supreme Court. It was asked, in particular, to what extent this might affect the independence of the judiciary. More information was requested on the new law on political parties and any rules regarding the dissolution of specific groups. More details were requested, in particular, on the question on the numerical restriction on the formation of political parties. With regard to article 5 (d) (ii) of the Convention concerning the right to leave any country including one's own, the requirement for the deposit of a sum of money in the national treasury did not seem to members of the Committee to be compatible with the principle of equality between citizens. It was also pointed out that the conditions for acquisition of nationality seemed somewhat inflexible, particularly the stipulation that the ascendant in the first degree of a person born in Senegal must himself have been born in Senegal. Turning to article 5 (d) (viii) concerning freedom of opinion and expression, the Committee requested more information on the act concerning the press and on the extent of any control exercised over the press. The fear was expressed that press freedom in Senegal might be curbed by a measure of censorship and financial control. It was asked what rules were in force regarding the accrediting of journalists. Concern was expressed about the provision of article 52 of Act No. 79-44 of 11 April 1979, referred to in the report, requiring journalists to refrain from any attempt to corrupt the young; the terms of that provision was considered to be too vague, leaving the way open to arbitrary action. Regarding the concept of morality, in particular, the hope was expressed that the next report would make it easier to determine its limits by including information on court decisions and thus enabling the Committee to understand how the law was applied. A member of the Committee, however, pointed out that similar provisions existed in France and other Western countries and were intended to protect young people from exposure to pornographic publications.

161. As to article 6 of the Convention, it was asked whether any cases involving racial discrimination had been referred to the courts and if the Commission on Human Rights had dealt with any serious problem of racial discrimination in Senegal. With reference to article 76 of the Senegalese Code of



Criminal Procedure, it was asked whether that provision was applicable to procedures against public authorities or whether they were special administrative courts for complaints against them.

162. In connection with article 7 of the Convention, more detailed information was requested on the activities of the State, the role being played by the mass media in that respect and the extent to which the new law on journalism had contributed to the implementation of the article.

163. The representative of Senegal said that he would convey the Committee's recommendations to his Government and they would be taken into due consideration. In reply to some of the questions, he stated that economic and social development was not tied in with ethnic composition, and no group was given preferential treatment to the detriment of others. Development was planned in terms of the capabilities of the regions, regardless of the ethnic composition of the inhabitants. With regard to ethnic groups, the intermingling of peoples and the influence of the Muslim and Catholic religions had led to a natural balance among the various ethnic groups. Ethnic origin was not, therefore, a motive for discrimination, nor indeed was religion, as was illustrated by the example of former President Senghor, who was Catholic in a country in which 85 per cent of the population was Muslim. As to refugees, once they were recognized as such by a commission headed by the Procureur de la République (State Prosecutor), they enjoyed the same rights as Senegalese nationals. In that connection, the Senegalese Government had recently granted refugee status to three Moroccan Jews, as a token of its determination to pursue a policy of integration and to combat racial discrimination. With reference to article 4 of the Convention, the representative stated that appropriate draft laws on the subject had been adopted by the Council of Ministers and were to be considered by the National Assembly in the near future. In Senegal, it was the Minister of the Interior who was empowered to declare unlawful any associations that engaged in activities contrary to the provisions of article 4 of the Convention. With reference to the article in the Penal Code making it a punishable offence to spread ideas based on racial superiority or hatred or to engage in incitement to racial discrimination, it should be noted that the means listed in the report were not exhaustive; they were intended as a guide, but all technical procedures designed to reach the public at large were covered by that article.

164. In reply to questions regarding to article 5, he said that, under article 840 of the Code of Family Law, aliens enjoyed the same rights as Senegalese nationals. An alien could therefore take a matter to the Senegalese courts, either in criminal or civil proceedings or in a matter coming under administrative or commercial law. With regard to any potential encroachment on the independence of the judiciary, that independence was guaranteed by law and was viewed as a necessity. In reply to the questions concerning political parties, he explained that, for the purposes of establishment and official recognition in law, a party was required to register its statutes, provide a list of its leaders and give the address of its premises. Thereupon, the Minister of the Interior had to issue acknowledgement. If he refused to do so, he was required to give the reasons for his refusal and the party leaders were then entitled to appeal to the Supreme Court, whose ruling was final. The Constitution had originally provided for only three official political parties. An early amendment of the Constitution had allowed for the establishment of a fourth party and the new Senegalese administration had expressed the desire to go as far as possible in the process of democratization with

a view to reverting to unlimited multiparty system.

