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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Visit to Senegal

Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Alice Jill Edwards*

Summary

The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Alice Jill Edwards, visited Senegal from 3 to 14 February 2025. In the present report, the Special Rapporteur considers the national legislative and institutional framework relating to the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment and assesses the progress made by Senegal in fulfilling its international obligations in this context. She also examines several areas: the administration of justice, conditions of detention and the implementation of rules applicable to the treatment of persons deprived of their liberty in police custody and in prison; complaints and investigations concerning allegations of torture and other ill-treatment; crowd control operations; psychiatric health services; the protection of women and girls against violence; and allegations of abuse and exploitation in Qur'anic schools (*daaras*). She makes recommendations to ensure that the Government strengthens its efforts to prevent and combat torture and other cruel, inhuman or degrading treatment or punishment in the country.

* The summary of the report is being circulated in all official languages. The report itself is contained in the annex and is being circulated in the language of submission and English only.



Annex

Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Alice Jill Edwards, on her visit to Senegal

I. Introduction

1. The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment conducted an official visit to Senegal from 3 to 14 February 2025 to assess the country's efforts and initiatives to combat torture and other ill-treatment. The Special Rapporteur paid particular attention to the justice and prison sectors; the police and the gendarmerie and law enforcement; and other issues, such as female genital mutilation and children living in boarding schools (*daara* schools).¹
2. The Special Rapporteur wishes to express her gratitude to the Government of Senegal for the support it provided during her visit. She also wishes to point out that she enjoyed good cooperation with the other branches of government, including the judiciary and the legislature, the administrators of the prisons visited and the police and gendarmerie officers she met, which enabled her to carry out her mandate without hindrance.
3. During her visit, the Special Rapporteur had the honour of meeting the Minister of African Integration, Foreign Affairs and the Diaspora, the Minister of Justice, Keeper of the Seals, the President and members of the Supreme Court, members of the National Assembly, the High Commander of the National Gendarmerie, the Director General of the National Police at the Ministry of the Interior and Public Security and representatives of the Ministry of the Armed Forces, the Ministry of the Family, Social Action and Solidarity, the Ministry of Health and Public Hygiene, the Ministry of National Education, the Ministry of Employment and Vocational and Technical Training and the Ministry of Higher Education, Research and Innovation. She also met with members of the National Human Rights Commission (the national human rights institution)² and the National Observatory of Places of Deprivation of Liberty (the national preventive mechanism).
4. The Special Rapporteur visited Dakar, Touba, Thiès and Saint-Louis.
5. She visited the following places of deprivation of liberty: the Liberté VI prison camp (for men), the Liberté VI remand prison (for women), the Rebeuss remand prison, the Thiaroye National Psychiatric Hospital, the Touba special national police station, the Touba special gendarmerie, the Touba surveillance and response platoon, the Thiès remand prison and detention centre and the Saint-Louis remand prison and detention centre. She also visited the national gendarmerie training centre in Dakar.
6. The Special Rapporteur regrets that she had to cut short her visit to the Saint-Louis remand prison and detention centre because of the hostile reception she received. She also regrets that she was unable to hold confidential interviews with prisoners of her choice or to conduct cell inspections, as provided for in the terms of reference for country visits by special procedure mandate holders of the Human Rights Council.³
7. The Special Rapporteur met with representatives of the diplomatic community and the United Nations system. She would like to thank the Regional Representative for West Africa and the staff of the Office of the United Nations High Commissioner for Human

¹ The purpose of the visit does not imply any lack of recognition of the challenges, positive developments and good practices that are not specifically addressed in the present report.

² <https://ganhri.org/membership/>.

³ <https://www.ohchr.org/sites/default/files/Documents/HRBodies/SP/ToRs2016.pdf>. The Government states that the incident, which occurred in the absence of the prison governor, was owing to a lack of awareness of the Special Rapporteur's mandate among the officers present during her visit.

Rights for their support during her visit. She would also like to acknowledge the presence and assistance of the forensic expert, Duarte Nuno Viera, who accompanied her throughout her visit.

8. The Special Rapporteur met with numerous non-governmental organizations, human rights defenders, families of victims and survivors of human rights violations and representatives of civil society. She thanks them for their open-mindedness in their dialogue with her.

9. The Special Rapporteur believes that her visit, the first to Senegal by the mandate-holder on torture and other cruel, inhuman or degrading treatment or punishment, provided a valuable opportunity to discuss the challenges facing the State in combating torture and other cruel, inhuman or degrading treatment or punishment and the progress made in this area.

II. Legislative and institutional frameworks

10. Senegal is a party to numerous international human rights instruments, including the International Covenant on Civil and Political Rights, which, under article 7, prohibits torture and other cruel, inhuman or degrading treatment or punishment and, under article 10, requires that all persons deprived of their liberty be treated with humanity and with respect for the inherent dignity of the human person; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which imposes on States Parties the obligation to take effective legislative, administrative, judicial or other measures to prevent acts of torture and other ill-treatment in any territory under its jurisdiction, to investigate complaints of torture and other ill-treatment, to prosecute and hold accountable the perpetrators of such acts and to provide for the rehabilitation of survivors of acts of torture; and the Optional Protocol to the Convention.⁴

11. Furthermore, Senegal is bound by the Convention on the Rights of the Child, in particular articles 19 and 37, which provide that no child is to be subjected to torture, ill-treatment or other forms of violence, and by the Convention on the Elimination of All Forms of Discrimination against Women, which prohibits violence against women as a form of discrimination, in accordance with general recommendation No. 35 (2017) of the Committee on the Elimination of Discrimination against Women.

12. At regional level, Senegal has ratified the African Charter on Human and Peoples' Rights, article 5 of which prohibits torture and other cruel, inhuman or degrading treatment or punishment, and its Protocol on the Rights of Women in Africa (Maputo Protocol). Senegal is also a Party to the African Charter on the Rights and Welfare of the Child, which prohibits all forms of torture, inhuman and degrading treatment of children. Senegal has subscribed to the Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa (Robben Island Guidelines) and other guidelines cited in the present report.

