



**Optional Protocol to the  
Convention against Torture  
and Other Cruel, Inhuman  
or Degrading Treatment  
or Punishment**

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**Subcommittee on Prevention of Torture and Other Cruel,  
Inhuman or Degrading Treatment or Punishment**

**Comments of the national preventive mechanism on the  
recommendations and observations addressed to it in  
connection with the Subcommittee visit to Senegal  
undertaken from 5 to 16 May 2019\* \*\***

[Date received: 15 February 2021]

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\* The present document is being issued without formal editing.

\*\* On 15 February 2021, the national preventive mechanism requested the Subcommittee to publish its replies, in accordance with article 16 (2) of the Optional Protocol.



## I. Introduction

1. In accordance with its mandate under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Subcommittee on Prevention of Torture carried out its second visit to Senegal from 5 to 16 May 2019. During its visit, the Subcommittee held meetings and conducted visits to three places of deprivation of liberty with members of the National Observatory of Places of Deprivation of Liberty. This allowed the Subcommittee to examine the mandate and working methods of the Observatory, to understand how it works in practice and to consider how best to improve its effectiveness.

2. Following its visit, the Subcommittee prepared a report (CAT/OP/SEN/ONPM/R.1) dated 30 September 2020 containing its observations and recommendations, which it submitted to the National Observatory of Places of Deprivation of Liberty.

3. The National Observatory of Places of Deprivation of Liberty warmly thanks the Subcommittee for its support and assistance and is pleased to provide the following replies.

**The Subcommittee recommends that the National Observatory of Places of Deprivation of Liberty request the publication of the present report in accordance with article 16 (2) of the Optional Protocol.**

4. Reply: The National Observatory of Places of Deprivation of Liberty takes note of this recommendation and undertakes to have the present report published.

**The Subcommittee recommends that the Observatory focus on the preventive component of its mandate and refer individual complaints received during its visits to places of deprivation of liberty to the competent specialized authorities, thus freeing up resources for the exercise of its specific mandate under the Optional Protocol. Nevertheless, the Observatory should follow up on the complaints it receives to ensure that they are being appropriately addressed.**

5. Reply: As noted by the Subcommittee, the National Observatory of Places of Deprivation of Liberty has received individual complaints containing allegations that could, upon investigation, reveal instances of ill-treatment; however, the Observatory did not at any point undertake to process or resolve these complaints itself. Rather, it referred the cases in question to the competent judicial authorities and regularly requested information on their outcomes. This prompted the judicial authorities to take action that resulted in the resolution of the complaints received.

**The Subcommittee reiterates its recommendations contained in paragraph 17 of its 2012 visit report that the Observatory should urge the legislative branch to amend the act establishing the Observatory. The recommendations concern:**

(a) **The structural independence of the Observatory from the executive branch;**

(b) **The appointment process for the Director of the Observatory, which should be open, transparent, inclusive and participatory;**

(c) **The possibility for the Observatory to select and recruit its own personnel;**

(d) **The relationship between the Observatory and the Subcommittee.**

6. Reply: The points raised in this recommendation strike at the heart of the issues undermining the Observatory's ability to fulfil its mandate effectively. The Director of the Observatory shares the Subcommittee's concerns and has been taking steps since her appointment to raise the authorities' awareness of the Observatory, to sensitize them to its mission and mandate and to encourage them to review many aspects of the legislation that governs it, in particular the provisions on its institutional framework, its budget and the recruitment of its personnel, whose limitations have become clear in recent years. At various meetings with three successive Ministers of Justice during her term of office, the Director has repeatedly underlined that a legislative amendment in the areas highlighted is necessary in order to allow the mechanism to fulfil the obligations incumbent on it pursuant to the ratification of the Optional Protocol to the Convention against Torture on 18 October 2006.