165. With regard to the repatriation deposit, the representative explained that Senegalese nationals who left the country in the hope of finding employment abroad often had very great difficulties in adapting to the host country and approached the Senegalese diplomatic authorities to be repatriated, something which placed a very severe financial burden on Senegal. That was why the Government had decided that anyone wishing to leave Senegal should deposit a sum of money in the national treasury or be in the possession of a return travel ticket. The Senegalese authorities did acknowledge, however, that the compulsory exit visa might indeed be regarded as a restriction on freedom of movement and a draft law to do away with the visa had been adopted by the Council of Ministers and was expected to be passed by the National Assembly in the near future. Senegal did not place any restrictions on granting nationality to children born in Senegal from non-Senegalese parents.

166. Touching upon questions as to freedom of the press, he wished to allay the fears expressed on the subject. The 1979 Act was in no way intended to reintroduce any form of censorship. The point was not to exert prior control over information reported by journalists but simply to lay down a code of ethics so that freedom of the press could be exercised fully yet kept within the bounds required to avoid licence and anarchy and to safeguard the privacy of the individual. In a case of libel, the Penal Code and the Code of Criminal Procedure provided that, where a private individual was involved, no action could be brought unless a complaint was lodged. When a group was involved, however, the Procureur de la République could institute proceedings even without any claim by the injured party. As to the question of whether a journalist who had his press card refused by the national press control commission was entitled to bring the matter before the Supreme Court, he said that such action could indeed be taken. In reply to the question as to why the morality of young people was mentioned in the Constitution, he explained that the Government had no intention of imposing a moral code on young people in Senegal, but all societies had the right to their own ethical standards and to bring up young people and educate them in keeping with those ethics. It was quite natural, therefore, that the Constitution should contain an appropriate provision, but it was to be noted that it had never yet been enforced.

167. Turning to the activities undertaken in Senegal under article 7 of the Convention, he informed the Committee that the Senegalese Government had concluded cultural agreements with most countries, except for South Africa, of course, and had considerably developed the teaching of foreign languages. Dissemination of the national languages was one of the priority aims of the Senegalese Government. Adult literacy courses were broadcast daily on the radio and television and phonetic transcription of vernacular languages had been experimented with in primary schools.

## **CERD A/42/18 (1987)**

227. The fifth, sixth and seventh periodic reports of Senegal, submitted in one document (CERD/C/131/Add. 5), were considered by the Committee at its 763<sup>rd</sup> meeting on 12 March 1986 (CERD/C/SR. 763).

228. The report was introduced by the representative of Senegal, who referred to that country's Constitution, in particular article 4, under which any act of racial, ethnic or religious discrimination was punishable by law. He highlighted relevant parts of the document and mentioned the Institute for Human Rights and Peace, set up in 1983 to train citizens in human rights.

229. Members of the Committee expressed their satisfaction that the Senegalese Government had resumed its dialogue with the Committee after a lapse of several years. They commended Senegal for its efforts to establish a democratic State based on the rule of law. They also pointed out that Senegal was a tolerant country that promoted human rights. The report adhered to the Committee's guidelines (CERD/C/70/Rev.1), but was confined to constitutional measures and gave inadequate coverage to the legislative, administrative, judicial and promotional measures for the implementation of the constitutional principles and the formation of a policy in the context of the country's ethnic diversity, particularly in relation to the relevant articles of the Convention.

230. Members of the Committee requested further information on the ethnic composition of the population and the location and economic development of each group. It was asked whether the diversity of dialects ever created conflicts. In that respect, it was pointed out that all the ethnic groups spoke Wolof and that Senegalese society was basically homogeneous.

231. With regard to the implementation of article 2, information was requested on the way in which minority group cultures and life-styles were being protected and the measures adopted as part of the regional development plan to give the relatively backward groups economic and political opportunities. Further information was also sought about institutional arrangements dealing with pluralism and integrationist approaches and how they were balanced. In view of the prohibition of regionalism, clarifications were requested as to how the Government dealt with regional economic diversity.

232. Members expressed appreciation for Senegal's implementation of article 3 of the Convention and for its policy towards apartheid.

