



Asamblea General

Distr.
GENERAL

A/HRC/11/24
29 de mayo de 2009

ESPAÑOL
Original: FRANCÉS/INGLÉS

CONSEJO DE DERECHOS HUMANOS
11º período de sesiones
Tema 6 de la agenda

EXAMEN PERIÓDICO UNIVERSAL

Informe del Grupo de Trabajo sobre el Examen Periódico Universal*

SENEGAL

* Sólo se ha traducido el capítulo II del presente informe. El anexo se distribuye tal como se recibió.

CONTENTS

| | <i>Paragraphs</i> | <i>Page</i> |
|--|-------------------|-------------|
| Introduction..... | 1 - 4 | 3 |
| I. SUMMARY OF THE PROCEEDINGS OF THE REVIEW PROCESS ... | 5 - 96 | 3 |
| A. Presentation by the State under review | 5 - 15 | 3 |
| B. Interactive dialogue and responses by the State under review..... | 16 - 96 | 5 |
| II. CONCLUSIONS AND/OR RECOMMENDATIONS..... | 97 - 99 | 18 |

Annex

| | | |
|------------------------------------|--|----|
| Composition of the delegation..... | | 24 |
|------------------------------------|--|----|

Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its fourth session from 2 to 13 February 2009. The review of Senegal was held at the 10th meeting on 6 February 2009. The delegation of Senegal was headed by S.E. Madické Niang. At its meeting held on 10 February 2009, the Working Group adopted the present report on Senegal.
2. On 8 September 2008, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Senegal: Italy, Brazil, and Angola.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Senegal:
 - (a) A national report submitted / written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/4/ SEN /1);
 - (b) A compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR), in accordance with paragraph 15 (b) (A/HRC/WG.6/4/ SEN /2);
 - (c) A summary prepared by OHCHR, in accordance with paragraph 15 (c) (A/HRC/WG.6/4/ SEN /3).
4. A list of questions prepared in advance by the Czech Republic, Latvia, the Netherlands, Sweden, the United Kingdom, Denmark, Germany, and Ireland was transmitted to Senegal through the troika. These questions are available on the extranet of the UPR.

I. SUMMARY OF THE PROCEEDINGS OF THE REVIEW PROCESS

A. Presentation by the State under review

5. A sa dixième séance, le 6 février 2009, S.E. Maître Madické Niang, Ministre d'Etat, Garde des Sceaux, Ministre de la Justice, a présenté le rapport national. Il a rappelé que le Sénégal demeure toujours convaincu qu'un respect effectif des droits de l'homme contribue au développement des Etats, et à l'avènement d'un ordre international fondé sur la justice, la paix et la sécurité. Les contraintes de temps ne lui permettant pas de faire état de tous les efforts consentis par le Sénégal en faveur de la promotion et de la protection des droits de l'homme, S.E. Maître Madické Niang s'est limité à mentionner les actions majeures.
6. Les droits et libertés fondamentaux inscrits dans les instruments juridiques internationaux sont consacrés dans la Constitution sénégalaise. Le Sénégal a mis en place différents mécanismes de promotion et de protection des droits de l'homme, notamment :
 - a) Le Comité sénégalais des droits de l'homme (CSDH), créé en 1970, structure indépendante et financièrement autonome, dotée, depuis 1999, d'un régime « A » par le Comité International de Coordination (CIC) ;
 - b) Le Haut Commissariat aux Droits de l'Homme et à la Promotion de la Paix (HCDHPP), créé en 2004, chargé de protéger et promouvoir tous les droits humains ;

c) Le Médiateur de la République, créé en 1991, avec une mission principale de médiation entre l'administration et les citoyens et disposant d'un pouvoir d'auto-saisine.

7. Faisant suite à la ratification du Protocole additionnel à la Convention contre la torture (OP-CAT), en 2006, l'Assemblée nationale vient d'adopter un projet de loi instituant un nouveau mécanisme de prévention de la torture, à savoir l'Observateur national des lieux de privation de liberté (ONLPL).

8. Le Sénégal s'honore du choix porté sur sa capitale pour accueillir le bureau régional pour l'Afrique de l'Ouest du Haut Commissariat des Nations Unies aux droits de l'homme (HCDH).

9. Le Sénégal a alloué à l'éducation des ressources financières significatives au cours de ces dernières années, soit aujourd'hui quarante-deux pour cent du budget de fonctionnement de l'Etat. Ces efforts ont contribué à une amélioration importante du taux de scolarisation dans l'enseignement primaire. Ils ont permis au Sénégal de tendre vers la scolarisation universelle et, surtout, vers la réduction des disparités de genre et des disparités régionales et entre milieux.

10. En ce qui concerne la petite enfance, le Sénégal a initié depuis 2004 le programme national de la Case des tout petits, salué par l'UNESCO, qui assure la prise en charge des enfants de 0 à 6 ans issus des milieux défavorisés en leur assurant à la fois l'enseignement, la santé et l'alimentation.

11. Le Sénégal a affecté au droit à la santé des ressources publiques qui dépassent les normes internationales fixées par l'OMS, illustrant ainsi sa volonté de faire de l'accès universel aux services de santé un droit effectif pour l'ensemble de sa population. Différents programmes nationaux ont été élaborés, incluant des volets relatifs aux problèmes spécifiques à certains groupes sociaux vulnérables comme les enfants de la rue, les élèves de certaines écoles coraniques, les enfants touchés par le VIH/Sida et les personnes handicapées. Le Sénégal a également institué au profit des personnes démunies du troisième âge, un plan appelé Sésame, leur permettant de bénéficier de la gratuité des soins et d'un certain nombre de médicaments.

12. Pour respecter ses engagements internationaux concernant la non-discrimination à l'égard des femmes, le Sénégal a mené une réforme progressive et irrévocable pour constamment améliorer sa législation. S'agissant de la protection de l'intégrité physique des femmes, le Sénégal ne s'est pas arrêté à l'adoption de mesures répressives consistant en l'incrimination des mutilations génitales féminines (FGM), des violences qui leur sont faites ainsi que de la traite des personnes à des fins d'exploitation sexuelle ; il a aussi mené, de façon continue, d'importantes actions de sensibilisation. Ainsi, le 15 décembre 2008, l'Observatoire national des droits de la femme (ONDF) a été institué. Quant à la question de l'accès des femmes à la propriété foncière, elle a trouvé sa solution dans l'article 15 de la Constitution.

13. La protection de l'enfance reste un secteur de haute priorité de la politique sénégalaise. En effet, outre la ratification des principaux instruments internationaux pertinents, le Sénégal a entrepris des actions significatives pour rendre ces droits effectifs. Ainsi, un code de l'enfant est en cours d'élaboration.

14. Concernant les droits civils et politiques, le Sénégal a rappelé qu'il a une longue tradition de respect des libertés. La liberté de manifestation et la liberté d'expression et de pensée sont ainsi garanties par la Constitution.

15. Le Sénégal continuera à œuvrer dans le sens de la promotion et de la protection des droits de l'homme et reste ouvert à toute forme de coopération dans ce domaine, en particulier avec les détenteurs de mandats dans le cadre des procédures spéciales. Le Ministre d'Etat a d'ailleurs rappelé que le Sénégal avait déjà réservé une réponse positive à toutes les demandes de visites faites à ce jour.

B. Interactive dialogue and responses by the State under review

16. During the interactive dialogue, statements were made by 60 delegations. Additional statements by 5 delegations which could not be delivered during the dialogue due to time constraints are posted on the UPR extranet when available.¹

17. A number of delegations thanked Senegal for the comprehensive national report and its open, candid and self-critical presentation and for the responses provided to advance questions. Statements were made welcoming Senegal's commitment to the UPR process, its constructive participation and the broad-based consultations with stakeholders that took place in preparing the national report.