13. In terms of national legislation, torture is classified as an offence under the Senegalese Criminal Code. However, certain elements of the definition of the crime contained in article 1 of the Convention against Torture have not been enacted in national law. In fact, neither article 295-1 of the Criminal Code nor Act No. 2020-05 of 10 January 2020 amending Act No. 65-60 of 21 July 1965 on the Criminal Code includes acts aimed at obtaining information from, punishing, intimidating or coercing a third party. Such acts of torture are punishable by imprisonment for a term of 5 to 10 years and a fine of 100,000 to 500,000 CFA francs. This could allow the judge to reduce the minimum sentence, if imposed, to 2 years and to suspend the sentence. The Special Rapporteur considers that the applicable penalties,

⁴ The Committee against Torture considered the fourth periodic report of Senegal (CAT/C/SEN/4) in 2018 (CAT/C/SEN/CO/4). The Subcommittee on Prevention of Torture first visited Senegal in December 2012 (CAT/OP/SEN/2), followed by a second visit in May 2019 (CAT/OP/SEN/ROPNM/1).

including the possibility for a judge to reduce the sentence to 2 years or suspend it, are not commensurate with the gravity of the offence, as required by article 4 of the Convention.⁵

14. Furthermore, Senegalese criminal laws do not contain any express provision on the inadmissibility of evidence obtained through torture and other ill-treatment, which leaves judges with very broad discretion in assessing confessions that may have been obtained in such circumstances, contrary to article 15 of the Convention.

15. The Special Rapporteur recalls that, as a State Party to the Convention, Senegal is bound by the definition of the term “torture” contained therein. Moreover, as Senegal has enshrined the principle of the primacy of international law over national law in the Constitution (art. 98), the United Nations human rights treaty system, of which the Convention forms part, takes precedence over national laws.

16. The Special Rapporteur notes that Senegal is committed to bringing its national legislation into full conformity with the Convention and recommends that the Government pursue its efforts in this regard without delay.⁶

17. The national preventive mechanism, the National Observatory of Places of Deprivation of Liberty, was established by Act No. 2009-13 of 2 March 2009. The Observatory’s access to places of detention, including any health facility authorized to admit inpatients without their consent, and the reports it submits following its visits are important steps towards the establishment of an effective inspection mechanism in Senegal. The Special Rapporteur recalls that, in accordance with the Optional Protocol to the Convention, all visits by the Observatory to places of deprivation of liberty should be unannounced. This is an important rule for establishing a baseline for recording and analyzing progress. The Special Rapporteur was informed that, while unannounced visits remain the principle, this is not always the Observatory’s working method. The Special Rapporteur calls on the Observatory to ensure full compliance with these criteria in its work. She was informed by the Government of Senegal that the Observatory’s annual report had been submitted to the President.

18. The Special Rapporteur supports the recommendations made by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in particular with regard to the need to preserve the Observatory’s independence and the fact that its work should focus primarily on prevention. It is important to point out that, if prisoners complain to the Observatory, these complaints must be promptly forwarded to the appropriate body or bodies.⁷ The Special Rapporteur recommends that Senegal amend the law establishing the Observatory in order to strengthen its independence.⁸ The process of appointing the Director of the Observatory and all staff must be open, transparent, inclusive and participatory.

III. Torture and other cruel, inhuman or degrading treatment or punishment

A. Complaints and investigations of allegations of torture and ill-treatment

19. The Special Rapporteur did not receive any complaints of torture during her visit, which is very positive. However, she did hear complaints of ill-treatment, excessive use of force and inhuman conditions of detention. Furthermore, the procedures for lodging complaints of torture or other ill-treatment with the police, gendarmerie, prisons or health services were found opaque and, at best, informal or unregulated. It is clear that prisoners

⁵ The Committee against Torture has generally recommended a minimum prison sentence of 6 years and a maximum of 20 years. See: <https://www.apt.ch/sites/default/files/publications/anti-torture-guide-en.pdf>.

⁶ See CAT/C/SEN/QPR/5.

⁷ See CAT/OP/SEN/RONPM/1.

⁸ See CAT/C/SEN/5.

and the general public know very little about how and to whom they should lodge a complaint of abuse or ill-treatment. The Special Rapporteur points out that the absence of complaints does not prove the absence of violations.

20. In all the prisons visited, the complaints mechanisms could be simple and accessible; for example, it would suffice to install letter boxes in accessible and confidential locations that could only be opened by an independent entity. The Special Rapporteur appreciated the willingness of prison directors to deal with complaints, including personally, concerning matters such as food rations and bedding. However, formal channels must also exist, especially for more serious complaints. In one prison, the Special Rapporteur was informed that, when inmates had a complaint to make, they went on hunger strike to signal to the guards that they wished to speak to the director.

21. Complaints must be recorded and communicated to the competent authorities promptly and impartially, so that investigations can be carried out and, where appropriate, guards can be investigated and punished. Prisoners must be informed of the results of investigations. Persons in police custody had no opportunity to lodge complaints and were not informed of their rights in this regard, which was a shortcoming. The Special Rapporteur recommends that the Government of Senegal ensure that prisoners are fully informed of their right to lodge complaints and have a real opportunity to do so.

22. The Special Rapporteur recommends the following:

(a) Adopt uniform guidelines for the filing and processing of complaints, including specific procedures for referring complaints to the competent authorities, particularly the identification of the authorities and their roles and responsibilities, as well as the obligation to respect the anonymity of the complainant and the duty to provide prisoners with the means necessary to file such complaints (writing materials and envelopes);

(b) Have an overview of the number and type of complaints lodged, the authorities involved, the follow-up to investigations and any sanctions imposed, since there are several authorities in Senegal with the power to examine complaints;

(c) Establish a system for information and data collection and analysis;

(d) Examine the options presented in the Special Rapporteur's report on good practices in national criminalization, investigation, prosecution and sentencing for torture offences, in which she identifies various ways in which States can ensure the safety and security of complaints procedures.⁹

B. Guarantees and conditions in police stations and gendarmeries

23. Most of the cells in the police stations and gendarmeries inspected by the Special Rapporteur during her visit were empty or held only a few inmates. The Special Rapporteur heard a few allegations of excessive use of force during arrests and interrogations.