On 11 January 2020, the Director, accompanied by the Secretary-General of the Observatory, attended a meeting with the Deputy Secretary-General of the Government, at which she expressed her concerns regarding the urgent need to amend Act No. 2009-13 of 2 March 2009 establishing the National Observatory of Places of Deprivation of Liberty and its implementing decree No. 2011-842 of 16 June 2011. At that meeting, the Observatory's institutional framework, the nature of its relations with the ministry to which it reports, its budgetary independence and the recruitment of its personnel were all discussed. The Director sent a memorandum to the Deputy Secretary-General of the Government, in which she addressed every area of concern. Alongside this memorandum, she sent copies of the domestic legislation governing the Observatory, the Optional Protocol, the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and the Subcommittee's report of 30 September 2020 (CAT/OP/SEN/ROPNM/R.1). After the meeting, the Director sent an official letter to the Secretary-General of the Government, urging him to initiate a process of reform in his capacity as coordinator of the Government's legislative activity.

7. Steps were taken to broach this issue with the Chair of the Commission on Laws, Decentralization, Labour and Human Rights of the National Assembly in 2018 but they have not yet yielded results.

**The Subcommittee recommends that the Observatory prepare a bill for submission to the National Assembly, independently establishing the terms of the allocation of its annual budget.**

8. Reply: This recommendation will be taken into account if the steps taken with the authorities described above are successful. The Observatory makes a commitment in that regard.

**The Subcommittee recommends that the Observatory assess its budget needs and prepare a detailed forecast to be submitted to the competent authorities, taking into account all the components of its mandate. The State party should consult the Observatory in a direct and constructive manner with a view to determining the nature and amount of the resources it needs to fully discharge its mandate in keeping with the Optional Protocol.**

9. Reply: The approach recommended by the Subcommittee is that which the Observatory takes at the beginning of every year when it submits its budgetary requests in accordance with the forecasts of its annual workplan. However, the authorities have never consulted with it directly to determine the nature and amount of the resources that it needs to fully discharge its mandate in keeping with the Optional Protocol. This situation, which does not allow the Observatory to defend its budget forecasts, is not conducive to the consideration of its concerns. The size of its budgetary allocations lies at the discretion of the Ministry of Justice. In early September, when she was informed that the 2021 budgetary process had begun, the Director sent a letter to the Minister of Justice, requesting that the Observatory be included in the list of structures allowed to claim additional funding so that it can carry out all the activities planned for in its annual workplan for 2021. The Observatory's budgetary allocations have always been insufficient in relation to its forecasts. As a result of this letter, the Director of the Observatory was invited to take part in a meeting of the directors and heads of department of the Ministry of Justice within the framework of the implementation process for the 2021 programme budget. On that occasion, the Director highlighted the difficulties that the Observatory faces as a result of its small budget, which barely covers the cost of the allowances and salaries of its staff and the conduct of its activities throughout the country, and reiterated the need for a substantial increase in its budgetary allocations, given not only the importance of its mandate and tasks, but also the need for the State, which has made an international commitment to the prevention of torture and other ill-treatment by becoming a party to the Optional Protocol, to comply fully with its obligations. She also underlined that these budgetary difficulties are preventing the Observatory from recruiting its own personnel and complying with the requirements related to the qualifications, independence and multidisciplinary nature of its staff under Act No. 2009-13 of 2 March 2009.

**The Subcommittee recommends that the Observatory recruit its own personnel, ensuring that its members come from a diversity of backgrounds, do not have any actual or perceived conflict of interest and enjoy complete independence. It should be underscored that any recruitment should be carried out through a transparent public process open to various societal actors, bearing in mind gender equality.**

10. Reply: The Observatory takes note of this recommendation and will ensure that it is strictly implemented if the process of reform, for which it has taken the steps described above, is successful. The ability to recruit its own personnel would undoubtedly allow the Observatory to meet the requirements related to the independence and diversity of its staff. However, as a necessary precondition, it needs a sufficient budget that would allow it to freely negotiate the salaries and allowances of future recruits and adequately guarantee compliance with the rules established in the Labour Code.