18. Nigeria noted that Senegal has continued to strengthen its human rights infrastructure. It noted Senegal's policies and action plans for children's and women's empowerment, and efforts made regarding juvenile justice. Nigeria noted Senegal's challenges, including inadequate finances, capacity-building and technical know-how. Nigeria called on the international community to support Senegal in the creation of wealth, the fight against poverty, and the provision of basic social services to further promote and protect human rights. Nigeria encouraged Senegal to continue to improve its policies and programmes for strengthening the capacities of its national institutions and public decision-making authorities and to improve the legislative and judicial environment, as well as the overall human rights infrastructure.

19. Algeria stressed Senegal's commitment to the rights of migrant workers and encouraged Senegal to continue with its commitment to promoting awareness among the largest number of countries regarding the importance of ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW). Algeria requested information on the implementation of the GOANA plan and recommended that Senegal continue its efforts to guarantee the right to food for the Senegalese people and consider requesting technical assistance from OHCHR on the right to food. It welcomed Senegal's efforts to reaffirm the tolerant and peaceful nature of Islam and encouraged the Government to continue with its international commitment to promoting a spirit of tolerance and dialogue between religions, civilizations and cultures.

20. Morocco noted the reflection of Senegal's commitment to human rights in the Constitution, which recognizes the pre-eminence of international agreements over national law. It noted the ratification of almost all international human rights instruments. Morocco noted the

¹ Niger, Russian Federation, Albania, Democratic People's Republic of Korea, and Bangladesh.

legislative and institutional infrastructure and recommended that Senegal continue with its efforts to harmonize its reforms and consolidate its mechanisms and institutions. Noting that the fight against poverty is a priority, Morocco recommended that Senegal continue and strengthen its efforts to combat poverty and asked the international community to give Senegal the necessary assistance in that regard.

21. Sudan noted the ratification of the Convention on the Rights of the Child (CRC) and the African Convention on the Welfare of the Child. It noted the Pre-School Children Fund, programmes to combat human trafficking, and laws to protect women's rights. Sudan recommended that Senegal continue its efforts to eradicate poverty, achieve the Millennium Development Goals (MDGs), and coordinate its efforts with other developing countries and stakeholders.

22. Tunisia welcomed the ratification of most international human rights instruments, their incorporation in the Constitution and the establishment of institutions for the promotion of human rights. It noted the creation of mechanisms to tackle poverty through a programme of assistance and through microcredit and asked about the coordination and regulation of these mechanisms.

23. Iran noted the measures taken for the realization of economic, social and cultural rights, including the right to development, and for achievement of the MDGs. While welcoming the education budget allocation, Iran noted the need for more work to guarantee free access to education. Iran asked about measures to promote employment and implement protective programmes, achievements in poverty reduction, education and health and the extent to which the MDGs will be achieved. Iran recommended that Senegal take all appropriate and necessary measures for better and speedy realization of social, economic and cultural rights and particularly the right to development. It also recommended Senegal foster the human rights culture among society with a view to further promoting and protecting human rights.

24. Indonesia commended the laws: making education free and compulsory for children aged 1-16; prohibiting the employment of children under 15 years of age, and prohibiting all forms of violence against and corruption of minors. Indonesia stressed that Senegal has ratified and participated in the codification of many international conventions. It recommended that Senegal continue its efforts to diminish the proportion of the urban population living in slums, so as to fulfil the rights of families to decent housing conditions. It noted the challenge identified by UNESCO of closing the primary-education enrolment gap while at the same time addressing issues of quality and recommended that the Government of Senegal take steps to address it.

25. Turkey, while noting Senegal's delay in reporting to treaty bodies, welcomed the Government's willingness to submit several of its reports. Turkey encouraged Senegal to welcome special procedures' mandate holders and to provide the best possible conditions in order for them to carry out their missions. It commended the priority given to education and the importance given to the protection of children's rights. Turkey recommended that Senegal take into consideration the comments made by the Committee on the Rights of the Child concerning the adoption of a global strategy in order to eliminate all forms of discrimination against vulnerable groups of children. Turkey also encouraged Senegal, which has significant experience thanks to its active participation in the 2001 Durban World Conference, to continue to contribute positively to the review process.

26. Vietnam commended Senegal's National Strategy on Poverty Alleviation, education reform measures and HIV/AIDS prevention programmes. It welcomed Senegal's accession to key international human rights treaties and its cooperation with special procedures. Vietnam recognized that protection of the rights of vulnerable groups is among the major challenges and recommended that Senegal continue its efforts and take effective measures to overcome it.
27. Cuba noted the strategy to fight poverty, promote social services and improve living conditions. It congratulated the promotion of the right to food, social protection, health, education and the rights of children and women. Cuba welcomed Senegal's initiatives in strengthening dialogue among civilizations, cultures and religions. Cuba recommended that Senegal continue its efforts and initiatives to promote dialogue, peace and tolerance amongst peoples, cultures, religions and civilizations.
28. The Netherlands noted cases of apparent violation of the independence of the courts and recommended Senegal safeguard the separation of powers and independence of the judiciary. With regard to incidents with journalists and journalism, the Netherlands recommended Senegal decriminalize press offences. It noted that the Penal Code criminalizes homosexual conduct and recommended that Senegal remove the article in question, which is not in compliance with the Universal Declaration of Human Rights. The Netherlands welcomed the creation of the National Observatory of Women's Rights (ONDF) but expressed concern about the persistent de jure and de facto inequality between men and women. It asked if the ONDF already reported cases and submitted suggestions for improvement.
29. The Libyan Arab Jamahiriya noted the enshrinement of human rights in the Constitution, the number of laws enacted and the ratification of several international instruments, including the Convention against Torture (CAT) and the optional protocols to the CRC. It asked about the measures taken to launch the campaign for agriculture and the right to food and to increase the production of basic food.
30. Qatar noted that the Constitution guarantees equality to all and welcomed the efforts made to promote human rights, including the rights to education, health and housing. Qatar commended the peaceful coexistence and tolerance, particularly between Christians and Muslims. It welcomed efforts to eradicate poverty and requested information on the methods and resources to address the problem of HIV/AIDS.
31. Switzerland welcomed Senegal's determination to make human rights a priority. It recommended that Senegal (a) take specific and effective measures required to ensure respect for freedom of expression and freedom of association; (b) contribute towards combating impunity internationally, in particular by implementing the mandate given to Senegal by the African Union to try the former head of State of Chad, M. Hissène Habré; (c) ensure the implementation of the provisions of law 99-05 prohibiting female genital mutilation (FGM) and organize an effective national campaign to prevent and eradicate this practice; and (d) step up its efforts to implement the CRC, particularly in the areas of juvenile justice, trafficking of children and child labour. Switzerland expressed concern about reports of arbitrary detentions of individuals based on their sexual orientation and emphasized the importance of ensuring the full enjoyment of the rights of all persons without discrimination.

32. Pakistan noted the work of the CSDH for the promotion of human rights and the steps taken for the protection of the rights of people with disabilities, including special schools for professional training. Pakistan praised the legislation to combat smuggling of migrants. Pakistan recommended that this law be made available to countries facing problems of smuggling of migrants, in order to help them to develop such laws. Pakistan welcomed the measures taken to eliminate poverty despite Senegal's vulnerability to natural disasters.