24. The Special Rapporteur reminds all authorities of the principles of proportionality and necessity regarding the use of force by law enforcement officials and of the Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa (Luanda Guidelines), adopted by the African Commission on Human and Peoples' Rights.

25. With regard to interrogation practices, the Special Rapporteur recommends that the Government of Senegal introduce the possibility of video or audio recording and the use of other techniques described in the Principles on Effective Interviewing for Investigations and Information-Gathering (Méndez Principles) in order to minimize the use of torture or other forms of unlawful coercion to obtain confessions or other information. Audio and video recordings are also very useful for training and improving interrogation and criminal justice outcomes.

26. The Special Rapporteur stresses the importance of ensuring the professional qualifications of all law enforcement personnel, particularly those involved in the custody,

⁹ [A/HRC/52/30](#).

interrogation or treatment of prisoners, and recommends that Senegal strengthen the training of these officers, especially with regard to the absolute prohibition of torture and other ill-treatment.

27. While all prisoners must be informed of their rights and the reasons for their detention, in a manner and language they understand, the Special Rapporteur observed a near-total absence of adequate means of providing this information in the police stations and gendarmeries she visited. However, the persons she spoke with had been informed of the reasons for their arrest. The Special Rapporteur recommends that Senegal ensure that all persons deprived of their liberty are informed expressly and without delay of all their rights from the outset of their deprivation of liberty. To this end, information posters that explain these rights in simple terms or using illustrations for people who have difficulty reading must be posted in visible places.

28. The police stations and gendarmeries visited by the Special Rapporteur had registers in which information about inmates, such as their names and the date of their arrest or arrival at the station, was recorded by hand. However, the Special Rapporteur noted that these details were not always collected in full; furthermore, records showed that some prisoners were kept in custody for more than 48 hours. The Special Rapporteur met a person who had been waiting for four days to appear in court following his arrest and who was being held in a cell without bedding. The Special Rapporteur noted that national legislation provides for a period of police custody of 48 hours, which may be extended by a further 48 hours; in security-related cases, this period may even extend to a total of 12 days. She was informed that extensions were sometimes granted because of the limited number of vehicles available to transport inmates to court. The Special Rapporteur is deeply concerned about this situation and recalls that, even if it occurs only occasionally, it reflects a lack of understanding of the seriousness of depriving a person of his or her liberty. All police stations and gendarmeries should have sufficient means of transport to ensure the rapid transfer of prisoners to the courts. The Special Rapporteur points out that the administrative reasons given for prolonging deprivation of liberty would render the detention arbitrary. Persons who are compelled to spend the night in detention should be provided with a clean mattress and blankets. The Special Rapporteur recommends that the Government of Senegal ensure that information concerning all persons placed in police custody is promptly and comprehensively recorded in a uniform system, preferably in electronic form. Police officers should be properly trained in keeping these records.

29. With regard to prisoners' right to medical examination and treatment, the Special Rapporteur notes that article 56 of the Code of Criminal Procedure provides that persons deprived of their liberty may, at any time during their police custody, undergo a medical examination at their request or at the request of the public prosecutor. She recommends that the Government of Senegal ensure that all prisoners can obtain the relevant medical documents and that this is also possible upon request during judicial review of detention.

30. With regard to the difficulty of exercising the right to legal assistance from the time of arrest, the Special Rapporteur noted that this was a problem from the time of arrest right up to the criminal proceedings and that it was one of the main reasons for prison overcrowding. Although persons in police custody are automatically informed of their right to be assisted by a lawyer of their choice, in reality they do not always have access to legal assistance for various reasons, including insufficient resources or lack of availability of lawyers. Furthermore, the Special Rapporteur has heard repeatedly that lawyers are not always concerned about their clients' cases, that they do not really have their interests at heart and that they often end up failing to follow through on the cases. The shortage of qualified lawyers persists in criminal proceedings.

31. The Special Rapporteur reiterates that it is essential for any person deprived of liberty to be provided with legal representation upon arrest and that this representation be available throughout the court proceedings. The lawyer must be present at all police interrogations and all appearances before a judge. The Special Rapporteur encourages the Government of Senegal to review the system of free legal aid for indigent persons. Measures to increase the number of lawyers trained in the country each year and access to admission examinations, and to encourage them to settle in different regions of the country, should be considered. Many prisoners pointed out to the Special Rapporteur that they had engaged a lawyer – or

sometimes several – but had never met with them. In this context, the Special Rapporteur calls on the Senegalese Bar Association to review the criminal bar and ensure that its members uphold their professional code of ethics more effectively.¹⁰ The Special Rapporteur encourages the Government to consider, in consultation with the Bar, establishing a system of duty lawyers to ensure that all persons who have been detained have access to a lawyer during their interrogation and the first hours of detention.

32. With regard to the right of a person in police custody to inform a relative or third party of their situation from the outset of their detention, it was stated that police officers and gendarmes would naturally inform the families of those in custody of their arrest. Given that the financial and human resources available are limited, families also play a role in meeting other basic needs (e.g. providing food), even though it is the responsibility of the State to provide food and water to persons in detention.

33. The Special Rapporteur recommends that the Government of Senegal consider launching an “early hours procedure” pilot project in order to prioritize legal safeguards during the first hours of police custody, a period during which the risk of torture and other abuses is heightened. Such a project could include experimenting with audio or video recording of interrogations, establishing a list of duty lawyers for the first few hours following arrest and first court appearance and training in and enforcement of the Méndez Principles.

C. Prison system

1. Overcrowding

34. At the time of the Special Rapporteur’s visit, the Senegalese prison system was facing a serious problem of overcrowding, which required a thorough examination of the causes of this situation. The Special Rapporteur believes that if this problem is not resolved quickly, fairly and humanely, it could have dramatic consequences, such as riots, violence or the sudden and uncontrollable spread of infectious or communicable diseases.