233. As to the implementation of article 4, it was pointed out that, despite provisions in the Senegalese Constitution and Criminal Code, the country's legislation still did not fully meet the requirements of that article. Members were interested to know whether any legislation had been enacted formally prohibiting the existence of racist organizations and whether the constitutional provision stating that "groups whose purpose or activity is contrary to the criminal laws or at variance with public order shall be prohibited" could afford a basis for prosecution without a specific law providing for punishment. They also requested additional information regarding Act No. 65-40 and

Act. No. 79-02 concerning seditious or illegal associations, as well as clarification about the meaning of the term “public order”. They noted that, although article 283 bis of the Criminal Code defined racial, ethnic and religious discrimination, the report stated that in Senegal there was no discrimination as so defined. In that connection, they asked whether any case of such discrimination had ever been brought before the courts or come to the attention to the authorities. It was also asked whether there were any cases of discrimination that had not gone to court because law enforcement officers had failed to take action.

234. In relation to article 5, members would like to be provided with a breakdown of the refugee population by country of origin and to know how the Government dealt with their needs. They also requested additional information concerning: the policy towards immigrants and foreign workers; the economic measures taken for Senegal’s overall development with regard to the right to work, housing, public health, medical care, society security and social services and education and training, including Government supervision of private schools; unemployment and literacy rates; the type of assistance provided to economically deprived dependants and the way in which legal equality was established. Clarification was sought as to whether those persons who could not be included in electoral registers were deprived of their right to vote forever.

235. With regard to article 7, it was pointed out that Senegal’s record was commendable. Information was requested regarding the role of the press in influencing public opinion, particularly with regard to apartheid.

236. Responding to questions asked by Committee members, the representative of Senegal said that ethnic differences in Senegal were blurred by the fact that the various ethnic groups belonged to two or three major religions..

237. Concerning regional development, he said that at present, under guidance of regional administrators, certain communities were encouraged to take their own decisions on essential matters relating to the requirements of the local population and to establish their own budget. The idea was that such communities would eventually be able to operate on the basis of self-management. Regionalism was punishable if it promoted discriminatory practices.

238. The official language of Senegal was French. Although the Wolof language was spoken or understood by most Senegalese, there had been no attempt to impose any one national language throughout the country. On the contrary, Senegal’s policy was to encourage the various ethnic tongues, which were widely taught in primary schools in order to enable Senegalese to become literate and to pursue their education on the basis of the language they knew best.

239. Further information on the relevant laws regarding the implementation of article 4 of the Convention could be provided in the next periodic report. As far as he was aware, no cases involving racial discrimination had been brought before the courts. Similarly, no instances of punishment for discrimination on racial grounds could be cited.

240. All arrested persons were considered equal before the law and were automatically provided with the services of a competent, experienced lawyer. After trial, the defendant was asked to pay a token sum of legal aid. Public order could be defined as the minimum conditions necessary to guarantee basic rights.

241. Supervision of private schools was both administrative and financial, since the State bore part of the burden for the operation of those schools as well as responsibility for the recruitment of suitably qualified teachers.

242. With regard to the Electoral Code, under which certain categories of persons could be excluded from electoral registers, he said that such sanctions were definitive in some cases, but they could also be temporary in character. The rationale behind such sanctions was that a criminal offender could not be regarded as socially responsible, or indeed suitable for elective office. As far as legally incapacitated persons were concerned, it was felt that a legal provision was needed to protect the interests of such categories of people as the senile or the mentally ill.

243. Senegal had established a Commission made up of high-ranking judges of the Supreme Court and representatives of the principle departments concerned, including the Ministry of Foreign Affairs. Its function was to determine refugee status and make recommendations to the President of the Republic, who had the final decision on refugee matters. The Commission worked in close co-operation with the office of the United Nations High Commissioner for Refugees, whose representative could attend the Commission's meetings as an observer and could be heard on each case.

244. With regard to the rights of migrant workers, Senegal had signed a number of co-operation agreements with friendly countries, the nationals of which had settled temporarily on its territory. Apart from the provisions of those agreements, other basic measures of protection were envisaged for migrant workers in keeping with Senegal's obligations under the various international human rights instruments to which it was a party.

245. The mass media in Senegal sought to provide clear, full and objective treatment of events in South Africa. There were weekly radio broadcasts on developments relating to apartheid and extensive coverage was also given by the press. No restrictions were placed on the scope and content of such reporting, the aim of which was to inform national public opinion and enhance its awareness of action being taken against apartheid at the international level.