33. France asked about women's rights and the elimination of discrimination, including polygamy, succession rules, and FGM. France noted the cooperation with Special Procedures and inquired about a standing invitation to all of them. France recommended the abrogation of article 80 of the Criminal Code concerning infringement of State security, which restricts the right to freedom of expression and, in the light of recent prohibitions of demonstrations and pressures on the organizers of certain political meetings, it further recommended that Senegal ensure the effective freedom of demonstration and freedom of association.

34. Chad indicated that Senegal is a beacon of democracy in Africa and noted the institutional structures established for the protection and promotion of human rights. It saluted Senegal's commitment to ensuring the right to food and asked for the international community's support for further improvement in the field of human rights.

35. The United Kingdom welcomed the HCDHPP and the CSDH and encouraged Senegal to ensure their operation within the Paris Principles. It commended the commitment to OP-CAT and expressed hope that consideration would be given to provisions on visits and funding. It recommended that Senegal continue its awareness-raising campaigns to combat and eradicate FGM and other traditional harmful practices against women and girls. It noted concerns regarding the prohibition of some forms of sexual activity between consenting adults and recommended that Senegal's Criminal Code be amended to decriminalize homosexual activity between consenting adults. It noted concerns expressed over the detention of journalists and freedom of expression in the media. The United Kingdom recommended that Senegal take forward plans to decriminalize press offences as agreed by the President of the Republic in 2004 and as reported to the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

36. Côte d'Ivoire noted Senegal's political will concerning the provision of sanitation in areas where this service is lacking and the realization of land and housing rights. It also noted Senegal's commitment to implement the "Education for All" project, which has increased access to primary education and improve the quality of teaching. It recommended that the international community strengthen its support for Senegal, which remains a model for democracy in Africa, particularly with respect to the promotion of economic, social and cultural rights.

37. Belgium expressed concern about the criminalization of homosexuality, as well as the harassment and discrimination of which homosexuals are victim. In this respect, reference was made to the recent arrest of nine persons and their sentencing to eight-year prison terms because of their sexual orientation. Belgium recommended that Senegal decriminalize homosexuality and free all persons imprisoned on the grounds of their sexual orientation. It recommended that Senegal respect and protect the human rights and the fundamental freedoms of all persons without any form of discrimination. Further, noting that journalists have faced pressure, threats and other acts of intimidation, and occasionally imprisonment. it recommended that Senegal

revise its legislation on freedom of the press in order to bring it into line with international standards.

38. While recognizing the freedom of expression and noting Senegal's intention to further reform the national press law, Sweden expressed concern about reports of harassment and intimidations of journalist and mass media outlets. Sweden recommended Senegal take further measures, including legislative action, to ensure full respect for the freedom of expression and freedom of the press, in accordance with international standards. Sweden noted the concerns expressed by the Committee on the Rights of the Child regarding corporal punishment, despite a legal ban, and recommended Senegal continue its efforts and take necessary policy measures to ensure that children are protected from corporal punishment and other forms of violence or exploitation.

39. Luxembourg supported the recommendation of the Committee on the Rights of the Child that Senegal continue carrying out awareness-raising campaigns to combat and eliminate FGM and other traditional practices that are harmful to health and seek to bring about positive trends in traditional behaviour. Luxembourg supported the recommendation of the Committee on Economic, Social and Cultural Rights (CESCR) to better implement laws aimed at eliminating all forms of violence against women. It also supports the recommendations by the Committee on the Rights of the Child that Senegal ensure that the law against sexual exploitation of children be better implemented and take better measures to protect girls engaged in domestic work from economic exploitation and sexual abuse. Luxembourg noted reports of torture within detention centres, infringement on the independence of justice and restrictions on press freedom. Luxembourg noted Senegal's fight against poverty and welcomed its partnership to reach the MDGs and to contribute to good governance.

40. Slovenia commended the cooperation with UN-HABITAT in slum upgrading and realization of land and housing rights. It commended the abolishment of the death penalty and the ratification of most human rights treaties and encouraged submission of periodic reports and answers to Special Procedures mandate holders' questionnaires. It expressed concern over working children and over arbitrary arrests, harassment and discrimination on grounds of sexual orientation or gender identity. It recommended Senegal review national legislation which results in the discrimination, prosecution and punishment of people solely for their sexual orientation or gender identity. Slovenia noted reports of restrictions on the freedoms of expression, association and assembly and recommended that Senegal protect the rights of assembly and freedom of expression. It noted the concern of the Committee on the Rights of the Child at the lack of juvenile judges, the insufficient number of juvenile courts and the detention of girls in adult prisons.

41. The Democratic Republic of Congo noted Senegal's ratification of many international instruments and the legal approach adopted in legal proceedings including allowing persons to object to a law which infringes human rights. It highlighted policies in favour of people of vulnerable age and the recognition of equality and the role of women. It requested information regarding the changes made to institutions, including the National Assembly. It encouraged Senegal to pursue its policy regarding persons with HIV and the elderly, which makes its commitment to the cause of human rights more concrete.

42. The Holy See noted the constitutional provision on free practice of religious beliefs and commended Senegal's involvement in interreligious dialogue. It noted the apparent tendency to limit the freedom of journalists and recommended that the police and armed forces receive training on human rights and freedom of the press in order to prevent any deterioration in this respect. The Holy See noted the high maternal mortality and recommended that Senegal further invest in achieving the MDG on maternal health, including access to equipment, drugs and supplies; transportation for medical referrals; and partnerships with other medical personnel. Acknowledging the priority given to education, the Holy See recommended that Senegal further invest in education and give special attention to the education of girls and young women.

43. China noted the reduction of poverty as a priority and acknowledged progress in the promotion of the right to health, education and culture. China noted progress in the elimination of discrimination against women and the protection of children's rights. China asked about measures planned by Senegal to alleviate the impact of the food crisis and the financial crisis on the rights of its people.

44. Ghana noted the efforts aimed at ensuring an adequate standard of living, providing support to vulnerable groups, and securing the right to health and education. It welcomed the enactment of legislation criminalizing sexual harassment and domestic violence against women and recommended that Senegal increase its efforts to eliminate all forms of discrimination against women, including by adopting effective measures to implement relevant existing legislation. It also recommended that Senegal, with the assistance of the international community, increase its efforts to speed up the implementation of the next phase of its Poverty Reduction Strategy Paper with a view to promoting the right to an adequate standard of living.

45. Germany asked about measures to guarantee equality and to abolish discrimination of children born out of wedlock, children with disabilities, children affected by HIV/AIDS, girls, street children and *talibés*. Germany recommended that Senegal continue its efforts to effectively combat human trafficking, to protect child victims of sexual exploitation and to prevent the abuse of girls as domestic servants. It also recommended that Senegal expand its efforts to ensure universal access to maternal and child health-care services and facilities, in particular in rural and remote areas. Germany recommended that Senegal continue to take all necessary measures to ensure that teachers are adequately trained, that girls and boys from all areas have equal access to education and that enrolment in primary and secondary education, including in rural and less developed areas, increases significantly.

46. Yemen noted the ratification of almost all international human rights instruments and that these take precedence over the Constitution. Yemen noted Senegal's efforts, for which the international community's support was needed, to promote a culture of respect for human rights and to build institutions in that regard.

47. Oman noted the number of ratified international instruments and the establishment of many institutions, including the regional office of OHCHR. It noted Senegal's active participation in education and in the realization of civil and political, economic, social and cultural rights. It recommended accepting the support of OHCHR in the area of dissemination of human rights in order to support national cultural and education programmes.

48. Le chef de la délégation a remercié l'ensemble des délégations pour les remarques positives faites sur la situation des droits de l'homme au Sénégal. Concernant la justice pour mineurs, le Sénégal s'est engagé à renforcer les capacités, améliorer les structures et à former le personnel. Un effort important est fait car ces enfants doivent être protégés.

