

FOLLOW UP TO THE PREVIOUS REVIEW

1. At its third UPR review, Senegal received a total of 257 recommendations from 107 states. It supported 229 recommendations and noted 28 others.¹
2. Senegal committed to conclude the process of adopting laws protecting children's rights,² and amend the Family Code to abrogate its discriminatory provisions against women.³ It also committed to implement recommendations on freedom of expression and the protection of journalists.⁴
3. Despite supporting several recommendations on the adoption of a law organizing and modernizing Quranic teaching⁵ and on the adoption of a Children's Code, Senegal has failed to do so.⁶ The draft law on the status of the "daara" which was adopted in 2018 by the Council of Ministers has still not been introduced to the National Assembly due to pressure exerted on the government by some interest groups.⁷
4. Senegal has also failed to comply with its commitments to amend the Family Code and remove some of its discriminatory provisions towards women.⁸
5. Despite supporting several recommendations to remove undue restrictions on human rights, including freedom of expression and freedom of the press,⁹ Senegal has failed to amend legal provisions that still impose prison sentences for defamation, the diffusion of false news and offence to the head of state.
6. Regrettably, Senegal noted 28 recommendations including on the respect of the rights of LGBTI people¹⁰ and the harmonization of its legislation with the Maputo Protocol to legalize medical abortion in case of rape and incest,¹¹ and the abrogation of Articles 152 and 277 of the Family Code which respectively assign marital and paternal authority to the husband solely.¹²

THE NATIONAL HUMAN RIGHTS FRAMEWORK

7. On 25 June 2021, the National Assembly adopted an anti-terrorist law,¹³ the provisions of which imperil the rights to freedom of expression and peaceful assembly. "Terrorist acts" are broadly defined and include acts likely to "seriously disturb public order", "criminal association" and "offences related to information and communication technologies", all liable to life imprisonment.¹⁴ This presents an unprecedented threat to the enjoyment of the rights to freedom of expression both online and offline and peaceful assembly.
8. On 10 January 2020, Senegal promulgated a law criminalizing rape and "paedophilia";¹⁵ which does not cover marital rape. Government's failure to allow NGOs to bring suits on behalf of survivors of domestic or sexual violence also make it difficult for organizations to support victims promptly and efficiently.
9. Senegal has failed to repeal the 2011 ministerial decree banning demonstrations "of a political nature" in the centre of Dakar, despite the decision of the ECOWAS Court of Justice which ruled that this decree was contrary to the rights to freedom of expression and peaceful assembly.¹⁶
10. Senegal's legal framework for the use of force and firearms (Article 13 of the Law on assemblies, Article 92 of the Penal Code and Article 1 of the Law on the Use of Weapons) during law enforcement operations is not into line with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

THE HUMAN RIGHTS SITUATION ON THE GROUND

Freedom of expression and press freedom

11. TV stations have been suspended, signals cut and access to internet and social media restricted when violent protests erupted following the conviction of opposition leader Ousmane Sonko to a 2-year jail sentence for "corrupting youth" on 1 June 2023. Walf TV station's signal was cut without notice by the Ministry of Communications, Telecommunications and Digital Economy from 1 June to 1 July 2023,¹⁷ ceasing all emissions in the country, while they were covering protests. This was the third unilateral broadcast suspension against Walf TV since March 2021.¹⁸ Between 4 and 6 June 2023, the authorities decided to suspend Internet access via mobile data. Access to social media was restricted between 2 and 7 June 2023.¹⁹
12. Journalists and activists have been arbitrarily arrested on charges including defamation and disseminating false news, leading to provisional detention and prison sentences in contravention of international human rights law.
13. The editor of DakarMatin, Pape Alé Niang, was arrested in November 2022 and charged the following month for "concealment and publication of unauthorized military documents that could harm national defense, calling for rebellion and propagating false news"; he was provisionally released in January 2023.²⁰ He had published a video in which he reported on the contents of an internal gendarmerie report about the rape case involving Ousmane Sonko.
14. On 7 March 2023, Pape Ndiaye, a journalist of Walf TV was arrested and placed in custody for spreading false news, contempt of court, provoking a crowd, intimidation and reprisals against members of the judiciary, speech discrediting a judicial act and endangering the lives of others, after affirming on the set of Walf TV that 19 deputy prosecutors were opposed to the referral to trial (criminal chamber) of the rape case involving Ousmane Sonko.²¹ He was provisionally released on 21 June 2023.²²
15. In May 2023, Serigne Saliou Gueye, editor of the daily Yoor-Yoor, and commentator at Sen TV, was arrested after a critical article against magistrates was published in his newspaper following a judicial decision on a defamation case against Ousmane Sonko. He was charged for "publication of writings likely to discredit judicial acts or decisions, dissemination of false news likely to discredit public institutions, usurpation of the position of journalist".²³ He was provisionally released on 21 June 2023.