35. Senegal has 37 places of deprivation of liberty, with a total of around 10,000 spaces available. At the time of the Special Rapporteur’s visit, approximately 14,000 people were deprived of their liberty, representing prison overcrowding rate of 40 per cent. However, the Special Rapporteur fears that this phenomenon is much widespread, as prison capacity is sometimes measured on the basis of the budget allocations made to them rather than the number of beds available. Furthermore, cell space is calculated on the basis of a national standard ranging from a minimum of 1.85 m² to a maximum of 3.4 m² per person. As the latter figure is the minimum space per person recommended by the International Committee of the Red Cross, the minimum of 1.85 m² is therefore well below international expectations and thus constitutes a form of inhuman treatment.¹¹ The Special Rapporteur urges the Government of Senegal to take the necessary measures to comply with international standards and to publish regular statistics on this issue. She emphasizes that no data other than space per person should be taken into account when calculating the occupancy rate of facilities.

36. There are multiple causes of prison overcrowding in Senegal: these are mainly related to criminal policy and judicial practice, such as delays in resolving criminal cases and often unreasonable time frames for adjudicating criminal cases, in particular because of the lack of

¹⁰ Basic Principles on the Role of Lawyers, 7 September 1990, <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-role-lawyers>.

¹¹ International Committee of the Red Cross, *Water, Sanitation, Hygiene and Habitat in Prisons: Supplementary Guidance* (2012), p. 33: <https://www.icrc.org/sites/default/files/external/doc/en/assets/files/publications/icrc-002-4083.pdf>. The Special Rapporteur notes the slightly more generous standard identified by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, “Living space per prisoner in prison establishments: CPT standards”, December 2015 (CPT/Inf (2015) 44). She recommends that this standard be applied in new prisons.

lawyers; the extensive use of incarceration, which becomes almost automatic in cases of pretrial detention (often of long duration); and the very limited use of alternatives to imprisonment.¹²

37. The Special Rapporteur acknowledges the efforts made by the Senegalese authorities to gradually reduce prison overcrowding, for example through the use of house arrest and the increasing use of electronic bracelets.¹³ She nevertheless wishes to emphasize that these technological devices may not always be suitable, for example, in the case of people living in remote rural areas where the electricity supply is not always ensured. She also notes that these are individual solutions. However, as the problem is systemic, it requires more ambitious measures.

38. The Special Rapporteur has been informed of plans to build new prisons, including one with a capacity of approximately 2,500 inmates, which is said to be under construction in Diamniadio, and of plans under consideration to refurbish existing prison facilities. However, the Special Rapporteur notes that new construction projects have not yet been completed. With regard to the renovation of existing facilities, it considers that, owing to their current very poor condition, any changes would be superficial, as these structures cannot be converted into adequate spaces that meet international standards. The Special Rapporteur points out that several countries have sold their historic prisons located in former forts or colonial buildings and converted them into hotels. They then used the profits from these sales to build modern and appropriate prison facilities in other locations. She encourages the Government of Senegal to explore this possibility.

39. In any event, the Special Rapporteur points out that, although the construction of new places is necessary, it cannot be a lasting solution to the problem of prison overcrowding. To remedy this problem in the long term, a comprehensive strategy to reduce the prison population must be implemented.

2. Material conditions

40. Because of overcrowding, the conditions in all the prisons visited that housed male prisoners were well below the standards required by international law to ensure humane and dignified treatment. Facilities housing minors and some housing women (including women with their children) were also overcrowded.

41. Overcrowding led to very poor hygiene conditions, despite the inmates' efforts to keep the cells as clean as possible, in which they had to share old, dirty mattresses and sleep head to toe on bunk beds or, in some cases, on the floor. In one case, prisoners were made to sleep in a cavity measuring only about 40 cm in height and located under a fully occupied bunk bed; there was insufficient ventilation and natural or artificial light, and there were no adequate sanitary facilities inside. In one of the cells visited, for example, around 100 inmates had access to only two toilets and two separate showers, which offered no privacy and were in a state of obvious disrepair. The outside areas of the Saint-Louis remand prison and detention centre were infested with rats, and the minors showed signs of bedbug infestation.

42. The Special Rapporteur carried out her visit amid relatively moderate weather conditions. Despite the cells being equipped with fans that required regular maintenance and some with open barred windows, she feared that detention conditions would deteriorate during the summer owing to rising temperatures.

43. The Special Rapporteur welcomed the fact that prison administrators allowed prisoners to spend very long periods of the day in courtyards. Many of those who had been unable to sleep during the night remained in their cells to catch up on some well-deserved sleep. She points out that, given the circumstances, the time spent in cells should be limited as much as possible.

¹² See A/HRC/55/52.

¹³ Act No. 2020-28 of 7 July 2020.

3. Separation of prisoners

44. The Special Rapporteur, like most of the prison directors she interviewed, noted that, as a result of prison overcrowding, the separation of prisoners was not ensured at all establishments, whether by category – with untried prisoners to be kept separate from convicted prisoners – or by the type of offence for which they were being held, as required by the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and national law.¹⁴

4. Food and nutrition

45. The Special Rapporteur welcomes the recent substantial increase in the budget allocation per prisoner for food and the recruitment of professional cooks to all prisons to improve the quality of meal preparation. In the establishments that she visited, she found that prisoners had three meals a day, which they could supplement with contributions from their families. However, during her visit, there were few vegetables on the menu. She also noted that fruit was almost always absent. She recommends that the Government of Senegal ensure that the quality of food distributed in prisons complies with international standards, carry out periodic surveys of prisoners' health and ensure that fruit and vegetables are included in their daily diet.

46. The Special Rapporteur was very favourably impressed by the agricultural fields at the Thiès remand prison and detention centre, which produce a wide variety of fresh vegetables for consumption at the facility and provide the opportunity for some convicted prisoners to work and acquire agricultural skills. The Special Rapporteur recommends that the Government follow this approach for any new prisons.

5. Body searches

47. On admission to prison, prisoners are subjected to a full body search. The Special Rapporteur observed that, at one of the prisons visited, this search took place in open-air booths with no roof or door. The Special Rapporteur recommends that searches should not give rise to any humiliating practices and should always be conducted in a manner that ensures respect for the dignity of the person. They must be conducted in places that are designed, set up and maintained in such a way as to preserve the privacy of those subjected to them.