49. Le Sénégal s'est engagé pour une ratification plus large de la ICRMW car il se sent concerné et partage l'idéal du texte. Avec l'adoption du Plan intitulé « Grande Offensive pour l'Agriculture, la nourriture et l'Abondance (GOANA) », le Sénégal a considéré que la solution, face à la crise mondiale, se trouvait dans l'utilisation de ses potentialités, avec le soutien de la coopération internationale, notamment par la mise à disposition d'équipements et de techniques agricoles. Les premiers résultats sont encourageants et le Sénégal demande à la communauté internationale de continuer à le soutenir pour qu'il atteigne l'autosuffisance alimentaire.

50. S'agissant de la démarche participative pour la rédaction de son rapport, le Sénégal a rappelé que c'est une méthode qui a été érigée en principe. Ainsi pour toute action, le pays fait appel à la société civile pour assurer une certaine symbiose.

51. Le Sénégal est partie à toutes les organisations qui luttent contre le trafic des êtres humains et la police sénégalaise est très active dans ce domaine.

52. Le chef de la délégation a souligné que la liberté de la presse est mieux respectée au Sénégal que nulle part ailleurs au monde. Il convient toutefois de comprendre que cette liberté doit s'exercer en respectant des limites liées à la liberté d'autrui. L'exercice excessif de la liberté d'expression a débouché sur des procès au Sénégal, comme dans d'autres pays. Ces procès ont été intentés à la suite de plaintes de citoyens devant des juridictions qui agissent en toute indépendance.

53. Réagissant aux interventions relatives à des poursuites contre des personnes pour leur orientation sexuelle, le chef de délégation a précisé que l'homosexualité est une question purement privée, connue depuis longtemps au Sénégal et ne faisant pas l'objet de poursuites. Les poursuites auxquelles il est fait référence n'ont eu lieu que lorsque les relations homosexuelles se sont déroulées de manière publique et tapageuse, les plaçant ainsi en position contraire aux mœurs et à la religion. Sur la dépénalisation, il faut prendre en compte la culture et éviter de développer des rejets et de mettre en péril la vie des homosexuels.

54. Le Sénégal a entrepris de grands efforts pour l'égalité des genres, y compris au moyen de la discrimination positive. Cependant, il convient de prendre en considération les particularités liées à la religion musulmane, laquelle explique l'existence de la polygamie. Dans le cas de celle-ci, l'aliénation de la femme n'existe plus puisqu'elle entre librement en union polygame.

55. La délégation a rappelé que le Sénégal est prêt à répondre positivement à toute demande émanant des procédures spéciales.

56. S'agissant de la liberté d'expression, une commission discute actuellement de la question de la dépénalisation [des délits de presse]. La formation des journalistes est importante pour permettre à ceux-ci de respecter les règles, même s'il convient de savoir, qu'à ce jour, seul un journaliste est en prison au Sénégal. Ce genre de condamnation se retrouve dans toute démocratie. Pour la liberté d'association, elle est pleinement garantie au Sénégal sauf s'il y a des

risques réels de troubles à l'ordre public et un recours est toujours possible devant une juridiction. Cette liberté est inscrite dans la Constitution.

57. L'indépendance de la magistrature est également respectée. S'agissant de la composition du Conseil de la magistrature, elle fait l'objet de discussion et, à l'heure actuelle, seuls le président de la République et le ministre de la Justice ne sont pas des magistrats. Ainsi, même lorsque le ministre de la Justice désire faire muter un magistrat par une décision du Conseil de la magistrature, ce sont les magistrats qui décident car ils ont la majorité.

58. La délégation a rappelé qu'en matière de liberté de la presse, l'État octroie notamment des bourses de formation, des aides pour la création de radios communautaires et associatives et fournit une aide à hauteur d'un million de dollars. Ces aides sont attribuées au travers d'un collectif dans lequel l'État est minoritaire et une maison de la presse sera mise en place en 2010. Cette liberté de la presse est caractérisée par la présence d'une forte majorité de médias de l'opposition.

59. S'agissant de la torture dans les lieux de détention, la délégation a reconnu l'existence de cas qui font l'objet d'enquêtes systématiques qui conduisent, le cas échéant, à une condamnation en plus de sanctions disciplinaires. A cet égard, en 2001, a été créé le juge d'application des peines et, une fois que le Sénat l'aura adopté, l'ONLPL sera institué. Ses rapports seront publics. Au Sénégal, la torture est prohibée et s'il y a des indices probants de torture, une procédure est engagée.

60. S'agissant du plan de réduction de la pauvreté, il est entré dans sa deuxième phase et cible plus particulièrement les femmes et les enfants. L'enfance est particulièrement protégée et, en plus de la ratification de toutes les Conventions pertinentes, le Sénégal prend en compte les enfants dans les familles, les écoles et dans les milieux ouverts, tels que la rue. A ce titre, le Sénégal est en train de régler la question des talibés en aidant les écoles coraniques. Le châtement corporel est interdit et un maître coranique a été condamné en assises pour cette raison.

61. Le chef de la délégation a conclu en précisant que les interventions lui avaient permis de prendre conscience de ce qui avait été fait au Sénégal et de tirer des leçons pour engager des mesures visant à une amélioration continue de la situation.

62. The United Arab Emirates noted that the Constitution reflects the rights and principles of international conventions. It welcomed the efforts made to establish an institutionally-based rule of law. It noted that according to the national report, human rights are not necessarily well known by everyone and encouraged Senegal to step up its efforts to develop programmes and take action to publicize human rights.

63. Canada welcomed the adoption of a law modifying the Constitution, which will allow Hissène Habré to be tried by the Senegalese justice. Canada was concerned about the fact that homosexuality is criminally repressed and recommended that Senegal modify its Criminal Code to abolish the criminalization of homosexual acts, in line with the provisions of ICCPR, particularly articles 2 and 26. Canada noted that, despite the legislation punishing it, violence against women continues. It recommended that Senegal take measures to raise awareness among the public and all players involved in the judicial system regarding the need to respect and apply this legislation. Canada recommended that Senegal respect the commitments concerning the

freedom of expression which it undertook by ratifying the ICCPR. Canada noted that access to the legal system remains problematic and recommended that Senegal put in place means and mechanisms to raise awareness among its citizens regarding access to justice.

64. The Philippines noted the ratification of nearly all human rights instruments, the enactment of laws against smuggling of migrants, human trafficking and the protection of victims, and the abolition of the death penalty. The Philippines recommended that Senegal continue its efforts to implement these national laws. It also recommended that Senegal continue its efforts to promote women's rights and the right to health, particularly that of children, through enhancing international cooperation in these fields.

65. Palestine noted Senegal's ratification of international human rights instruments and encouraged their consolidation through structures including the Senegalese Committee of Human Rights. Palestine highlighted social development funds and poverty reduction programmes. Palestine recommended the Government of Senegal pursue efforts for the elimination of all forms of discrimination against women and also recommended Senegal increase its involvement in the field of international cooperation to tackle the consequences of the international food and economic crises.

66. Burkina Faso noted the abolishment of the death penalty, the priority given to education, and the search for equality between men and women. It encouraged Senegal to pursue its efforts, despite the constraints that a developing country is always facing, to consolidate its institutions in accordance with democratic principles and human rights. It called on OHCHR and the international community to support Senegal in these efforts. Burkina Faso invited Senegal to share its experience in pursuing the effective realization of human rights at bilateral and sub-regional levels and hailed the initiative taken for a dialogue between civilizations through the holding in Dakar of a high-level meeting on the Islamic-Christian dialogue.