Excessive use of force and arbitrary detention

16. Since the last review, a pattern of the use of excessive force to repress demonstrations has continued, with peaceful protesters often subjected to arbitrary detention. Between March 2021 and June 2023, at least 45 people were killed during the policing of protests in Senegal, while at least 1000 were wounded.
17. In February 2021, the Senegalese authorities arbitrarily arrested several opposition and civil society figures who had been critical of the government's role in the criminal affair involving Ousmane Sonko. Among people arrested were members of the Pastef party, including Birame Souleye Diop and Abbas Fall, accused of "criminal conspiracy and complicity in the dissemination of content contrary to good morals, threat of assault and violence." Seventeen female Pastef militants were also arrested and detained in Rebeuss prison, despite not being accused or charged with any criminal offence. They were all freed in April 2021.²⁴
18. In the March 2021 violent protests following the arbitrary arrest of Ousmane Sonko, 14 people were killed, 12 by gunshots, and at least 600 others were wounded. As of June 2023, no civil parties have been heard by the judiciary despite the April 2021 announcement of the creation of a commission of inquiry by the

authorities.²⁵

19. In June 2022, in Ziguinchor and Bignona, security forces fired at protesters during a protest, killing two men: taxi driver Idrissa Goudiaby and Albert “Abdoulaye” Diatta. The initial autopsy performed on Idrissa Goudiaby identified “violent death by hemorrhagic shock following a penetrating neck wound caused by a blunt and sharp-edged weapon such as an axe or a sword”. A second autopsy performed corroborated testimonies by establishing death from bullet wounds.²⁶
20. In May 2023 in Ngor [Dakar], residents protested the allocation of a plot of land to the gendarmerie instead of education facilities they wanted. A 15-year-old girl, Adji Diallo, died during the protests after being shot according to witnesses interviewed by Amnesty International and the media. While policing the protest, gendarmes could be seen shooting at demonstrators in response to them firing rocks from a distance, and teargassing protesters and residents into enclosed areas. Several videos visioned by Amnesty International showed gendarmes beating arrested and handcuffed people or using individuals as human shields to advance through a neighborhood where mobility has been hampered by several barricades.²⁷
21. In May 2023, Aliou Sané, leader of Y’en a Marre and member of the Forces Vives de la Nation (F24) platform, was arrested in Dakar as he tried to visit Ousmane Sonko, who has been prevented from leaving his home without legal basis by the police. He was referred to the public prosecutor’s office the following day and is being prosecuted for participation in an undeclared demonstration, assembly, and disturbance of the peace, among other charges. He was freed provisionally on 2 June. However, the public prosecutor appealed this decision, and he may return to jail after his next audition on 18 July 2023.²⁸
22. Violent protests erupted in Dakar and Ziguinchor on 1 June 2023 following the conviction of opposition leader Ousmane Sonko to a 2-year jail sentence, for “corrupting youth”. Police and armed people in civilian clothes sometimes operating next to them fired live ammunition. Between 1-4 June, at least 25 people were killed and at least 390 persons were injured according to the Senegalese Red Cross Society. According to the police, more than 500 persons were arrested.²⁹

Women and girls’ rights

23. The 1972 Family Code still confers “marital and paternal authority” (i.e., legal guardianship) solely to men and designates the husband only as head of the family, leaving women with fewer rights and authority over their household and children. Article 152 designates the husband as head of the family. Article 196 prohibits women and children from establishing paternal filiation.³⁰ Article 277 also grants full “paternal authority” to the husband who is defined as the “head of the household”. Women can exercise such authority only in very specific circumstances listed under Article 277. Divorced women or women who gave birth out of wedlock may be completely deprived of this right legally, even if, in practice, they exercise “parental authority” by caring for and fully supporting their children financially.
24. Article 111 of the Family Code sets the minimum legal age of marriage for girls as 16 against 18 for boys, hence hindering girls’ right to equality in marriage. Moreover, the Criminal Code’s Article 300 does not criminalize child marriage, but only requires annulment under civil law, except in cases where the husband performs or attempts to perform marital sex on a girl under the age of 13 years’ old.