6. Women deprived of their liberty

48. In addition to the Liberté VI remand prison and the Rufisque remand prison and detention centre, which are reserved exclusively for women, the Special Rapporteur noted that the prisons she visited had specific sections for women. However, these sections were less spacious than those normally reserved for male prisoners. In addition, mothers with babies were housed together with other prisoners.

49. The Special Rapporteur recalls the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules). She recommends that the Government of Senegal improve the infrastructure of prison areas reserved for women and take into account the needs of women prisoners and their babies and children when allocating the budget with a view to providing them with appropriate resources – including food, water, clothing and hygiene products, such as diapers, soap and towels – in sufficient quantities and clean places to sleep, such as cribs. It is also important for psychiatrists and gynaecologists to be assigned to facilities where women are deprived of their liberty, or to visit them regularly. Similarly, when babies or children live in places of detention, it is important that they are seen by child development specialists. Women prisoners housed with their babies or children should have access to the activities organized

¹⁴ Article 11 of Decree No. 2001-362 of 4 May 2001 concerning the implementation and adjustment of criminal penalties, as amended by Decree No. 2021-1068 of 11 August 2021.

in prisons in addition to activities that meet their specific needs. In the prisons visited by the Special Rapporteur, the women had very small courtyards that were just large enough to use as spaces for cooking, hanging out washing or talking.

50. The Special Rapporteur is also aware that one third of women prisoners in Senegal are in prison for minor offences.¹⁵ It is therefore extremely important to provide alternatives to imprisonment. The Special Rapporteur recalls that article 30 of the African Charter on the Rights and Welfare of the Child clearly establishes the obligation of States to provide special treatment to pregnant women, and to mothers of infants and young children, who have been charged with or convicted of a criminal offence, including by providing alternatives to imprisonment. She recommends that the Government of Senegal comply fully with these provisions.

51. The Special Rapporteur also observed that a large number of women were reportedly being held in connection with clandestine abortions. She urges the Government to comply with article 14 of the Maputo Protocol, ratified by Senegal in 2004, which authorizes safe abortion in cases of sexual assault, rape and incest and when the pregnancy endangers the mother or the fetus. While she recognizes that society is divided on this issue, the Special Rapporteur notes that, until legislation is amended, non-custodial measures should be made available. It is often young women who find themselves in this situation and who are imprisoned for years before their trial.

7. Juveniles deprived of their liberty

52. With regard to the male prison population, the Special Rapporteur noted that there was no real separation between juveniles and adults. The juveniles were housed in a small area inside a men's prison, with little outdoor space, even though such space is essential for their growth and physical development. However, the Special Rapporteur was pleased to note that, in at least one of the prisons visited, the prison administration had wisely set aside a section for young people aged between 18 and 25 years to ensure that they were protected. She encourages the Government of Senegal to pursue initiatives of this kind.

53. The Special Rapporteur also recalls that children should be deprived of their liberty only as a last resort. Where necessary, juveniles should be placed in residential centres – not prisons – that are specially designed for them and could provide them with access to a range of educational activities, outdoor spaces, recreational areas and favourable, personalized detention conditions. The Special Rapporteur remains deeply concerned about the conditions that she observed in the section reserved for children at the Saint-Louis remand prison and detention centre. The young people there were held in unsanitary, dilapidated facilities, had very little outdoor space for exercise and slept on the floor, and almost all of them had traces of bedbug bites on their skin. The Special Rapporteur recommends that the Government of Senegal adopt the necessary measures to remedy this situation and, more generally, take into account the specific needs of children in detention.

8. Segregation units

54. In the facilities that she visited, the Special Rapporteur also inspected the segregation units, all of which were in poor condition. In her view, these cells do not meet humane detention conditions and should not be used until they are remodelled in accordance with international standards, including by ensuring that they are sufficiently ventilated and lit and have adequate sanitation facilities. In addition, inmates reported that they were placed in isolation cells with no mattresses or bedding while they were wearing only underwear. The Special Rapporteur recommends that the Government of Senegal ensure that detainees in solitary confinement have suitable bedding, including a mattress, and adequate clothing.

55. In this context, the Special Rapporteur would like to point out that, although, in Senegal, prisoners can be placed in solitary confinement for a maximum of 8 days, she has been informed that the prison administration sometimes requests an extension of this period of up to 30 days. The Special Rapporteur recommends that the Government of Senegal ensure

¹⁵ “Women in Prison: Senegal – Analysis of the National Preventive Mechanism – July 2024”, https://www.apt.ch/sites/default/files/2024-12/senegal_country_report.pdf.

that prisoners are placed in solitary confinement only when strictly necessary, in accordance with the Nelson Mandela Rules, and for no longer than the 14-day period beyond which it is considered a form of torture.

9. Foreign prisoners

56. The Special Rapporteur met a number of foreign nationals among the prison population, some of whom stated that they had been unable to contact their country's consular authorities or their families in their countries of origin. The Special Rapporteur recommends that the Government of Senegal ensure that the appropriate consular authorities are notified whenever foreign nationals are deprived of their liberty and allow foreign nationals – particularly those who are destitute – to make free calls home via the Internet. She notes that, according to the Government, some prisons allow foreign prisoners to call their parents at least once a week or when necessary. The Special Rapporteur has also asked the consular services of foreign embassies to regularly enquire about and visit their nationals in detention.

10. Medical services

57. With regard to access to healthcare, the Special Rapporteur observed that all medical facilities in the prisons visited were in a state of neglect and lacked the minimum level of cleanliness, order and organization required. The lack of resources was evident. Although the regular presence of a doctor at detention facilities is essential, particularly for the day-to-day provision of consultations and issuance of prescriptions, the health centre that coordinates the provision of medical services in prisons has only four doctors and two dentists for the whole country. Equipment was largely basic, dilapidated and, in many cases, not operational. For example, the Special Rapporteur noted that no medical service, with the exception of that at the Rebeuss remand prison, had a defibrillator, despite the fact that all healthcare facilities must have them. The Special Rapporteur notes that the detention and correctional facility in the special wing of the Aristide le Dantec hospital receives patients requiring long-term hospitalization.