**CERD A/44/18 (1989)**

284. The eighth periodic report of Senegal (CERD/C/158/Add.3) was considered by the Committee at its 843<sup>th</sup> and 844<sup>th</sup> meetings, held on 16 August 1989 (CERD/C/SR.843 and 844).

285. The report was introduced by the representative of the reporting State, who gave a detailed description of how the various provisions of the Convention were covered by Senegalese legislation. He stressed that the rights enshrined in the Convention, together with other international instruments, were incorporated into the body of the Constitution, not merely as principles but as rules for daily application. The fact that the country was subject to the rule of law was reflected in the provisions of article 79 of the Constitution, which recognized the precedence of international treaties over national law.

286. He stated that under article 4 and articles 6 to 20 of the Constitution, specific guarantees were provided in respect of political and trade union freedoms, fundamental rights and freedoms of the individual, freedom of opinion and religion, property rights, and economic, social and cultural rights. The representative emphasized that the independence of the judiciary was ensured under the Constitution, and any case involving human rights violations could be brought before all tribunals, including the Higher Council of the Legislature and the Supreme Court.

287. Senegal's fundamental opposition to apartheid was restated by the representative, who said that his country had no economic or other relations with South Africa, and had recently updated restrictive measures against the régime.

288. The representative informed the Committee that a series of measures had recently been adopted in Senegal that brought its legislation fully in line with article 4 of the Convention.

289. Members of the Committee welcomed the eighth report of Senegal and expressed satisfaction at the additional information provided in the introductory statement, which underlined Senegal's unquestionable commitment to the protection of human rights.

290. Noting that nearly 20 per cent of the country's population were aliens, members wished to know whether they were already employed in the country or were foreign workers seeking employment. While welcoming the statistics on ethnic groups provided in the report, members sought further clarification on the demographic composition of the country and on whether access to public service was available equally to all the groups.

291. It was stated that the Senegalese authorities appeared to have given a new definition to public order, which, as a general rule, was invoked to justify the restriction of certain rights. Members asked for further information on the definition as used in Senegal.

292. Members acknowledged Senegal's contribution to the African peoples' sense of identity, or Négritude, and asked for further information on the mass literacy campaign in the country.

293. Finally, members asked for information on the recent disturbance between Senegal and Mauritania.

294. In response to questions raised by members of the Committee, the representative stated that the many foreigners living in the country did so for many varied reasons, since Senegal was historically a land of immigration and also a host country for tourists. Legislation within the country in respect of foreigners was strict in the letter but not in the practice of the law, thus many foreigners did not have identity cards or resident permits but lived in harmony with the Senegalese people.

295. Regarding the demographic composition of the country, the representative said that the census, taken every 10 years, did not ask for the ethnic origins of citizens, its parameters were those of age and sex. He explained that all citizens belonged to one ethnic group, the Sahelo-Sudanese group; although there were six linguistic groups, Wolof was the dominant language spoken by nearly everyone, although French remained the official language. He stressed that as all citizens were part of the same group, access to public service was based on qualifications not ethnicity.

296. The representative informed the Committee that in Senegal public order was not regarded as being restrictive to the enjoyment of human rights, but was considered as a sine qua non for the proper existence of individual freedom.

297. He explained that the Négritude could be taken as the basis for the mass literacy campaign within the country. The Government had decided to ensure literacy in the national languages and the campaign was considered an important tool in education within the country.

298. The representative stated that following the recent incident between Senegal and Mauritania, the Senegalese authorities had taken all necessary steps to ensure the security of all Mauritanian refugees in the country. A census would be taken in all the camps to provide refugees with relevant identity papers.

## **CERD A/49/18 (1994)**

332. The ninth and tenth periodic reports of Senegal, combined in a single document (CERD/C/209/Add.7), were considered by the Committee at its 1046th and 1047th meetings, on 3 and 4 August 1994 (see CERD/C/SR.1046 and 1047).

333. The reports were introduced by the representative of the State party, who referred to his country's commitment to democracy and respect for human rights. He pointed out that Senegal was a party to over 20 international instruments relating to human rights and humanitarian law and that it regularly submitted to the monitoring bodies the periodic reports required of it under nine of those instruments.