67. Haiti noted Senegal's participation in the promotion of human rights. Noting that Senegal has signed the Convention on Rights of Persons with Disabilities (CPD), the Optional Protocol (OP-CPD) thereto and the Convention on the Protection of all Persons from Enforced Disappearances (CED), it recommended that they be ratified as soon as possible. It also recommended Senegal take steps to ensure the right to education to Senegalese children who cannot follow the regular curriculum.

68. Bahrain acknowledged the efforts to promote political, economic, social and cultural rights and welcomed Senegal's efforts as chair of the Organisation of the Islamic Conference (OIC) to promote freedom of religion and dialogue among cultures, as demonstrated by the convening of a conference on the Islamic-Christian dialogue. Bahrain welcomed Senegal's efforts to promote the right to education, a national priority. It requested further information on the financial resources allocated to the education sector.

69. Angola commended Senegal's legislation on the freedom of press. Angola welcomed the peaceful coexistence amongst various religious groups. It noted the efforts made to reduce poverty and asked how the international community intends to support these efforts. Angola welcomed the initiatives undertaken in the education sector, including the budget increase. It recommended that Senegal continue to promote measures to strengthen the educational system.

70. Argentina noted the concern of the Committee on the Rights of the Child at discrimination against children born out of wedlock, children with disabilities, children affected by HIV/AIDS, young girls, street children and the Committee's request to adopt a strategy to eliminate all discrimination. It also noted the Committee's recommendations for inclusion of children with disabilities in the educational system and society, adoption of an inclusive legal framework directed to their needs, and awareness-raising campaigns.

71. Botswana acknowledged Senegal's institutional legal framework. It welcomed Senegal's ratifications of international human rights instruments. It recommended that the government of Senegal continue its positive efforts towards implementation of relevant legislation pertaining to, inter alia, the prohibition of certain cultural practices adjudged harmful. It also recommended that Senegal continue application of measures aimed at the implementation of the Criminal Code, law and other legal mechanisms in place to protect children. Lastly, it recommended that the Government continue its commendable efforts to combat HIV & AIDS and share its experiences, particularly regarding the involvement of youth in the programmes designed to fight this scourge.

72. Mexico noted the ratification of human rights instruments and their primacy over the Constitution. It welcomed the efforts to submit outstanding reports to treaty bodies and the acceptance of the visit of the Special Rapporteur on the rights of migrants. Mexico recommended that Senegal finalize and submit its reports to the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW), the Committee on the Elimination of Racial Discrimination (CERD) and CAT and extend invitations to the Special Rapporteurs on torture and the independence of judges and lawyers. Noting reports of discrimination against women and girls, it recommended that Senegal take immediate measures to deal with the problem of discrimination, to facilitate women's access to education and health and to fully ensure the protection of women. Mexico expressed concern over reports of discrimination against children. Mexico recommended that Senegal develop a national comprehensive action plan for children, complete ratification of the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption and strengthen legal measures for the protection of minors.

73. Egypt welcomed the establishment of the CSDH, which conforms to the Paris Principle. It noted the law against the smuggling of migrants and the institutional and legislative measures in the field of economic, social and cultural rights, including poverty-reduction strategies. Egypt recommended that Senegal conduct a detailed analysis and evaluation of the extent of technical assistance and resources required from OHCHR and from other sources to enable it to carry out its efforts aimed at strengthening the promotion and protection of human rights. Egypt also recommended that Senegal continue its cooperation with international human rights institutions and treaty bodies and that it continue its efforts to spread a culture of human rights and publicize the human rights instruments to which it is a party and to build, with the support of OHCHR, the necessary national capacity for the preparation of its periodic reports to treaty bodies. Lastly, Egypt recommended Senegal continue its efforts, with international cooperation and support, for the realization of the MDGs.

74. Benin welcomed the ratification of OP-CAT and the establishment of a national preventive mechanism. It invited Senegal to provide it with the necessary financial and human resources for its effective functioning.

75. Syria commended Senegal's efforts in fulfilling its international commitments while preserving its cultural and religious specificities. Syria noted the steps taken to promote human rights, especially regarding land utilization, food provision and housing. It asked how Senegal is providing essential commodities in the current world food and energy crisis.

76. Saudi Arabia noted the importance given to the promotion of human rights, as reflected in the Constitution. It noted the number of institutions, including the Ombudsman and the CSDH. Senegal's efforts to combat poverty and to strengthen rights to food, education and health were welcomed, including the efforts to combat illiteracy and educate children. It recommended that the upcoming visit of the Special Rapporteur on the right to education be used to set up national plans for the promotion of this right.

77. Latvia welcomed Senegal's efforts to expand access to and raise the quality of primary education and welcomed the establishment of the regional OHCHR office in Dakar. Latvia recommended that the Government of Senegal consider extending a standing invitation to all special procedures of the Human Rights Council.

78. Malaysia commended Senegal's ratification of a number of international human rights instruments. It noted Senegal's public-awareness campaigns on violence against women and asked about their effectiveness. Malaysia recommended Senegal further strengthen efforts to eliminate economic exploitation of children, including child labour, by implementing more effective measures on poverty eradication and access to education. Malaysia also recommended Senegal reinforce the steps taken to reduce unemployment and raise living standards by providing more access to economic-based training and literacy courses.

79. While noting Senegal's tradition of democracy, good governance and press freedom, Ireland noted concerns regarding them and urged Senegal to act on the promise made by the President in 2004 to reform the press law and to eliminate prison terms for press offences. While welcoming the delegation's comments concerning the right to private life and privacy, Ireland recommended that Senegal launch a national debate which may lead to the decriminalization of homosexuality. Ireland welcomed the action taken to enable Senegal to proceed with the trial of Hissène Habré, but, noting that more than two years have passed since the African Union mandated Senegal to prosecute Mr. Habré, it urged Senegal to fulfil that mandate as soon as possible and bring Mr. Habré to justice. Ireland welcomed the progress on women's rights but expressed concern that legislation does not always translate into concrete results. Ireland recommended a more effective enforcement of law 99-05 which prohibits FGM, and encouraged Senegal to undertake an awareness-raising campaign about the practice.

80. Azerbaijan commended Senegal's decision to abolish capital punishment. It recommended that the Government continue its poverty-reduction efforts and take effective measures to overcome the consequences of the food and financial crises. Azerbaijan welcomed the attention to education and recommended that Senegal strengthen its efforts to achieve the MDGs. Azerbaijan welcomed efforts to promote and strengthen dialogue between civilizations and recommended that Senegal share its good practices in this field with other countries.

81. India lauded Senegal's efforts to promote human rights and its institution-building and policy-making. It welcomed the renewal of the Senegalese national human rights institution's

“A” status in 2007 and Senegal’s commitment to expanding access to and improving the quality of education.

82. Mali appreciated the progress made in promoting human rights amid the challenges mentioned in the national report. It recommended that the international community support Senegal in its determination to promote and protect human rights in the land of Teranga.

83. The Czech Republic commended the ratification of OP-CAT. It noted Senegal’s pledge to welcome the special procedures mandate holders and recommended that Senegal issue and implement a standing invitation to all special procedures. The Czech Republic also recommended Senegal enhance the effectiveness of the judiciary, including with respect to the length of pre-trial detention. It recommended giving law enforcement and judicial officials specific training with regard to protection of the human rights of women, children and persons of minority sexual orientation or gender identity, and ensuring proper investigation and punishment of any human rights violations committed by such officials. Regarding the protection of the right to privacy and non-discrimination, it recommended ending the legal prohibition of same-sex sexual acts or practices between consenting adults, releasing individuals arrested on the basis of that prohibition and adopting measures to promote tolerance towards homosexuality, which would also facilitate more effective educational programmes for HIV/AIDS prevention.