**The Subcommittee recommends that the Observatory fully discharge its mandate, which includes gaining access to all places of deprivation of liberty, including all military premises under the control of the Ministry of the Armed Forces. In the event of barriers to the conduct of visits to places of deprivation of liberty, the Observatory should remind the State authorities of the provisions of the Optional Protocol and, if the problem is not resolved, should inform the Subcommittee of the situation.**

11. Reply: The Director of the Observatory shares the Subcommittee's concern regarding the narrow interpretation of article 6 of Act No. 2009-13 of 2 March 2009. She has always considered that, by law, the Observatory's mandate extends to disciplinary facilities in the military barracks and quarters under the jurisdiction of the Armed Forces. For that reason, as soon as she had taken up her duties, she paid a courtesy call to the Minister of the Armed Forces and had a lengthy discussion with him on the issue, during which she reminded him of the State's obligation to comply with its international commitments under article 4 of the Optional Protocol, which he himself had helped to transpose into article 6 of Act No. 2009-13.

**The Subcommittee is very concerned about the delegation's observations on the ground and considers that closed *daaras* are places of deprivation of liberty within the meaning of article 4 of the Optional Protocol and, therefore, come under the jurisdiction and mandate of the national preventive mechanism of Senegal.**

**Taking into account the allegations of ill-treatment that it has received and those already in the public domain, the Subcommittee recommends that the Observatory visit these institutions, in exercise of its preventive mandate and with a view to helping the State party, through targeted substantive recommendations aimed at preventing all ill-treatment, including forced begging.**

12. Reply: The Observatory has taken note of this recommendation and recognizes that closed *daaras* fall within its jurisdiction and are covered by its mandate.

**The Subcommittee recommends that the Observatory pursue its efforts to raise public awareness in Senegal, bearing in mind the need to project an image in line with its mandate and avoid the creation of false expectations, for instance that the Observatory provides free legal aid or processes complaints from persons deprived of their liberty. In all its communication efforts, the Observatory should focus on the preventive aspect of its mandate and the confidential nature of its work.**

13. Reply: Given that the Observatory was established relatively recently, the Director – convinced that general awareness of the Observatory is necessary for it to be able to play its full role – has prioritized raising awareness about its mandate and mission among the public and the authorities. In the press briefings, press releases and radio broadcasts that generally accompany its work throughout the country, the Observatory has always made it clear that its mandate is focused exclusively on preventing torture and other cruel, inhuman or degrading treatment or punishment. That is why it did not respond to a request for financial and material support that it received from a national non-governmental organization, which claimed to want to help women detained at the Liberté 6 prison camp to cope with the impact of the coronavirus disease (COVID-19) pandemic, and likewise did not respond to a request

for partnership from a foreign organization whose suspected motive was to gain access, through the Observatory, to information about places of deprivation of liberty in Senegal.

**The Subcommittee recommends that the Observatory develop a targeted strategy for each visit. These strategies should be based on the type and size of the institution, its awareness of the seriousness of human rights issues and its ability to act on the Observatory's recommendations. The Subcommittee also recommends that the Observatory create a digital database to centralize the information at its disposal and previous recommendations, which would also serve as its institutional memory.**

14. Reply: The Observatory notes this recommendation with interest; it is currently developing a strategy along these lines. It recognizes that its methodological tools, including the Observatory's Guidance on Visits and its visit protocols, concern only prisons and police and gendarmerie custody facilities. It undertakes to develop visit protocols for other places of deprivation of liberty, including psychiatric facilities and closed centres for minors, in cooperation with the members of the Monitoring Committee. The Observatory is responsible for selecting places to be visited in accordance with its rules of procedure; it does so on the basis of objective criteria discussed in advance by the observers.

15. The Observatory has included the establishment of a database in its strategic plan for the period 2019–2023; it intends to have launched the database by 2021.

**The Subcommittee recommends that visits be chiefly unannounced. This will enable the Observatory to observe the actual conditions in which persons are being deprived of their liberty and how life unfolds in the places it visits, without running the risk that these will be changed before its arrival.**

16. Reply: The Observatory recognizes that conducting unannounced visits is the best way to observe the actual conditions in which persons are being deprived of their liberty and how life unfolds in the places it visits, without running the risk that these will be changed before its arrival.