58. She regrets that medical examinations of arriving prisoners are not being performed by a doctor and that the healthcare team consists solely of nurses, who can refer sick prisoners to authorized healthcare facilities. Furthermore, the nurses present at the time of the Special Rapporteur's visit had no training in interviewing prisoners or performing clinical examinations, particularly with regard to observing and documenting injuries. None of them was familiar with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) or the Minnesota Protocol on the Investigation of Potentially Unlawful Death. The medical expert accompanying the Special Rapporteur saw photographs taken by nurses from various prisons during examinations of arriving prisoners showing traumatic injuries that had been assessed as possibly being consistent with excessive use of force and even ill-treatment. However, none of these injuries had been recorded in any registers or investigated. The Special Rapporteur also noted that prisoners lacked access to periodic and regular medical visits, including dental, psychiatric and psychological care.

59. The Special Rapporteur recalls that the provision of healthcare to the prison population must be guided by the principle of equivalence of care, which requires that the care provided to prisoners be tailored to their individual needs and at least equivalent to that available in the community.¹⁶ She recommends that the Government of Senegal adopt the necessary measures, including, to the extent possible, voting for an increase in the budget, to ensure that every prison has regular access to a qualified doctor, who must also examine every new prisoner upon his or her admission to prison. Medical staff must keep confidential medical records, be trained to describe and record any injuries observed and provide the necessary care. In addition, sufficient numbers of healthcare personnel should be employed to ensure the availability of a psychiatrist and a dentist in prisons.

¹⁶ [A/HRC/42/20](#), para. 65.

11. Social reintegration

60. The Special Rapporteur noted that the vast majority of prisoners suffer from a significant lack of opportunities to work and receive vocational training and education. At the prisons that she visited, she saw only one library – at the Thiès remand prison and detention centre – which was very well managed and had a good collection. In addition, prisoners do not appear to be provided with any form of organized physical or recreational activity. They do have the ability to practice their faith. The Special Rapporteur also saw televisions in some cells. She recommends that the Government of Senegal provide increased opportunities for work and education in prisons and ensure that prisoners have access to recreational and sports activities and are kept regularly informed of the most important events in the outside world.

12. Family visits and correspondence

61. In practice, prisoners' contact with the outside world takes the form of paid telephone calls made from prison courtyards and family visits that last an average of about 15 minutes. The prison administration should provide assistance to those who cannot afford to pay for calls or offer them access to modern Internet services, which are cheaper and more accessible.

62. The Special Rapporteur recalls the heightened duty of care owed by States to persons deprived of their liberty and recommends that the Government of Senegal take urgent measures to improve conditions of detention, some of which are clearly inhumane or degrading. In the immediate future, the authorities must ensure that cells are well lit, properly ventilated, cleaned and disinfected and comply with health and hygiene standards. Periodic inspections of sanitation facilities should be performed by the prison medical service. The Special Rapporteur recommends that the Government:

(a) Automatically reduce, in the immediate future, the sentences of all prisoners serving sentences of 3 years or less by 20 per cent and promptly release non-violent untried prisoners who have currently been in prison for more than 1 year awaiting trial;

(b) Undertake a comprehensive review of the criminal justice system, incorporating the Government's plan to review all sentences, examine in depth all barriers to the smooth conduct of criminal proceedings and identify the structural reasons behind delays in trials, including with regard to access to legal representation and the shortage of lawyers, adopting the necessary measures to achieve reasonable processing times and providing and developing alternatives to detention, such as reporting obligations, bail, community service, electronic tagging, parole and probation systems;

(c) Establish a body to consider the possibility of releasing all persons who do not pose any specific risks and whose pretrial detention has become unreasonable given that it is approaching the length of the expected sentence;

(d) Impose non-custodial measures on juveniles and women prisoners, where appropriate;

(e) Apply article 14 of the Maputo Protocol and release women detained for offences related to safe abortions;

(f) Adopt the necessary measures to prevent all forms of violence, intimidation and disrespect in the country's prisons;

(g) Ensure that prison staff receive regular training in a human rights approach to prison management, including the "dynamic security" approach,¹⁷ are properly remunerated and compensated and are offered opportunities for promotion;

(h) Verify that renovations and new facilities comply with human rights standards;

(i) Continue to ensure the financial and administrative independence of the National Observatory of Places of Deprivation of Liberty and ensure that it has free access to all places of detention and that its reports are made public.

¹⁷ A/HRC/55/52, paras. 16–26.

D. Psychiatric health services

63. The Thiaroye National Psychiatric Hospital is impressive in terms of its overall size and the size of its outdoor spaces. It has child-friendly spaces and a mosque. Patients' rooms are simple and clean, with bathrooms where they can be assisted by a family member. However, some facilities appeared to have been almost entirely abandoned, despite their enormous potential.

64. The Special Rapporteur noted the human and professional dedication to patients shown by the hospital's small staff. She welcomes the fact that the most effective psychiatric drugs, which are essential for proper patient care, are paid for by the hospital administration. However, she noted with regret that these drugs are frequently out of stock for long periods. A number of them are sometimes unavailable for indefinite periods of time. This situation is detrimental to the continuity of care. The Special Rapporteur recommends that formal and permanent measures be put in place to ensure a regular supply of medicines.

65. With regard to the rules governing hospitalization, the Special Rapporteur was informed that persons who are placed at Thiaroye National Psychiatric Hospital are subject to criminal measures or confinement. This can take place at the request of the patient's family, without his or her consent. The Special Rapporteur recommends that Senegal ensure that, when a person needs to be treated at a mental healthcare facility, medical staff make every effort to obtain his or her free and informed consent to both hospitalization and treatment.¹⁸ Any person involuntarily placed in a psychiatric facility pursuant to a non-judicial decision must, in all cases, have the right to appeal to the competent judicial authority to rule on the legality of his or her detention and to be informed of this right and associated rights in the same manner as other persons detained against his or her will. Furthermore, the Special Rapporteur recommends that the competent judicial authority periodically review the situation of persons who have been involuntarily hospitalized with a view to safeguarding the right to liberty of patients whose involuntary hospitalization is no longer necessary. This periodic review should be provided for in legislation.

