

International Disability Alliance (IDA)

Member Organisations:

Disabled Peoples' International, Down Syndrome International, Inclusion International, International Federation of Hard of Hearing People, World Blind Union, World Federation of the Deaf, World Federation of the DeafBlind, World Network of Users and Survivors of Psychiatry, Arab Organization of Disabled People, European Disability Forum, Red Latinoamericana de Organizaciones no Gubernamentales de Personas con Discapacidad y sus familias (RIADIS), Pacific Disability Forum

Suggestions for disability-relevant recommendations to be included in the Concluding Observations of the Committee against Torture 49th Session (29 October to 23 November 2012)

The International Disability Alliance (IDA) has prepared the following suggestions for the Concluding Observations, based on references to persons with disabilities to be found in the state report submitted for the CAT Committee's 48th Session, and related treaty body recommendations (see annex).

SENEGAL

Senegal ratified the Convention on the Rights of Persons with Disabilities (CRPD) on 7 September 2010 and signed its Optional Protocol on 25 April 2007.

Recommendations from IDA:

- Adopt measures to ensure that all health care and services, provided to persons with disabilities, including all mental health care and services, is based on the free and informed consent of the person concerned, and that involuntary treatment and confinement are not permitted by law in accordance with the CRPD.¹
- Recognise and respect the legal capacity of persons with disabilities to make their own decisions in all aspects of life, including health and mental health services.²

¹ "Legislation authorizing the institutionalization of persons with disabilities on the grounds of their disability without their free and informed consent must be abolished. This must include the repeal of provisions authorizing institutionalization of persons with disabilities for their care and treatment without their free and informed consent, as well as provisions authorizing the preventive detention of persons with disabilities on grounds such as the likelihood of them posing a danger to themselves or others, in all cases in which such grounds of care, treatment and public security are linked in legislation to an apparent or diagnosed mental illness." OHCHR Thematic Study on enhancing awareness and understanding of the CRPD, [A/HRC/10/48](#), 26 January 2009, para 49; see also [OHCHR Information note no 4](#), "The existence of a disability can in no case justify a deprivation of liberty."

² The Special Rapporteur on Torture has recommended that "in keeping with the Convention, States must adopt legislation that recognizes the legal capacity of persons with disabilities and must ensure that, where required, they are provided with the support needed to make informed decisions"; and in particular, "article 12 recognizes their equal right to enjoy legal capacity in all areas of life, such as deciding where to live and whether to accept medical treatment" Report of Special Rapporteur on Torture, 28 July 2008, [A/63/175](#), paras 73 and 44 respectively

- Incorporate into the law the abolition of violent and discriminatory practices against children and adults with disabilities in the medical setting, including deprivation of liberty, the use of restraint and the enforced administration of intrusive and irreversible treatments such as neuroleptic drugs and electroshock, recognized as forms of torture and ill-treatment, in conformity with recommendations of the Special Rapporteur on Torture ([A/63/175](#), para 63).
- Realize the right of persons with disabilities to live in the community by ensuring the development of community based services, including for children and adults with intellectual disabilities or psychosocial disabilities, and that housing is affordable and accessible for persons with disabilities, that they have the legal right to choose where and with whom to live on an equal basis with others, and by making available support services to realize the will and preference of individuals as to how they wish to live.³
- Adopt measures requiring law enforcement, judicial and health professionals (Prosecutor's office, police, investigating officials, judges, legal aid lawyers, hospital and institution staff) to be trained on the human rights, dignity, and autonomy of persons with disabilities.
- Take steps to address the heightened risk for girls and women with disabilities of becoming victims of violence, abuse, exploitation and harmful practices in the home, community and institutions, and to adopt measures to ensure the accessibility of services and information for victims with disabilities, including training of police and other interlocutors. Ensure that the law guarantees their access to redress and protection, and that victim support services and information to lodge complaints are accessible for persons with disabilities.
- Take steps to ratify the Optional Protocol of the CRPD.

State report

Selected references to persons with disabilities:

A. Demographic, economic, social and cultural characteristics

20. Persons with disabilities constitute between 6 and 10 per cent of the Senegalese population, with those disabilities being disaggregated as follows: 32.76 per cent are persons with motor disabilities; 16.6 per cent are visually impaired; and 50.64 per cent fall into other categories, including deaf mutes, albinos, the mentally ill and persons suffering from Hansen's disease (leprosy). The members of this segment of society (about 10 per cent of whom are children) are often in economically insecure positions and must depend on

³ "Many States, with or without a legal basis, allow for the detention of persons with mental disabilities in institutions without their free and informed consent, on the basis of the existence of a diagnosed mental disability often together with additional criteria such as being a "danger to oneself and others" or in "need of treatment". The Special Rapporteur recalls that article 14 of CRPD prohibits unlawful or arbitrary deprivation of liberty and the existence of a disability as a justification for deprivation of liberty." Report of Special Rapporteur on Torture, 28 July 2008, A/63/175, para 64.

others. Programmes and services geared to persons with disabilities include: an educational programme that has enabled some disabled children to attend public primary schools and preschools (known as “Children’s Huts”) that have been outfitted with suitable facilities; the Talibou Dabo Centre, which promotes the social integration of persons with motor disabilities; a verbo-tonal centre for the social integration of deaf mutes; and a centre for visually impaired children in Thiès.