17. The Observatory takes due note of this recommendation and will ensure that more visits are unannounced in future; observers are often reminded that, in principle, visits should be unannounced. It will also ensure that rule 16 of its rules of procedure is amended, since that article appears to have created some confusion about whether or not visits to places of deprivation of liberty should in principle be unannounced. While a considerable number of the visits conducted since February 2017 – when the current Director took office – were announced in advance, this is because most of them were carried out within the framework of projects with the European Union and the Subcommittee. Implementing these projects required developing programmes of activities for the different regions of Senegal. Activity schedules covering several days, including visits to places of deprivation of liberty, awareness-raising through radio broadcasts and training for law enforcement officers, had to be prepared for each region targeted by the projects. To ensure the success of these activities, all authorities concerned were informed about them in advance by letter and were sent the schedule for their area. The natural corollary was that visits were known about in advance, especially since the training activities directly concerned the officers of the facilities to be visited.

18. Most of the visits carried out pursuant to the Observatory's annual workplan are unannounced. The Observatory even conducted a night visit to the Rebeuss remand prison and detention centre.

19. The most recent unannounced visit was to the Ouakam gendarmerie station in Dakar on 11 January 2021, which took place after the Observatory was informed that 40 people had been arrested for violating the curfew and the rules prohibiting gatherings in the context of the resurgence of the COVID-19 pandemic.

20. All ad hoc visits carried out by the Observatory have been unannounced. The most recent visit to the Thiès remand prison and detention centre, which took place on 12 August 2020, was also unannounced.

**The Subcommittee encourages the Observatory to periodically offer all its members a capacity-building programme, including training in the principles of the Convention**

**against Torture and its Optional Protocol, the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules), and in the methodology for visiting places of deprivation of liberty, including the planning and organization of visits.**

21. Reply: This concern has been taken into account by the Observatory, which has included a budget for the training of its members in its 2021 workplan. This is only a forecast, however, and the implementation of the training programme will depend on State budget allocations and/or partner support. This again raises the problem of budgetary independence and the need for the Observatory to have a substantial budget that would allow it to carry out its mission more effectively.

**The Subcommittee recommends that the Observatory clearly explain its mandate, mission, working methods and the goal of its visit to the authorities of the establishment concerned. Its presentation to persons deprived of their liberty should be simple and comprehensible so as not to create expectations that exceed the scope of its mandate.**

22. Reply: The Observatory considers that the success of its missions depends on the authorities' having a proper understanding of how it functions. That is why it always endeavours to clearly present its mandate, mission, powers, the goal of its visits and its working methods. Similarly, it always includes a presentation of the Observatory and its role as the national mechanism for the prevention of torture and other cruel, inhuman or degrading treatment or punishment in the training workshops that it organizes for law enforcement officers.

23. The Observatory has taken careful note of the recommendation regarding its presentation to persons deprived of their liberty and will ensure that it is as simple, comprehensible and complete as possible and does not create expectations that exceed the scope of its mandate.

**The Subcommittee emphasizes the importance of meeting with detainees individually, in private and without supervision. Interviews should take place in a setting that puts interviewees at ease, ideally in a place with which they are familiar. It is important to carefully choose the location where individual interviews take place to ensure that the contents of the interview remain confidential and that the "do no harm" principle is applied, without exception.**

24. Reply: The Observatory shares these concerns. However, implementing these recommendations may not be easy because of the layout of detention facilities in Senegal. This is why the Observatory makes do with the spaces made available to it. Nonetheless, the Observatory will endeavour to choose, as far as possible, the location where individual interviews take place, in order to ensure that such interviews remain confidential and that the "do no harm" principle is respected.

**The Subcommittee recommends that the Observatory publish a brochure designed chiefly for detainees that describes its mandate and working methods, explains the notion of informed consent and provides the necessary contact information.**

25. Reply: The Observatory has communication aids such as leaflets and posters that provide information on its mission, mandate and working methods. Nonetheless, a brochure designed specifically for prisoners would undoubtedly be useful.

**The Subcommittee stresses the importance of the members of the Observatory introducing themselves to interviewees, specifying their name and function, and explaining the mechanism's mandate, with particular emphasis on the preventive aspect. Express consent should always be obtained from interviewees and it should be made clear that the interview is confidential and voluntary and can be interrupted at any time at the detainee's request. The Subcommittee is of the view that introducing themselves properly will help members conducting visits and interviews build trust with interviewees and facilitate communication and information-sharing. Interviews should focus on aspects relevant to prevention, which do not necessarily include, for example, the reasons for the person's detention. Building trust with interviewees is necessary if they are to express themselves freely.**

26. Reply: The Observatory agrees with this recommendation. It is also of the view that interviews should focus on aspects relevant to prevention and be conducted in an atmosphere that instils trust in interviewees, in order to allow them to express themselves freely.