Children’s rights

25. The issue of forced begging by talibe children (children studying in the Quranic schools commonly known as daaras³¹) remains insufficiently addressed. Their economic exploitation through forced begging, which

constitutes a form of trafficking, the corporal punishment they are subjected to, and their poor living conditions are violations of their rights to life, survival, and development, right to an adequate standard of living; right to health and a life free from all forms of physical or mental violence, and abuse or neglect.³² Cases of beatings that lead to death are frequently relayed in the media and very few of them lead to adequate sentencing.

26. On 4 July 2023, the Diourbel criminal court handed down its decision on the case of the Koranic teacher Khadim Thioune, who had beaten 10-year-old Abdoulaye Diop to death in January 2022. The autopsy concluded that the victim died of multiple traumas, following blows and injuries by a blunt object. Although the prosecutor had requested life imprisonment, as required by Article 299 of the Penal Code, the verdict handed down by the Diourbel criminal court sentenced the Quranic teacher to five years' imprisonment.³³
27. Several operations to remove children from the streets have been a failure. Indeed, children who were supposed to have been definitively removed from the streets and taken back to their families can still be seen begging in the streets for long hours. The national strategy on the protection of children is poorly funded. As a result, only one official shelter for children exists in the country and departmental committees for the protection of the child (CDPE) are left with no resources to function correctly. There are still no official and exhaustive data as to how many children are begging in the streets and how many Quranic schools, they are enrolled in.³⁴

LGBTI peoples' rights

28. The Criminal Code still penalizes consensual same-sex conduct. On 23 May 2021, a coalition composed of anti-LGBTI rights activists and organisations organized a protest to ask for heavier prison sentences to sanction consensual same-sex conduct. The subsequent proposition submitted to the National Assembly was rejected.³⁵
29. In October 2020, 26 men were arrested for organizing same-sex marriage in Dakar.³⁶ Two of the adults were sentenced to six months and five others to three months. The rest, including all those under 18, were released without charge.³⁷

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Amnesty International calls on the government of Senegal to:

Freedom of press and freedom of expression

30. Bring national legislation into line with international norms on freedom of expression, including by lifting prison sentences for defamation, the diffusion of false news and offence to the head of state.
31. Adopt a law on the protection of human rights defender.
32. Respect, protect, promote, and fulfil the right to freedom of expression and freedom of press by refraining from cutting arbitrarily TV signals without any possibility of recourse for affected media houses.
33. Cease from using blanket and disproportionate measures, such as disrupting access to Internet and social media, as part of policing measures during times of protests.

Excessive use of force and arbitrary detention

34. Conduct a prompt, thorough, impartial, independent, and transparent judicial inquiry into the excessive use of force by defence and security officers during all protests where there have been lethal casualties since March 2021 and bring to justice all those suspected to be responsible and provide victims with access to justice and effective remedies.
35. Identify and bring to justice the armed civilians, called occult forces by authorities, operating alongside defence and security forces.
36. Bring national legislation into line with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the ACHPR Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa.
37. Ensure full and transparent accountability of law enforcement officials for the use of force and firearms.
38. Stop the arbitrary detention and harassment of activists, journalists, human rights defenders, and dissident voices including those critical of the authorities.
39. Release all people arbitrarily arrested for having exercised their rights to freedom of expression and peaceful assembly and drop all related charges against them.
40. Make a declaration under Article 34(6) of the Protocol to the African Charter on Human and Peoples' Rights establishing the African Court on Human and Peoples' Rights, allowing individuals and NGOs to directly approach the Court when domestic remedies have been exhausted.

Women and girls' rights

41. As previously recommended, amend the Family Code by abrogating Articles 152 and 277 that respectively grant "marital and paternal authority" solely to men and abrogate Article 196 which prohibits paternal filiation.
42. As Senegal previously committed to do, raise the legal age of marriage to 18 for girls (to become equal with that for boys), in conformity with recommendations by the CEDAW and CRC Committees.
43. As previously recommended, amend the 1972 Code of Medical Ethics and decriminalize abortion, as a minimum in cases where there is a risk to life or health of the pregnant person, fetal impairment or when the pregnancy is a result of rape or incest accordingly with Article 14 of the Maputo Protocol.

Children's rights

44. Urgently adopt the draft Children's Code and the draft law on the status of the daara for the effective protection of children.
45. Enforce Law no. 2005-06 on the fight against human trafficking and similar practices, and the protection of victims, which criminalizes the act of organizing the begging of others for profit, by investigating and

bringing to justice, in accordance with fair trial standards, Quranic teachers and others who force children to beg.