334. On the particular question of discrimination, Senegal was a party to the Convention on the Elimination of All Forms of Discrimination against Women, ILO Convention No. 111 and the UNESCO Convention against Discrimination in Education, in addition to the International Convention on the Elimination of All Forms of Racial Discrimination. The Senegalese authorities had formulated a veritable policy of national integration and prevention and prohibition of all forms of discrimination. Thus, article 3 (1) of the Constitution stated, *inter alia*, that no political party or association was allowed to identify itself with a particular race, ethnic group, sect, language or religion. That policy had also taken concrete form in the formulation of a cultural charter and a social order designed to cultivate fraternity, solidarity and understanding, in the founding of the Université des Mutants and a human rights and peace institute, and in the establishment of a national system for the promotion of the national languages. Senegal had made an effort to incorporate within its domestic law the essential content of the international conventions to which it was a party and accordingly guaranteed all the rights protected by those conventions. He emphasized the genuine political will of the Senegalese authorities to eliminate any form of discrimination once and for all and stated that in Senegal tolerance and respect for diversity had always been regarded as essential factors in stability and mutual enrichment.

335. Members of the Committee welcomed Senegal's obvious commitment to human rights and the important role Senegal played at the international level, including the Organization of African Unity and the Organization of the Islamic Conference. They congratulated Senegal on the regularity with which it submitted reports under the Convention and on having made the declaration provided for in article 14 of the Convention. They noted that the report submitted was very complete, had been drafted in accordance with the guidelines prepared by the Committee, contained important information and demonstrated that, essentially, Senegal respected its obligations under the Convention.

336. At the same time, however, they said that the report was silent on several important points: it contained almost no information on the effective implementation of national legislation on discrimination; it contained only very general and abstract information on the implementation of articles 5, 6 and 7 of the Convention; it did not contain any information on judicial practice; and, in particular, it made no mention of cases where the provisions of the Convention had been invoked in



court, where associations had been banned, or where perpetrators of acts of racial discrimination had been prosecuted and punished.

337. The members of the Committee, after observing that inter-ethnic problems were among the most serious and constant causes of massive violations of human rights, discrimination and, in some cases, political oppression in Africa, expressed a desire to know what Senegal was doing to prevent the deterioration of certain inter-ethnic tensions on its territory in general and what, in particular, it was doing in response to the tension which had manifested itself for some years in the Casamance region. The Committee would welcome details on the situation in that region and on the measures that the Government was considering taking in order to respond to it and to prevent a similar situation from arising elsewhere.

338. Members of the Committee wished to know how the Senegalese Human Rights Committee was organized, how its members were appointed, what its functions were and what role it played in the protection of the rights set forth in the Convention.

339. In connection with article 1 of the Convention, members of the Committee asked why there was no definition of racial discrimination either in the Senegalese Constitution or in the relevant ordinary legislation. They considered that it was essential, in order to be able to condemn racial discrimination, to define it, preferably in the light of article 1 of the Convention.

340. With regard to the implementation of article 4 of the Convention, members noted that Senegal had very comprehensive legislation in that area, consistent with article 4, but observed that the provisions of article 3 (1) of the Constitution forbidding any political party or any association to identify itself with a particular race, ethnic group, sect, language or religion did not actually constitute implementation of article 4 of the Convention. They also stated that the report did not deal with the practical implementation of that legislation, in other words, the specific policies and programmes giving practical effect to the relevant legislation.

341. In connection with article 5 of the Convention, members of the Committee noted that the reports contained no precise information, above all with regard to effective protection, in the context of the Convention, of economic, social and cultural rights, and particularly the right to employment, the right to housing, the right to social services and the right to education.

342. Members asked for further information on the Radio and Television Supervisory Council which managed the use of broadcasting time in electoral campaigns, and particularly whether the Council included representatives of the various ethnic groups and to what extent.

343. As to the right to judicial protection against discrimination (art. 6 of the Convention), members said that it was not enough to proclaim in national law that access to the courts was a basic right; how much were persons potentially exposed to racial discrimination aware of that right and of how to avail themselves of it? They requested that information on that matter, together with the practice followed in implementing the rights enunciated in articles 4, 5 and 7, be included in Senegal's next report.

344. The representative of the State party, replying to the question on the implementation of the provisions of the Convention, said that Senegal had incorporated various international human rights instruments, including the Convention and specifically article 1 containing the definition of racial discrimination, in its national law. Accordingly, the Convention could, under Senegalese law, be applied by a Senegalese court. He stated that the definition of racial discrimination, as contained in the Convention, was set out in Senegalese law as a result of ratification of the Convention. He pointed out that, for 23 years, he had held the post of head of a court of criminal jurisdiction and, during that period, no case of discriminatory practice had been brought before any court. In addition, Senegalese citizens learned through the radio, television and press of the content of anti-discrimination legislation and complainants could refer cases to the courts without incurring any cost.