**The Subcommittee recalls that the purpose of interviews is to assist the national preventive mechanism in understanding the situation of persons deprived of their liberty and determining the best way of reducing cases of torture and ill-treatment. If other problems are raised during an interview, the Observatory should draw the detainee's attention to the available mechanisms and remedies and direct him or her to them. It would also be advisable for any complaints received during a visit to be transmitted to the competent mechanism, such as the ombudsman.**

27. Reply: The Observatory duly notes that, if other problems are raised during an interview, it should draw the detainee's attention to the available mechanisms and remedies and direct him or her to them, and will ensure compliance with this recommendation, where necessary. The Observatory notes that it might need to broaden its scope in terms of the range of competent national mechanisms to which individual complaints may be referred. In the past, in view of the nature of the allegations referred to it, the Observatory has transmitted individual complaints to the competent judicial authorities and ensured follow-up until the resolution of those complaints. The Observatory considers that, by giving the example of the Office of the Ombudsman, the Subcommittee is encouraging it to diversify the range of competent national mechanisms that might be called upon to resolve complaints and to avoid focusing solely on the judicial authorities.

**Since registers enable a reading of reality at the place concerned, the Subcommittee recommends that the Observatory refine its register-checking strategy with the aim of focusing on prevention.**

28. Reply: The Observatory agrees with this recommendation and regrets the inadequacy of its financial, material and human resources, which is an obstacle to a more rational organization of its work that would allow it to secure the services of specialists for a more in-depth handling of all relevant issues.

**In general, all contact with persons deprived of their liberty should remain confidential, in other words, out of the sight and hearing of third parties. The Subcommittee underlines the importance of the principle of confidentiality in the Observatory's working methods. It is of the highest importance that the Observatory's teams always bear this principle in mind and integrate it into their work in order to avoid exposing detainees, professionals or any other person to potential reprisal of any kind. Furthermore, the relationship between members of the Observatory's delegation and prison officials should be strictly professional in order to strengthen the officials' perception that the Observatory is independent.**

29. Reply: The Observatory takes due note of this recommendation, while pointing out that it takes special care to observe the principle of confidentiality in its working methods. It agrees that the relationship between members of the Observatory and prison officials must be strictly professional. However, in order to foster a constructive dialogue with the prison administration, it is important to adopt an attitude that is in keeping with national customs and traditions; this in no way undermines objectivity.

**The Subcommittee recommends that the Observatory always consider that there is a risk of intimidation, sanctions or reprisals and therefore take steps to address that risk. In addition to taking the necessary precautions, the Observatory should warn the authorities that reprisals of any kind are inadmissible, that the authorities will be informed of reprisals and that the Observatory will monitor the situation to ensure that those responsible for reprisals are duly punished.**

30. Reply: The Observatory agrees with this recommendation and wishes to specify that, in accordance with its visiting methodology, it systematically reminds those in charge of the places visited, during its final interview with them, that all forms of reprisals are prohibited.

**The members of the Observatory should also inform interviewees that they can report any reprisals taken against them following the visit, and encourage them to do so. If necessary, follow-up visits should be conducted.**

31. Reply: The Observatory wishes to point out that, in general, this practice is well respected. Follow-up visits have been carried out in this regard; for example, a follow-up visit was conducted to Thiès remand prison and detention centre after the incident that occurred there during the Observatory's joint visit with the Subcommittee.