46. Allocate adequate budgetary and other resources to strengthen child protection services, including their operational inspection capacities, and the synergies with police and justice services.”
47. Set up a national campaign against forced begging of talibé children and involve Quranic teachers in its implementation.
48. Ratify the Optional Protocol to the Convention on the Rights of the Child on a Communications procedure.
49. Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights to allow individuals and NGOs to file complaints.

LGBTI people’s Rights

50. As previously recommended, decriminalize consensual same-sex sexual relations and end the arbitrary arrest of individuals suspected of consensual same-sex activity.
51. Take immediate measures to end all harassment against LGBTI peoples by addressing discrimination on the grounds of sexual orientation, gender identity or expression, or sex characteristics, tackling hate speech and prosecuting alleged perpetrators of gender-based violence against LGBTI people in fair trials.

¹ UN Human Rights Council, Report of the Human Rights Council on its fortieth session, UN Doc. A/HRC/40/2, 11 January 2021 paragraph 400

² UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Senegal, 24 December 2018, UN Doc. A/HRC/40/5, recommendation 144.119 (Togo)

³ UN Doc. A/HRC/40/5, recommendation 144.50 (Republic of Korea)

⁴ UN Doc A/HRC/40/5, recommendation 144.82 (Chile), 144.84 (Sweden) and 144.86 (Greece)

⁵ UN Doc. A/HRC/40/5, recommendation 144.120 (Peru)

⁶ UN Doc A/HRC/40/5, recommendation 144.176 (Belgium)

⁷ Amnesty International, “Senegal: the state must move from commitment to strong actions to protect talibe children” 12 December 2022, [amnesty.org/en/latest/news/2022/12/senegal-letat-doit-passer-des-engagements-aux-actes-forts-pour-protoger-les-enfants-talibes/](https://www.amnesty.org/en/latest/news/2022/12/senegal-letat-doit-passer-des-engagements-aux-actes-forts-pour-protoger-les-enfants-talibes/)

⁸ UN Doc. A/HRC/40/5-recommendation 144.50 (Korea)

⁹ UN Doc. A/HRC/40/5-recommendation 144.82 (Chile) 144.84 (Sweden)

¹⁰ Un Doc. A/HRC/40/5 recommendation 145.15 (Mexico)

¹¹ Un Doc. A/HRC/40/5 recommendation 145.19 (Slovenia)

¹² Un Doc. A/HRC/40/5 recommendation 145.21 (Spain)

¹³ Sénégal, Loi n°10/2021 modifiant la loi n°65-60 du 21 juillet 1965 portant Code pénal et loi n°11/2021 modifiant la loi n°65-61 du 21 juillet 1965 portant Code de Procédure pénale

¹⁴ Articles 279-1 à 279-9 et 279-14 à 279-19 of Law n°10/2021 modifiant la loi n°65-60 du 21 juillet 1965 portant Code pénal

¹⁵ Sénégal, loi n° 2020-05 du 10 Janvier 2020 modifiant la loi n° 65-60 portant Code Pénal

¹⁶ Amnesty International, « Sénégal. La Cour de Justice de la CEDEAO ordonne l’abrogation de l’arrêté interdisant les manifestations politiques au centre-ville de Dakar », 13 May 2022, <https://www.amnesty.org/fr/latest/news/2022/05/senegal-la-cour-de-justice-de-la-cedeao-ordonne-labrogation-de-larrete-interdisant-les-manifestations-politiques-au-centre-ville-de-dakar/>

¹⁷ RSF, « Sénégal : RSF dénonce la suspension de Walf TV, un abus de pouvoir qui menace tous les médias », 12 June 2023 <https://rsf.org/fr/s%C3%A9n%C3%A9gal-rsf-d%C3%A9nonce-la-suspension-de-walf-tv-un-abus-de-pouvoir-qui-menace-tous-les-m%C3%A9dias>

¹⁸ Amnesty International “Senegal: Amnesty International calls for independent inquiry into deadly crackdown on protests, 9 June 2023, <https://www.amnesty.org/en/latest/news/2023/06/senegal-amnesty-international-demande-une-enquete-independante-sur-la-repression-meurtriere-lors-des-manifestations/>

¹⁹ Amnesty International “Senegal: Amnesty International calls for independent inquiry into deadly crackdown on protests, 9 June 2023, <https://www.amnesty.org/en/latest/news/2023/06/senegal-amnesty-international-demande-une-enquete-independante-sur-la-repression-meurtriere-lors-des-manifestations/>