21. Government initiatives aimed at reducing poverty and providing support for the most disadvantaged households have included the following:

- The Poverty Reduction Programme (PAREP) supplied CFAF 1.3 billion between 2003 and 2005 in assistance to organizations run by marginalized and vulnerable groups (women, youth, children, persons with disabilities, the elderly, displaced persons and refugees).

Article 7 of the Convention

Paragraph 3

128. “Article 404: Defendants are entitled to assistance of counsel. Counsel shall be chosen from among the lawyers on the roster or those performing internships **The assistance of counsel is compulsory when the defendant is suffering from a disability that may adversely affect his or her defence.** In this case, if the defendant has not chosen counsel, the presiding judge shall appoint one.”

[List of Issues](#)- No references to persons with disabilities.

ANNEX – Disability references by other treaty bodies with respect to Senegal:

Concluding Observations of the CRC Committee, 2006, [CRC/C/SEN/CO/2](#)

16. In the light of article 4 of the Convention the Committee urges the State party to prioritize and increase budgetary allocations for children at both national and local level to improve the implementation of the right of the child throughout the country and particularly to pay attention to the protection of the rights of children belonging to vulnerable groups, including children with disabilities, children affected and/or infected with HIV/AIDS and children living in poverty and remote areas.

18. The Committee recommends that the State party take measures to improve the system of collecting statistical and other data in all areas covered by the Convention and on the basis of appropriate indicators at the national, regional and local levels. Such a system should include all groups of children, while paying particular attention to the most vulnerable groups, including children living in poverty, girls, disabled children, *talibés* and children affected by the armed conflict in Casamance.

Children with disabilities

42. While welcoming the development and increase in programmes related to disabilities, the Committee is concerned at the lack of information and statistical data that accurately reflect the status of children with disabilities in the State party. The Committee is further concerned about the paucity of services for children with disabilities and the shortcomings of the legal framework to address the specific needs of children with disabilities.

43. The Committee recommends that, while taking into account the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted on its day of general discussion on the rights of children with disabilities held on 6 October 1997 (CRC/C/69, paras. 310-339), the State party take all necessary measures to:

- (a) Further encourage the inclusion of children with disabilities into the regular educational system and into society, inter alia by giving more attention to special training for teachers and making the physical environment, including schools, sports and leisure facilities and all other public areas, accessible for children with disabilities;
- (b) Adopt an inclusive and right-based legal framework, that addresses the specific needs of children with disabilities;
- (c) Implement all relevant provisions of existing legislation related to children with disabilities; and
- (d) Undertake awareness-raising campaigns with the involvement of children, which focus on children with disabilities.

54. The Committee acknowledges the significant improvements made in the field of education and the development of the early childhood initiative (*Programme national de la Case des Tout-Petits*). The Committee also notes with appreciation the increase in the enrolment rate particularly for girls and the efforts undertaken by the State party to improve the qualification of teachers. The Committee further appreciates the government project aiming at modernizing and improving the teaching quality of Koranic schools. However, the Committee is concerned at the still low level of enrolment in primary education, particularly in rural areas, at the persistence of a high illiteracy rate among children, the low level of qualification and number of teachers, the high dropout rate of school children, the insufficient support for children with disabilities and the exclusion of pregnant girls from school in application of an internal administrative circular from the board of education.

55. The Committee recommends that the State party, while taking into account the Committee's general comment No. 1 (2001) on the aims of education:

- (a) Continue to take all necessary measures to ensure that teachers are adequately trained;
- (b) Ensure that girls and boys of urban, rural and least developed areas, all have equal access to educational opportunities and strengthen its efforts to significantly increase the enrolment in primary education and pay special attention to urban and rural disparities;
- (c) Implement measures to reduce dropout rates; and
- (d) Cancel the administrative circular preventing pregnant girls to continue with their education on the basis of their individual ability, in accordance with article 11 (6) of the 1990 African Charter on the Rights and Welfare of the Children.

Concluding Observations of the CESCR Committee, 2001, [E/C.12/1/ADD.62](#)

17. The Committee notes with concern the lack of adequate protection and facilities for people with disabilities who are unable to participate in many occupations due to physical barriers and lack of equipment and training opportunities.

41. The Committee recommends that the State party enact specific legislation and adopt measures necessary to ensure better living conditions for people with disabilities.