**The Subcommittee underscores the importance of the national preventive mechanism systematically holding constructive debriefing sessions with the heads of places of detention as soon as possible following the visits, with a view to sharing with the persons concerned preliminary observations and recommendations and highlighting the matters that warrant immediate intervention or that should be urgently addressed for humanitarian reasons. The risk of potential reprisals should always be mentioned as a preventive measure. Similarly, the Subcommittee urges the Observatory to carefully apply the final paragraph of rule 25 of its rules of procedure, which outlines the actions the Observatory is expected to take in case of failure to respect fundamental rights.**

32. Reply: The Observatory wishes to stress that, at the end of every visit, it always holds constructive debriefing sessions with those in charge in order to highlight corrective measures that urgently need to be taken to reduce the risk of torture and other violations. Nonetheless, it has taken careful note of the need to go into more detail in these meetings in order to better protect the rights of detainees.

**The Subcommittee recommends that the principles of confidentiality always be applied during interactions with detainees and the authorities. It is important that, in its interactions with the authorities and its reports, the Observatory be mindful not to divulge information enabling the identification of interviewees.**

33. Reply: The Observatory agrees with this recommendation and wishes to clarify that it systematically ensures that no information enabling the identification of sources is ever deliberately divulged.

**More generally, the Subcommittee recalls its recommendation to national preventive mechanisms to prepare a report following each visit, in which they should raise their concerns and make recommendations (CAT/OP/12/5, paras. 36 and 37). In principle, the report should be public and safeguard the confidentiality of personal information and should deal chiefly with prevention, highlighting current problems and suggesting solutions in the form of practical recommendations. Recommendations should be tangible, measurable and focused on the formulation of preventive measures to address the shortcomings of current practices and mechanisms. They should also take into account applicable national and international norms relating to the prevention of torture and other ill-treatment, as well as the recommendations of the Subcommittee.**

**Once a report has been transmitted, the Observatory should formulate a strategy to monitor the implementation of its recommendations and use the report as the basis for dialogue with the authorities of the detention place concerned and relevant ministries.**

34. Reply: The Observatory agrees with this recommendation and wishes to underline that most of its final visit reports are published on its website. With regard to the follow-up and dialogue procedure, the Observatory is of the view that cooperation with the State authorities should be strengthened.

**The Subcommittee is of the view that having to submit its annual report to the President does not prevent the Observatory from making it public. The Subcommittee recommends that the Observatory implement article 9 of Act No. 2009-13, which gives it the power to publish its annual reports, in keeping with article 23 of the Optional Protocol. Publishing the annual reports of national preventive mechanisms is an opportunity to make the mechanisms more visible, to keep the authorities and the public informed of their activities, just like any other public institution, to identify and analyse issues related to the prevention of torture and, above all, to establish and maintain an ongoing dialogue with the relevant authorities.**

35. Reply: The Observatory agrees with this recommendation and wishes to specify that, in accordance with article 9 of Act No. 2009-13 of 2 March 2009, it took administrative steps to submit its first annual report to the President as soon as it had been completed. It has since

sent several reminders, but they have gone unanswered. The Director hopes to be able to submit and publish the Observatory's annual reports by the end of her term in office.

**The Subcommittee recalls its previous recommendation, whereby the Observatory should take steps to ensure that its annual reports can be submitted to and debated in Parliament as well as being submitted to the President. The Parliament, as the seat of the people's sovereignty, should also receive the report in line with its duty to oversee the Government.**

36. Reply: The Observatory agrees with the Subcommittee that its annual reports should be submitted to Parliament as well as to the President. This procedure would undoubtedly enable Parliament to exercise better oversight of the Government's management of places of deprivation of liberty. However, this would require an amendment to the laws and regulations governing the Observatory's mandate, mission and operations. Steps have already been taken in this regard.

**The Subcommittee encourages the Observatory to use its knowledge of the field to produce thematic reports exposing structural issues in the Senegalese system of deprivation of liberty, such as the practice known as *retour de parquet* and the insufficient or sometimes non-existent legal assistance provided to persons deprived of their liberty.**

37. Reply: The Observatory, having travelled around the country and identified the issues in places of deprivation of liberty, is well aware of the need to issue thematic reports to enhance prevention efforts in view of certain structural issues that are conducive to torture and ill-treatment. Internal discussions are already under way on how more of the Observatory's monitoring work might be devoted to thematic visits in 2021.