84. Gabon saluted Senegal’s ratification of many human rights instruments and its fight against poverty, including through the Social Development Funds, the Poverty Reduction Support Strategy (PAREP), the Anti-poverty Plan (PLCP) and the National Solidarity Fund. It drew attention to Senegal’s need for OHCHR’s assistance and asked for the international community’s support for the implementation of the “GOANA” Plan.

85. Burundi commended Senegal’s standard-setting and institutional framework, which incorporates human rights, and the cooperation with OHCHR mechanisms. Burundi noted the efforts undertaken for a broad ratification of the ICRMW.

86. Afghanistan noted Senegal’s progress on women's rights and gender issues and its ratification of international legal instruments on women's rights. Afghanistan welcomed the institutional dimension of human rights and its consolidation. It noted the efforts to promote the rights to food, health and education.

87. Mauritius welcomed Senegal's contribution to the preparation of the African Charter on Human and Peoples' Rights. It commended the country’s efforts to consolidate its national institutions and asked about measures to raising awareness of human rights in schools and among the authorities. It appealed to the international community to support Senegal's efforts to achieve sustainable development, a fundamental condition for the promotion of human rights.

88. Romania recognized the steps taken to implement international instruments, the abolishment of the death penalty, and the establishment of the regional office of OHCHR. It asked how Senegal intends to address detention and prison overcrowding and to combat discrimination against women, including FGM and domestic violence.

89. The Republic of Korea welcomed Senegal’s democratic transition and noted its protection of freedom of expression and its commitment to “Education for All”. It noted concerns expressed

by the Committee on the Rights of the Child regarding child labour and recommended that Senegal strengthen its efforts to eliminate such labour, in particular by addressing the root causes of child economic exploitation through poverty eradication and access to education.

90. Djibouti welcomed Senegal's ratification of most human rights instruments and their incorporation into national legislation. It noted initiatives on the right to health, as reflected by a significant drop in HIV/AIDS prevalence. It welcomed Senegal's efforts to combat discrimination against women. Djibouti recommended that Senegal continue its efforts to protect fundamental freedoms and human rights and to protect its citizens.

91. South Africa commended the progress on economic, social and cultural rights and welcomed legislative efforts to incorporate international human rights instruments into domestic legislation, to address gender disparities, and to promote tolerance among people from different religious backgrounds. It welcomed the cooperation between Senegal and OHCHR. South Africa recommended that Senegal introduce awareness-raising campaigns to combat discriminatory practices against women, which still continue despite the significant legislative measures already adopted. It recommended that Senegal continue to strengthen its efforts to eradicate poverty and that it review policies aimed at protecting the rights of children, with a view to establishing a juvenile justice system to address violations of children's rights, in particular, discrimination against children affected by HIV/AIDS, disabled children and children born out of wedlock.

92. Le Sénégal a apporté des compléments d'information. S'agissant de l'affaire Hissène Habré, le Sénégal a exécuté pleinement le mandat qui lui avait été confié par l'Union africaine (UA) en procédant à toutes les réformes nécessaires. Une résolution de l'UA fixe les modalités pour le budget et appelle les États membres, l'Union européenne et les autres organisations à apporter leur soutien pour que le procès commence.

93. S'agissant de l'homosexualité, la délégation a rappelé qu'elle avait déjà donné les précisions nécessaires et a indiqué que sa dépenalisation au Sénégal est une question complexe qui demanderait du temps et une étude minutieuse, en raison des particularités sociologiques.

94. La délégation a également précisé que le Sénégal est en train d'améliorer l'accès au système judiciaire et que la modification en cours de la carte judiciaire y contribuera. De même, une réforme est engagée pour limiter encore la détention provisoire selon le principe que la liberté est la règle et la détention, l'exception.

95. La délégation a rappelé la priorité du Sénégal en matière d'éducation tant au regard de la part réservée dans le budget national que de la scolarité obligatoire ou encore des aides financières. Une autre priorité est la lutte contre les mutilations génitales féminines avec une répression sévère et une sensibilisation élargie dans les villages. La lutte contre le SIDA a permis d'obtenir un taux de prévalence faible et implique l'ensemble des groupes de la population.

96. Le chef de la délégation a conclu en remerciant tous les participants et en soulignant que l'état de droit n'est jamais une chose assurée et que de nombreux enseignements auront été tirés de ce dialogue.

II. CONCLUSIONES Y/O RECOMENDACIONES

97. El Senegal examinó las recomendaciones formuladas durante el diálogo interactivo y dio su apoyo a las que figuran a continuación:

1. Continuar con su compromiso de promover la conciencia en el mayor número posible de países sobre la importancia de ratificar la ICRMW (Argelia);
2. Seguir aplicando medidas encaminadas a la aplicación del Código Penal y otros mecanismos jurídicos vigentes para la protección de la infancia (Botswana);
3. Seguir perfeccionando las políticas y los programas encaminados a fortalecer la capacidad de sus instituciones nacionales y autoridades encargadas de adoptar decisiones públicas y mejorar el entorno legislativo y judicial, así como la infraestructura general sobre derechos humanos (Nigeria); seguir esforzándose por armonizar las reformas y consolidar mecanismos (Marruecos) e instituciones (Marruecos, Burkina Faso) respecto de los principios democráticos y los derechos humanos, pese a las limitaciones que debe afrontar siempre un país en desarrollo, y con el apoyo de la Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos (ACNUDH) y la comunidad internacional (Burkina Faso);
4. Fortalecer los medios y mecanismos para crear conciencia entre los ciudadanos respecto del acceso a la justicia (Canadá);
5. Ultime y presente los informes al CMRW, el CERD y el CAT (México); continuar la cooperación con instituciones internacionales de derechos humanos y órganos de tratados y seguir esforzándose por difundir una cultura de derechos humanos y dar a conocer los instrumentos de derechos humanos en que es parte y, con el apoyo del ACNUDH, crear la capacidad nacional necesaria para la preparación de los informes periódicos a los órganos de tratados (Egipto);
6. Proseguir (Palestina) y aumentar (Ghana) los esfuerzos por eliminar todas las formas de discriminación contra la mujer (Palestina, Ghana), en particular adoptando medidas eficaces para aplicar la legislación vigente sobre este tema (Ghana); seguir fortaleciendo las campañas de concienciación para combatir las prácticas discriminatorias contra la mujer, que todavía continúan pese a las importantes medidas legislativas que ya se han adoptado (Sudáfrica);
7. Hacer cumplir más eficazmente/garantizar la aplicación de la Ley N° 99-05, que prohíbe la mutilación genital femenina (Irlanda, Suiza); realizar una campaña de concienciación (Irlanda) para prevenir y erradicar esta práctica (Suiza);
8. Aplicar más eficazmente las leyes destinadas a eliminar todas las formas de violencia contra la mujer según lo recomendado por el CDESCR (Luxemburgo); adoptar medidas para concienciar a la población y a todas las partes interesadas del sistema judicial sobre la necesidad de respetar y aplicar la legislación sobre la violencia contra la mujer (Canadá);