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²⁰ Committee to Protect Journalists, “Senegalese journalist Pape Alé Niang released again from custody under tight bail restrictions”, 10 January 2023, <https://cpj.org/2023/01/senegalese-journalist-pape-ale-niang-released-again-from-custody-under-tight-bail-restrictions/>

²¹ Walf net « Le journaliste Pape NDIAYE auditionné par le juge après près de trois mois de détention », 5 May 2023, <https://www.walf-groupe.com/le-journaliste-pape-ndiaye-auditionne-par-le-juge-apres-pres-de-trois-mois-de-detention/>

²² Enquête + « La Cap sursoit à son plan d’action », 21 June 2023, <https://www.enqueteplus.com/content/lib%C3%A9ration-de-pape-ndiaye-et-de-serigne-saliou-gueye-la-cap-sursoit-%C3%A0-son-plan-d%E2%80%99action>

²³ SenePlus « the journalist Serigne Saliou Gueye imprisoned» 27 May 2023, www.senepus.com/media/le-journaliste-serigne-saliou-gueye-en-prison

²⁴ Amnesty International, “Report 2021/2022: The state of the Worlds’ Human Rights” (Index: POL 10/4870/2022), 29 March 2022, www.amnesty.org/en/documents/pol10/4870/2022/en/

²⁵ Amnesty International, “Senegal will never forget March 2021”, 3 March 2022 www.amnesty.org/en/latest/campaigns/2022/03/senegal-will-never-forget-march-2021/

²⁶ Amnesty International, “Report 2022/23: the state of the world’s human rights” (Index: POL 10/5670/2023), 27 March 2023 www.amnesty.org/en/documents/pol10/5670/2023/en/

²⁷ Amnesty International, “Senegal: Amnesty International denounces the excessive use of force in Ngor”, 11 May 2023 www.amnesty.org/en/latest/news/2023/05/senegal-amnesty-international-denonce-lusage-excessif-de-la-force-a-ngor/

²⁸ Senenews, “Back to jail?: Aliou Sane will know on 18 July”, 11 July 2023 www.senenews.com/actualites/retour-en-prison-aliou-sane-edifie-le-18-juillet-450987.html

²⁹ Amnesty International, “Senegal: Amnesty International calls for an independent investigation into the deadly crackdown on protests”, 8 June 2023 www.amnesty.org/fr/latest/news/2023/06/senegal-amnesty-international-demande-une-enquete-independante-sur-la-repression-meurtriere-lors-des-manifestations/

³⁰ Article 196 states “the establishment of paternal filiation is prohibited to any child who is not presumed to be born of his mother’s marriage or who has not been voluntarily recognized by his father, except in the case where the alleged father has proceeded to his baptism or gave him a name”.

³¹ A “Daara” ‘is traditionally used in Senegal to refer to Quranic schools where children are taught about Islam and memorise the Quran. This large definition encompasses several types of daaras.

³² Amnesty International, “Senegal: the state must move from commitment to strong actions to protect talibe children” 12 December 2022, www.amnesty.org/en/latest/news/2022/12/senegal-letat-doit-passer-des-engagements-aux-actes-forts-pour-protoger-les-enfants-talibes/

³³ Rewmi, “Diourbel: a 10 year old talibe beaten to death by his Kouranic teacher”, 6 July 2023 Urgent! Diourbel : Un Talibé âgé De 10 Ans Battu à Mort Par Son Maitre Coranique | Rewmi.com

³⁴ Amnesty International, “Senegal : the state must move from commitment to strong actions to protect talibe children” 12 December 2022, www.amnesty.org/en/latest/news/2022/12/senegal-letat-doit-passer-des-engagements-aux-actes-forts-pour-protoger-les-enfants-talibes/

³⁵ Le Monde, “Au Sénégal des députés veulent durcir les sanctions contre l’homosexualité », 22 December 2021, www.lemonde.fr/afrique/article/2021/12/22/au-senegal-des-deputes-veulent-durcir-les-sanctions-contre-l-homosexualite-6107035_3212.html

³⁶ PressAfrik, “Procès 25 homosexuels arrêtés à Sacré-Cœur : les prévenus passent aux aveux, le parquet requiert 2 ans de prison ferme », 23 October 2020, www.pressafrik.com/Proces-25-homosexuels-arretes-a-Sacre-Coeur-les-prevenus-passent-aux-aveux-le-parquet-requiert-2-ans-de-prison-ferme_a222910.html

³⁷ Amnesty International “Report 2020/21: The state of the world’s human rights” (Index: POL 10/3202/2021), 7 April 2021, www.amnesty.org/en/documents/pol10/3202/2021/en/, p 412