66. Lastly, as is the case in other places of deprivation of liberty, it would appear that there are no complaints mechanisms enabling persons who have been hospitalized to report torture and other ill-treatment. The Special Rapporteur recommends that Senegal set up a mechanism to enable any hospitalized person to lodge a complaint and communicate confidentially with a clearly-designated third-party body.

E. Crowd control operations

67. Senegal is often regarded as a model of political stability and democratic maturity. However, between 2021 and 2024, the country saw major protests marked by clashes between demonstrators and law enforcement officials.¹⁹

68. The Special Rapporteur examined the practices followed by law enforcement officials and the equipment that they use during crowd control operations. She inspected the stockpiles of weapons available at several police and gendarmerie facilities, and was also able to observe police conduct for a period of time during a student demonstration at Cheikh Anta Diop University in Dakar. The Special Rapporteur also visited the gendarmerie training centre, where the authorities demonstrated basic crowd control and arrest procedures.

¹⁸ See CAT/OP/SEN/ROSP/1; and A/HRC/49/29.

¹⁹ According to figures compiled by Amnesty International, at least 65 people were killed, the majority by firearms, at least 1,000 others were injured and about 2,000 people were arrested during this period. See <https://www.amnesty.org/en/latest/news/2025/03/senegal-authorities-must-deliver-justice-to-victims-of-violent-repression-of-protests-since-2021/>.

69. The Special Rapporteur noted that the events that took place between 2021 and 2024 represent an open wound that has profoundly affected Senegalese society. It is therefore necessary to examine them scrupulously with a view to shedding full light on any human rights violations that may have been committed, establishing the truth, rendering justice to all persons affected and ensuring that such acts are not repeated.

70. In this context, the Special Rapporteur recalls that the Senegalese parliament has adopted Act No. 2024-09 of 13 March 2024 on amnesty, which concerns all acts that may constitute crimes or offences related to politically-motivated demonstrations or events that took place between 1 February 2021 and 25 February 2024. The Special Rapporteur recalls that the prohibition of torture is absolute and that, under international law, no amnesty, immunity or statute of limitations is permitted for such conduct.²⁰ The Convention against Torture provides that every State Party must investigate and prosecute without delay all cases of torture and other ill-treatment, including those involving the use of force in crowd control operations, and punish the perpetrators accordingly.²¹

71. With regard to weapons compatible with respect for human rights and the equipment available to law enforcement authorities, the Special Rapporteur recalls that, in October 2023, she presented a thematic report to the General Assembly in which she called for the international community as a whole to take action to ban 20 items that are inherently cruel, inhuman or degrading.²² She also recalls guideline 14 of the Robben Island Guidelines.

72. During her visit, the Special Rapporteur was pleased to note that none of these items could be found in the storerooms of the police stations and gendarmeries inspected. The Special Rapporteur was also informed that SAE Alsetex Land Cougar 12 vehicle-mounted multiple tear gas launchers, which are capable of firing up to 12 gas cartridges simultaneously, were no longer in use.

73. As for the police response to the student demonstration that she partly witnessed, the Special Rapporteur saw law enforcement officials on duty launch several tear gas grenades around the university almost at random and without a clear line of sight or strategic impact, thus affecting passers-by in the surrounding streets and even on the university campus, which is illegal under the relevant national provisions.

74. The Special Rapporteur recalls the standards on the use of force in law enforcement as set out in the Code of Conduct for Law Enforcement Officials,²³ the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials²⁴ and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement.²⁵ She also refers to the Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests.²⁶

²⁰ See [A/HRC/52/30](#).

²¹ At the time of writing, the Constitutional Council of Senegal had declared that Act No. 08/2025 interpreting the Act on amnesty was unconstitutional, as it provides that the scope of application of the 2024 Act on amnesty includes acts for which there is no statute of limitations in accordance with the country's international commitments that have constitutional rank. See <https://droit-et-politique-en-afrique.info/wp-content/uploads/2025/04/Decision-du-Conseil-constitutionnel-du-Senegal-du-23-avril-2025-sur-la-loi-interpretative-de-la-loi-damnistie.pdf>. See also "Denying Justice: Senegal's Amnesty Law", January 2025, https://law.stanford.edu/wp-content/uploads/2025/01/Senegal-Report_EN_1.14.25.pdf.

²² [A/78/324](#). On this point, the Special Rapporteur also recalls the Robben Island Guidelines, in which it is recommended that "States should prohibit and prevent the use, production and trade of equipment or substances designed to inflict torture or ill-treatment and the abuse of any other equipment or substance to these ends." She also recalls the resolution on the prohibition of the use, production, export and trade of tools used for torture, adopted in 2020 by the African Commission on Human and Peoples' Rights ([ACHPR/Res.472 \(LXVII\) 2020](#)).

²³ <https://www.ohchr.org/en/instruments-mechanisms/instruments/code-conduct-law-enforcement-officials>.

²⁴ <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-use-force-and-firearms-law-enforcement>.

²⁵ <https://www.ohchr.org/en/publications-policy-and-methodological-publications/united-nations-human-rights-guidance-less>.

²⁶ [A/HRC/55/60](#).

75. The Special Rapporteur recommends that the Government:

(a) Repeal without delay Act No. 2024-09 of 13 March 2024 on amnesty and investigate the allegations made in connection with the aforementioned events;

(b) Examine laws and stocks of equipment, weapons and restraints with a view to verifying their compatibility with the list of 20 prohibited items drawn up by the Special Rapporteur and permanently decommission any item that should be prohibited;

(c) Join the Alliance for Torture-Free Trade to work towards a global treaty banning law enforcement equipment that can be used to inflict torture;

(d) Provide continuous and ongoing training for law enforcement officials on the use of force and human rights standards.