9. Continuar los esfuerzos positivos para lograr la aplicación de la legislación relativa a, entre otras cosas, la prohibición de determinadas prácticas culturales consideradas nocivas (Botswana); como recomendó el CRC (Luxemburgo), continuar las campañas de concienciación para combatir y erradicar la mutilación genital femenina y otras prácticas tradicionales nocivas (Reino Unido) para la salud (Luxemburgo) cometidas contra mujeres y niñas (Reino Unido) y propiciar el surgimiento de tendencias positivas en la conducta tradicional (Luxemburgo);
10. Continuar los esfuerzos por garantizar el derecho a la alimentación para el pueblo senegalés, considerar la posibilidad de solicitar asistencia técnica del ACNUDH en relación con el derecho a la alimentación (Argelia); aumentar el compromiso en la esfera de la cooperación internacional para abordar las consecuencias de las crisis alimentaria y económica internacionales (Palestina);
11. Seguir esforzándose por disminuir la proporción de la población urbana que vive en barrios marginales para cumplir el derecho de las familias a unas condiciones de vivienda dignas (Indonesia);
12. Aumentar los esfuerzos por garantizar el acceso universal a los servicios e instalaciones de salud materna e infantil, en particular en zonas rurales y apartadas (Alemania); seguir esforzándose por promover los derechos de la mujer y el derecho a la salud, especialmente el de los niños, aumentando la cooperación internacional en esas esferas (Filipinas);
13. Llevar a cabo políticas respecto de las personas con el VIH y las personas de edad en que se haga más concreto el compromiso del Senegal respecto de la causa de los derechos humanos (República Democrática del Congo); continuar los esfuerzos encomiables por luchar contra el VIH/SIDA e intercambiar experiencias, especialmente respecto de la participación de los jóvenes en los programas destinados a luchar contra ese flagelo (Botswana);
14. Seguir haciendo inversiones para alcanzar los Objetivos de Desarrollo del Milenio (ODM) en relación con la salud materna, por ejemplo en lo que se refiere al acceso al equipo, las medicinas y los suministros, el transporte para la remisión a especialistas y las asociaciones de colaboración con personal médico de otras especialidades (Santa Sede);
15. Continuar e intensificar los esfuerzos por combatir la pobreza (Marruecos, Sudán, Malasia, Azerbaiyán, Sudáfrica) con la asistencia de la comunidad internacional (Marruecos); adoptar medidas eficaces para superar las consecuencias de las crisis alimentaria y financiera (Azerbaiyán);
16. Continuar/intensificar los esfuerzos por alcanzar los ODM (Azerbaiyán, Egipto, Sudán), con la cooperación y el apoyo internacionales (Egipto); y coordinar los esfuerzos con otros países en desarrollo y terceros interesados (Sudán);

17. Con la asistencia de la comunidad internacional, hacer un mayor esfuerzo por agilizar la ejecución de la siguiente fase de su documento de estrategia de lucha contra la pobreza a fin de promover el derecho a un nivel de vida adecuado (Ghana);
18. Reforzar las medidas adoptadas para reducir el desempleo y aumentar el nivel de vida proporcionando un mayor acceso a los cursos de capacitación y alfabetización de base económica (Malasia);
19. Seguir promoviendo medidas para fortalecer el sistema educativo (Angola); adoptar medidas para paliar el problema de la desproporción de la matriculación en la enseñanza primaria, abordando al mismo tiempo cuestiones relativas a la calidad de la enseñanza (Indonesia); aumentar la inversión en educación y prestar especial atención a la educación de las niñas y las jóvenes (Santa Sede); seguir adoptando todas las medidas necesarias para procurar que los maestros estén debidamente capacitados, que las niñas y los niños de todas las zonas tengan acceso a la educación en pie de igualdad y que la matriculación en la enseñanza primaria y secundaria, con inclusión de las zonas rurales y menos adelantadas, aumente sensiblemente (Alemania); adoptar medidas para garantizar el derecho a la educación de los niños senegaleses que no puedan seguir el plan de estudios normal (Haití); aprovechar la próxima visita del Relator Especial sobre el derecho a la educación para establecer planes nacionales de promoción del derecho a la educación (Arabia Saudita);
20. Continuar su compromiso internacional de promover un espíritu de tolerancia y diálogo (Argelia); continuar los esfuerzos y las iniciativas para promover el diálogo, la paz y la tolerancia entre los pueblos (Cuba), entre las religiones, civilizaciones y culturas (Argelia, Cuba); intercambiar con otros países las buenas prácticas respecto de la promoción y el fortalecimiento del diálogo entre civilizaciones (Azerbaiyán);
21. Fomentar una cultura de los derechos humanos en la sociedad a fin de promover y proteger continuamente los derechos humanos (Irán); aceptar el apoyo del ACNUDH respecto de la divulgación de los derechos humanos a fin de apoyar sus programas culturales y educativos (Omán);
22. Continuar los esfuerzos por aplicar la legislación nacional contra el contrabando de migrantes, la trata de personas y la protección de las víctimas (Filipinas); poner la información sobre la legislación a disposición de los países que enfrentan problemas de contrabando de migrantes para ayudarlos a elaborar leyes en la materia (Pakistán);
23. Elaborar un plan de acción integral de ámbito nacional para la infancia y fortalecer las medidas jurídicas de protección de menores (México); tener en consideración las observaciones formuladas por el CRC respecto de la adopción de una estrategia mundial para eliminar todas las formas de discriminación contra los grupos vulnerables de niños (Turquía);
24. Acelerar los esfuerzos por cumplir la Convención sobre los Derechos del Niño, especialmente en las esferas de la justicia de menores, la trata de niños y el trabajo infantil (Suiza); como recomendó el Comité de los Derechos del Niño, asegurarse de que la ley contra la trata de personas y la explotación sexual de niños se aplique más

eficazmente y que se tomen medidas más eficaces para proteger a las niñas que trabajan en tareas domésticas contra la explotación económica y los abusos sexuales (Luxemburgo); continuar los esfuerzos por combatir eficazmente la trata de personas, proteger a los niños víctimas de la explotación sexual y prevenir los abusos contra las niñas que son empleadas domésticas (Alemania); revisar las políticas encaminadas a proteger los derechos del niño, con objeto de establecer un sistema de justicia de menores que se ocupe de las violaciones de los derechos del niño, en particular la discriminación contra niños afectados por el VIH/SIDA, los niños con discapacidad y los niños nacidos fuera del matrimonio (Sudáfrica).

25. Seguir intensificando los esfuerzos por eliminar la explotación económica de los niños, incluido el trabajo infantil, aplicando medidas más eficaces de erradicación de la pobreza y acceso a la educación (Malasia); intensificar los esfuerzos por eliminar el trabajo infantil, en particular abordando las causas profundas de la explotación económica de los niños mediante la erradicación de la pobreza y el acceso a la educación (República de Corea);
 26. Seguir esforzándose y adoptar las medidas de políticas necesarias para garantizar que los niños estén protegidos de los castigos corporales y otras formas de violencia o explotación (Suecia);
 27. Seguir esforzándose y adoptar medidas eficaces para superar el desafío de proteger los derechos de los grupos vulnerables (Viet Nam);
 28. Adoptar todas las medidas apropiadas y necesarias para la realización más eficaz y rápida de los derechos sociales, económicos y culturales, y especialmente el derecho al desarrollo (República Islámica del Irán); con la asistencia de la comunidad internacional, seguir promoviendo los derechos económicos, sociales y culturales que hagan del Sudán un modelo de democracia en África (Côte d'Ivoire);
 29. Realizar un análisis y una evaluación detallados del volumen de asistencia técnica y recursos que se necesitan del ACNUDH y otras fuentes para que pueda llevar a cabo sus iniciativas encaminadas a fortalecer la promoción y protección de los derechos humanos (Egipto);
 30. Seguir esforzándose por proteger las libertades fundamentales y los derechos humanos y por proteger a los ciudadanos (Djibouti); seguir promoviendo y protegiendo con determinación los derechos humanos en la zona de Teranga, con el apoyo de la comunidad internacional (Malí).
98. El Senegal examinará las recomendaciones que figuran a continuación y presentará respuestas a su debido tiempo. Las respuestas del Senegal a estas recomendaciones se incluirán en el informe final que apruebe el Consejo de Derechos Humanos en su 11º período de sesiones.
1. Ratificar la CPD, el CPD-OP y la CED tan pronto como sea posible (Haití); concluir el proceso de ratificación del Convenio de La Haya de 1993 relativo a la Protección del Niño y a la Cooperación en materia de Adopción Internacional (México);