**The Subcommittee welcomes the positive results achieved by the National Observatory of Places of Deprivation of Liberty, particularly in terms of its visibility among the various national actors. It strongly encourages the Observatory to broach with the relevant authorities the Subcommittee's recommendations on its structural and functional independence, especially from the executive branch, as well as the legislative reforms mentioned in the present report. The Observatory's independence from the executive branch should be addressed as a matter of priority.**

38. Reply: The Director of the Observatory has broached the topic of the reform of the legislation governing the Observatory with the authorities several times, particularly with respect to the Observatory's structural and functional independence. She has held discussions with the Minister of Justice – to whom the Observatory currently reports – to sensitize him to the challenges arising from the fact that the Observatory's methods of operation are not consonant with the provisions of the Optional Protocol, and met with the Minister Legal Counsellor to the President in September 2020. She also met with the Deputy Secretary-General of the Government on 11 January 2021. This meeting provided an opportunity for an in-depth discussion with the figure responsible for the State's legislative activity regarding the obstacles that the Observatory currently faces in trying to fulfil its mandate, including its lack of independence from a functional and structural point of view and the insufficiency of its financial resources. The Observatory has called for a total overhaul of the legislation that governs it, in order to bring Senegal into line with the provisions of the Optional Protocol and allow it to implement the recommendations made by the Subcommittee following its visits in 2012 and 2019.

39. As the government figure responsible for coordinating the State's legislative activity, the Secretary-General of the Government is best placed to take the necessary steps to initiate a process of reform. After the meeting mentioned above, the Director drafted a memorandum, to which she attached copies of the Optional Protocol, the Paris Principles, the Subcommittee's reports on its visits to Senegal in 2012 and 2019 and the national legislation governing the Observatory, which she sent to the Secretary-General of the Government on 31 January 2021 together with a letter requesting that he initiate reform.

**The Subcommittee encourages the Observatory to engage more actively with the authorities on the monitoring and implementation of its recommendations. The Observatory's ability to exercise its role as mechanism for the prevention of torture and**

**ill-treatment and to publish its reports, including its annual reports, must not be restricted.**

40. Reply: The Observatory takes due note of this recommendation and will endeavour to ensure its effective implementation.

**The Subcommittee regards its visit and the present report as part of an ongoing dialogue with the national preventive mechanism of Senegal. It stands ready to provide technical assistance and advice in order to reinforce the capacity of the mechanism to prevent torture and ill-treatment in all places of deprivation of liberty in Senegal and to translate the common goals of prevention from commitments into reality. The Subcommittee urges the Observatory to submit to the Subcommittee its annual report and any other thematic report it deems necessary.**

41. Reply: The Observatory welcomes the Subcommittee's willingness to support it in its mission to prevent torture and ill-treatment in Senegal. It will take all the necessary steps to submit its reports to the Subcommittee in order to strengthen the process of constructive dialogue that is already under way.

**The Subcommittee requests that a reply to the present report be provided within six months from the date of its transmission to the Observatory. The reply should respond directly to all the recommendations and requests for further information made in the report, giving a full account of action that has already been taken or is planned (including timescales) in order to implement the recommendations.**

42. Reply: The Observatory considers that it has addressed all the concerns raised by the Subcommittee, except those whose implementation is not entirely within the purview of the Observatory itself, which will be addressed by the ongoing reform process.

**The Subcommittee recommends that the Observatory make the present report public and requests that it be notified of the mechanism's decision in this regard. Making the report public will contribute to transparency and enable the Observatory to apply to the Special Fund established under the Optional Protocol for support in implementing the recommendations it contains.**

43. Reply: The Subcommittee's report and the Observatory's replies will be made public.

**The Subcommittee recommends that, in accordance with article 12 (d) of the Optional Protocol, the National Observatory of Places of Deprivation of Liberty of Senegal enter into dialogue with it on the implementation of its recommendations, within six months of the Subcommittee's having received the reply to the present report. The Subcommittee also recommends that the Observatory initiate discussions with it on the arrangements for such a dialogue at the time of submission of its reply to the present report.**

44. Reply: The report that was due to be sent to the Observatory for discussion within six months was not submitted in time. It is because of this delay that the recommended procedure was not followed before the replies to the report were submitted.

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