F. Violence against women and girls, including sexual torture

76. The Special Rapporteur welcomes the initiatives and strategies adopted at the national level to combat gender-based violence.²⁷ Nevertheless, she is concerned about reports that there has been an increase in cases of rape and other acts of sexual violence against women and girls.

77. The Special Rapporteur takes note of Act No. 2020-05 of 10 January 2020 criminalizing rape and paedophilia.²⁸ However, she observes that the definition of rape set out in article 320 of the Act, which refers to acts involving violence, coercion, threat or surprise, does not fully conform to international standards that give priority to laws based on consent. She recommends that the Government of Senegal embark on a process of revising national criminal laws and practices to bring them into line with the international normative framework in this area.²⁹

78. In addition, the Special Rapporteur notes that Senegal has more than 1 million child brides, which means that one in three young women in the country was married during childhood.³⁰ She calls for the minimum age for marriage to be raised from 16 to 18 years for girls, as it currently is for boys, in line with the Convention on the Rights of the Child.

79. Lastly, the Special Rapporteur was briefed on the situation of female genital mutilation, a form of torture recognized under international law, and the measures taken at the national level to eradicate this practice.³¹ Although many communities in Senegal have abandoned this practice, nearly 2 million girls and women, representing a total of 25 per cent of women and girls in the country, are reportedly survivors of genital mutilation.³²

80. The Special Rapporteur shares the concerns expressed by the Committee on the Rights of the Child on this subject, particularly with regard to the substantial lack of concrete progress in combating this practice, and by the Committee on the Elimination of Discrimination against Women, especially with regard to the low number of investigations opened, prosecutions initiated and penalties imposed in this area.

81. The Special Rapporteur urges the Government to ensure that victims of female genital mutilation always have access to adequate medical care.

²⁷ A/HRC/WG.6/45/SEN/1; and CEDAW/C/SEN/CO/8.

²⁸ <https://justice.sec.gouv.sn/wp-content/uploads/2020/12/loi-2020-05-du-10-janvier-2020-criminalisant-les-actes-de-viol-et-de-pedophilie.pdf>.

²⁹ See A/HRC/47/26.

³⁰ The United Nations Children's Fund, *Child Marriage in West and Central Africa: A statistical overview and reflections on ending the practice*, June 2022, p. 88.

³¹ See A/HRC/WG.6/45/SEN/1; and CAT/C/SEN/5.

³² UNICEF, "Female Genital Mutilation in Senegal: Insights from a statistical analysis", February 2022, https://data.unicef.org/wp-content/uploads/2022/02/FGM-Senegal_EN.pdf.

G. Allegations of ill-treatment and exploitation in Qur'anic schools (*daaras*)

82. The Special Rapporteur also took note of issues regarding Qur'anic schools (*daaras*), particularly those operating as closed-type institutions. It is reported that, in some of these schools, many children live in squalid conditions, deprived of adequate food and medical care, and that these schools are now being misused with the objective of exploiting the children attending them, for example by making them beg. According to reports received, these children have been subjected to torture or ill-treatment, including rape, attempted rape and sexual assault, and have sometimes even been victims of violent death.³³

83. The Special Rapporteur supports efforts to ensure that every child in Senegal receives a comprehensive and regular education, including in faith-based schools. She recommends that the Government of Senegal ensure that all Qur'anic schools and other private institutions taking care of children are registered before they open, following a procedure established by law; that managers and staff of institutions be properly trained, monitored and regularly assessed by the authorities with respect to human rights standards and legality; and that the national preventive mechanism make unannounced visits to these schools to inspect their premises.³⁴

84. More broadly, the Special Rapporteur endorses the concerns and recommendations of the Committee on the Rights of the Child regarding *daaras* and *talibé* children, and calls on the Government of Senegal to implement those recommendations without delay.³⁵

IV. Conclusions and recommendations

85. On the basis of the findings made during her visit, the Special Rapporteur is of the view that the greatest challenges facing Senegal in the immediate term are prison overcrowding and poor detention conditions. During her visit, all of the authorities with whom she met declared their commitment to finding solutions to these problems.

86. The Special Rapporteur reiterates her appeal to the Government of Senegal to urgently review the functioning of the prison system and, in particular, to consider how to reduce the use of imprisonment, including by using alternatives to deprivation of liberty. The Special Rapporteur is of the view that, in the short term, a bold initiative involving decisions to release prisoners on a large scale is needed in order to reduce the number of prisoners in the country immediately and significantly.

87. There is also a need for mid- and long-term measures involving changes to policy and the law, budget allocations, digitization, infrastructural improvements and coordination between different State entities. Only structural changes will make it possible to improve the situation with respect to prison overcrowding and the inhumane conditions associated with it, and to achieve a fair and effective administration of justice, in full compliance with international obligations to prohibit and prevent torture and other ill-treatment.

88. The Special Rapporteur would like to stress the need to clarify and simplify the procedures for individuals to lodge complaints of torture or ill-treatment against any public authority, with a sense of safety and the confidence that their complaints will be dealt with effectively and that the perpetrators of any violations will be held accountable for their actions.

89. It is also important for the international community to provide support.

³³ Human Rights Watch, “*There Is Enormous Suffering*”: *Serious Abuses Against Talibé Children in Senegal, 2017-2018*, https://www.hrw.org/sites/default/files/report_pdf/senegal0619_web2_2.pdf; and Amnesty International, “Senegal: The State must move from commitment to strong action to protect talibé children”, 12 December 2022, <https://www.amnesty.org/en/latest/news/2022/12/senegal-letat-doit-passer-des-engagements-aux-actes-forts-pour-protéger-les-enfants-talibes/>.

³⁴ See CAT/OP/SEN/RONPM/1.

³⁵ See CRC/C/SEN/CO/6-7; and CAT/C/SEN/5.

90. The Special Rapporteur wishes to continue the constructive dialogue that characterized her exchanges with the Senegalese authorities during her visit. She confirms her availability and reaffirms her readiness to provide technical assistance and advice to support the competent authorities in following up on the recommendations contained in this report.