345. As to population statistics, the representative explained that censuses were conducted not horizontally but vertically; in other words, they were prepared not on the basis of regions but on the basis of ethnic groups, which were often nomadic, and moved with their herds from one region to another. For that reason, the statistics contained in the latest report were slightly different from those in the previous report.

346. With reference to the precarious situation in Casamance, the representative said that the Casamance problem was not of an ethnic nature. He explained that, in Casamance, separatist movements had wanted to secede, something that Senegal, like any other country, clearly could not accept. To settle the problem, the Government had created a reconciliation commission, consisting essentially of inhabitants of Casamance, to work for peace and understanding among all Senegalese. Its activity had been crowned with success, there had been a cease-fire and an agreement had been reached and was being respected. The Commission was none the less pursuing its task, namely, to restore confidence and unity, so that no region would be marginalized.

347. As to the question of article 4 of the Constitution, prohibiting any regionalist propaganda prejudicial to the internal security of the State, the representative of the State party said that, since independence, Senegal had been concerned above all to consolidate the country and to strengthen the foundations of the Senegalese nation. Article 4 stemmed directly from the concept that all Senegalese should consider themselves first and foremost as Senegalese nationals, regardless of whether they belonged to a particular region. Similarly, Senegal had prohibited political parties created for ethnic, linguistic or religious reasons. That policy in no way impeded the establishment of political parties, which now numbered 17 in Senegal.

348. The representative provided the information requested on the organization and functioning of the Senegalese Human Rights Committee, explaining that, in future, the Committee was to play an increasing role, particularly with the Government. He added that the Ombudsman of the Republic had made major contributions in that connection.

349. The representative of the State party also responded to other questions raised and comments made by the members of the Committee during the consideration of the ninth and tenth periodic

reports of Senegal.

### Concluding observations

350. At its 1065th meeting, on 17 August 1994, the Committee adopted the following concluding observations.

#### (a) Introduction

351. Appreciation is expressed for the detailed report submitted by the State party and the comprehensive additional information provided by the delegation in response to the questions and comments of the members of the Committee. It is noted that the report has been prepared in accordance with the Committee's guidelines for the preparation of reports and that the State party has been complying with its reporting obligations under article 9 of the Convention.

#### (b) Positive aspects

352. It is noted with satisfaction that Senegal has been actively supporting international human rights activities at both the international and regional levels and that it is a party to numerous international human rights instruments, including all the major United Nations instruments under which supervisory mechanisms have been established.

353. In that connection, it is appreciated that all human rights instruments ratified or acceded to by Senegal, including the International Convention on the Elimination of all Forms of Racial Discrimination, have been incorporated in Senegalese law by virtue of article 79 of the Constitution and have been given precedence over national legislation.

354. Note is taken of the fact that Senegal has made a declaration under article 14 of the Convention recognizing the competence of the Committee to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation of any of their rights set forth in the Convention.

355. It is also noted that significant progress has been achieved over the years in the legislative field to give effect to the provisions of article 4 of the Convention prohibiting racist activities and propaganda.

#### (c) Principal subjects of concern

356. Concern is expressed over the lack of adequate information in the report on the measures taken by the State party to implement provisions contained in articles 5, 6 and 7 of the Convention.

357. Serious concern is expressed over the conflict in the Casamance region, where, despite the signing of agreements between the Government of Senegal and secessionists, violence has reoccurred,

taking the form of an ethnic conflict.

(d) Suggestions and recommendations

358. The Committee recommends that the State party, in its next periodic report, provide information on the measures taken at the national level to implement provisions contained in articles 5 (especially with respect to economic, social and cultural rights), 6 and 7 of the Convention.

359. The State party should also provide the Committee with fuller information on jurisprudence relating to the rights set forth in the Convention.

360. The Committee recommends that the Government of Senegal intensify efforts aimed at finding a durable and peaceful solution to the problems in the Casamance region, with a view to avoiding any further violence and normalizing the situation.

361. The Committee draws the attention of the State party to the amendment to article 8, paragraph 6, of the Convention, which was approved by the Fourteenth Meeting of States Parties and by the General Assembly in its resolution 47/111, and encourages the State party to expedite its action formally to accept that amendment.