2. Cursar invitaciones a los relatores especiales sobre la tortura y sobre la independencia de los magistrados y abogados (México); considerar la posibilidad de cursar (Letonia) y hacer efectiva (República Checa) una invitación permanente a todos los procedimientos especiales (Letonia, República Checa);
3. Respetar y proteger los derechos humanos y las libertades fundamentales de todas las personas sin ninguna forma de discriminación (Bélgica); adoptar medidas inmediatas para paliar el problema de la discriminación, facilitar el acceso de la mujer a la educación y la salud y garantizar plenamente la protección de la mujer (México);
4. Salvaguardar la separación de poderes y la independencia de las jurisdicciones (Países Bajos); aumentar la eficacia del sistema judicial, entre otras cosas en lo referente a la duración de la prisión provisional (República Checa);
5. Contribuir a la lucha contra la impunidad en el ámbito internacional, en particular cumpliendo (Suiza) tan pronto como sea posible (Irlanda) el mandato que le encomendó la Unión Africana, y hacer comparecer ante la justicia al ex Jefe de Estado del Chad, Sr. Hissène Habré;
6. Modificar el Código Penal para despenalizar las actividades homosexuales (Reino Unido, Bélgica, Canadá) entre adultos que las consientan (Reino Unido), de conformidad con las disposiciones del ICCPR, en particular los artículos 2 y 26 (Canadá); eliminar el artículo del Código Penal por el que se penaliza la conducta sexual, que no se ajusta a la Declaración Universal de Derechos Humanos (Países Bajos); revisar la legislación nacional que tiene como resultado la discriminación, el enjuiciamiento y el castigo de personas únicamente por su orientación sexual o identidad de género (Eslovenia); poner fin a la prohibición legal de los actos o prácticas sexuales entre adultos del mismo sexo que los consientan y poner en libertad a las personas detenidas en virtud de esa disposición (República Checa); poner en libertad a todas las personas encarceladas a causa de su orientación sexual (Bélgica); iniciar un debate nacional que pueda desembocar en la despenalización de la homosexualidad (Irlanda); adoptar medidas para promover la tolerancia respecto de la homosexualidad, lo que también favorecería la eficacia de los programas educativos de prevención del VIH/SIDA (República Checa);
7. Adoptar medidas concretas y eficaces (Suiza, Suecia), incluidas disposiciones legislativas (Suecia), para garantizar el respeto de la libertad de expresión (Suiza, Suecia), asociación (Suiza) y prensa de conformidad con las normas internacionales (Suecia); derogar el artículo 80 del Código Penal relativo al quebrantamiento de la seguridad del Estado, que restringe el derecho a la libertad de expresión (Francia); respetar los compromisos respecto de la libertad de expresión que contrajo al ratificar el ICCPR (Canadá);
8. Cumplir la promesa que formuló el Presidente en 2004 de reformar la Ley de prensa y eliminar las penas de prisión por delitos relacionados con la prensa (Irlanda); emprender planes (Reino Unido) para despenalizar los delitos relacionados con la prensa (Reino Unido, Países Bajos), conforme a lo acordado por el Presidente de la República en 2004 y según se indicó al Relator Especial de las Naciones Unidas

sobre la promoción y protección del derecho a la libertad de opinión y de expresión (Reino Unido); revisar su legislación sobre la libertad de prensa para adecuarla a las normas internacionales (Bélgica); impartir formación sobre derechos humanos y libertad de prensa a la policía y el ejército para prevenir un empeoramiento de la situación a este respecto (Santa Sede);

9. Garantizar efectivamente la libertad de manifestación y la libertad de asociación (Francia); proteger los derechos de reunión y la libertad de expresión en el país (Eslovenia);
10. Impartir a los funcionarios de mantenimiento del orden y del sistema judicial capacitación específica relativa a la protección de los derechos humanos de las mujeres, los niños y las personas de orientación sexual o identidad de género minoritarias y garantizar la investigación y el castigo debidos de toda violación de los derechos humanos cometida por esos funcionarios (República Checa).

99. Todas las conclusiones y/o recomendaciones que figuran en el presente informe reflejan la posición del Estado o Estados que las presentaron y/o el Estado examinado, y no debe interpretarse que han recibido el respaldo del conjunto del Grupo de Trabajo.

Annex

COMPOSITION OF THE DELEGATION

La délégation du Sénégal était dirigée par S.E. Maître Madické Niang, Ministre d'Etat, Garde des Sceaux, Ministre de la Justice, et composée de 19 membres :

S.E. Maître Madické NIANG, Ministre d'Etat, Garde des Sceaux, Ministre de la Justice, Chef de délégation ;

S.E. Monsieur Abdou Aziz SOW, Ministre de l'Information, des Télécommunications, des TICS, du NEPAD, des Relations avec les Institutions et Porte-parole du Gouvernement ;

S.E. Monsieur Mankeur NDIAYE, Ambassadeur, Directeur de Cabinet du Ministre d'Etat, Ministre des Affaires étrangères ;

S.E. Monsieur Abdou Salam DIALLO, Ambassadeur, Conseiller diplomatique de Monsieur le Premier Ministre ;

S.E. Monsieur Babacar Carlos MBAYE, Ambassadeur, Représentant permanent auprès de l'Office des Nations unies à Genève ;

S.E. Monsieur Cheikh Tidiane THIAM, Ambassadeur, Directeur des Affaires juridiques et consulaires au Ministère des Affaires étrangères ;

Monsieur Momar GUEYE, Ministre-Conseiller à la Mission permanente du Sénégal à Genève ;

Monsieur Samba FAYE, Conseiller technique au Ministère de la Justice ;

Monsieur Demba KANDJI, Directeur des Affaires criminelles et des Grâces au Ministère de la Justice ;

Monsieur Mamadou THIANDOUM, Directeur de la Police Judiciaire au Ministère de l'Intérieur ;

Monsieur Alioune NDIAYE, Magistrat, Coordonnateur du Comité sénégalais des Droits de l'homme ;

Monsieur Abdoulaye KHOUMA, en service au Haut-Commissariat aux Droits de l'homme et à la Promotion de la Paix ;

Madame Ndèye Soukeyna GUEYE, en service au Ministère de la Famille, de la Solidarité nationale, de l'Entreprenariat féminin et de la Microfinance ;

Monsieur El Hadji Ibou BOYE, Deuxième Conseiller à la Mission permanente du Sénégal à Genève ;

Monsieur Abdoul Wahab HAIDARA, Deuxième Conseiller à la Mission permanente du Sénégal à Genève ;

Madame Seynabou DIAL, Deuxième Conseiller à la Mission permanente du Sénégal à Genève ;

Madame Mariame SY, Deuxième Conseiller à la Mission permanente du Sénégal à Genève ;

Madame Nènè Coumba TOURE, Deuxième Secrétaire à la Mission permanente du Sénégal à Genève ;

Madame Françoise Marie Agnes DIENE, Deuxième Secrétaire à la Mission permanente du Sénégal à Genève.