## **CERD A/57/18 (2002)**

435. The Committee considered the eleventh, twelfth, thirteenth, fourteenth and fifteenth periodic reports of Senegal, submitted as one document (CERD/C/408/Add.2), at its 1527th and 1528th meetings (CERD/C/SR.1527 and 1528), on 6 and 7 August 2002. At its 1549th meeting (CERD/C/SR.1549), on 21 August 2002, the Committee adopted the following concluding observations.

### **A. Introduction**

436. The Committee welcomes with satisfaction the periodic reports submitted by the State party and the supplementary information provided orally by the delegation. The Committee was encouraged by the fact that the Government was represented by a high-level delegation and offered frank and constructive replies to the questions posed and comments made. Moreover, the Committee pays tribute to the vital role played by Senegal in the preparations for and holding of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

437. The Committee recognizes that the State party has taken into account some of the concerns and recommendations it had set out in its concluding observations relating to the ninth and tenth periodic reports (A/49/18, paras. 332-361). However, the new report is an updated version setting out new facts and some information requested by the Committee, rather than the full report, notably on the effective application of national legislation relating to discrimination.

### **B. Positive aspects**

438. The Committee notes with satisfaction the progress made in the field of human rights and welcomes the role played by NGOs in Senegal.

439. The Committee welcomes Senegal's attachment to human rights and the active role it has played in this field at both international and regional levels. The Committee notes with satisfaction that Senegal is a party to many international instruments for the protection of human rights, and that it has recently ratified the Optional Protocols to the Convention on the Rights of the Child and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

440. The Committee notes with satisfaction the State party's efforts to establish institutions for the protection of human rights, such as the Human Rights Committee, the Inter-Ministerial Committee on Human Rights and the Human Rights and Humanitarian Law Office, and notes the enhanced presence of women in public bodies, their access to ownership of property and the banning of genital mutilation. It also appreciates the Government's efforts to settle the conflict in Casamance.

### **C. Concerns and recommendations**

441. The Committee regrets the lack of statistics relating to the ethnic breakdown of the population and the representation of the various ethnic groups in Senegal's political institutions, as well as their participation in public bodies entrusted with ensuring respect for human rights. The Committee reminds the State party of general recommendations IV and XXIV, dated 25 August 1973 and 28 August 1999, respectively, and calls on it to include statistics in the next report.

442. Noting that no acts of racial discrimination have been brought before domestic courts or institutions for the promotion and protection of human rights, the Committee invites the State party to supply information on case law relating to the rights set forth in the Convention and on steps taken to increase public awareness of its provisions.

443. The Committee seeks clarification concerning forms of discrimination affecting women, from the viewpoint of double discrimination, based both on sex and on national or ethnic origin.

444. The Committee recommends that the State party supplement its legislation in order to give effect to article 4 of the Convention, bearing in mind the Committee's general recommendation XV, which is relevant in this context.

445. The Committee notes with concern the continuing legacy in Senegal of aspects of a caste-based system, despite its having been banned by law. It recommends that the State party ensure that the existing provisions are effectively applied, including by taking steps to guarantee access to justice for victims, in accordance with its general recommendation XXVI.

446. The Committee recommends that in its next periodic report the State party supply detailed and comprehensive information on the steps that have been taken at the national level to apply the provisions of article 5 and article 7 of the Convention and to prevent any kind of discrimination in the enjoyment of economic, social and cultural rights by ethnic groups, including in Casamance.

447. The Committee recommends that the State party take into account the relevant sections of the Durban Declaration and Programme of Action when applying the provisions of the Convention in the internal legal system, and provide information in its next periodic report on the plans of action and other measures adopted to apply the Durban Declaration and Programme of Action at the national level.

448. The Committee draws the State party's attention to the amendment to article 8, paragraph 6, of the Convention, which was approved and endorsed on 15 January 1992 at the Fourteenth Meeting of States Parties and welcomed by the General Assembly in resolution 47/111, and calls on it speedily to take the necessary steps to ensure that the amendment is officially accepted.

449. The Committee recommends that the State party's periodic reports be made readily available to the public from the time they are submitted, and that the Committee's concluding observations on them be similarly publicized.

450. The Committee recommends that the State party submit its sixteenth and seventeenth periodic reports in a single report, due on 23 July 2004, and that it reply to all questions raised in the present concluding observations.