

# Women in Prison: Senegal

## Analysis from the National Preventive Mechanism

| July 2024



# Senegal



UNCAT ratification  
21 August 1986

OPCAT ratification  
18 October 2006

National Preventive Mechanism (NPM)

## National Monitoring Centre for Places of Deprivation of Liberty (ONLPL)

NPM legal framework  
Act no. 2009-13 establishing the ONLPL (2 March 2009) and Decree no. 2011-842 (16 June 2011)

NPM operationalisation  
From January 2012

NMP structure  
Specialised institution with the status of an independent administrative authority

NMP composition  
16 staff members (8 women).  
The National Observer is assisted by a Secretary General, permanent and external delegate observers, technical and administrative staff.  
The ONLPL is also supported by a Watchdog Committee made up of organisations working to promote and protect human rights.

## I. Facts and Figures

### Prison population

Total prison population

**12,910**

Women in prison

**380 (2.9%)**

Women sentenced

**126**

Women in pre-trial detention

**254**

Source: General Directorate of Prison Administration/Directorate of Legal Affairs, Planning, Statistics and Prisons, December 2023.

### Prisons for women

Number of facilities for women

**32**

Number of facilities exclusively for women

**2**

Number of mixed facilities with special units for women

**30**

Source: General Directorate of Prison Administration/Directorate of Legal Affairs, Planning, Statistics and Prisons, December 2023.

## II. Recommendations

### Legal and regulatory framework

- + The government and legislators should review offences based on gender stereotypes that discriminate against women and incorporate the following measures into the current draft reform of the Criminal Code:
  - Decriminalise voluntary interruption of pregnancy, in accordance with the rules set out in Article 14 of the Maputo Protocol, i.e. in cases of rape, incest, sexual assault or when the pregnancy endangers the health or life of the woman or the foetus;
  - Change the criminal definition of drug trafficking and make it a misdemeanour, particularly when women are involved in the transport;
  - Bring legislation on prostitution into line with the 1949 United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, which prohibits forcing people engaged in prostitution to register in a special register and to hold special papers.
- + The Ministry for the Family, Women and Children and the Ministry of Health and Social Action must, in addition to promoting women and protecting children, combat poverty and strengthen their reproductive health and family planning education programmes in order to reduce and prevent acts of infanticide, thereby helping to reduce the number of women detained for acts of infanticide.
- + The legislator must, also with reference to the commitment made by the government in the context of the Universal Periodic Review and in view of the large number of women detained on remand, incorporate the following measures into the Code of Criminal Procedure currently being reformed:
  - Reduce pre-trial detention in criminal cases from an unlimited period to a maximum of two years under the proposed reform of the Penal Code;
  - Abolish the Assize courts and replace them with criminal divisions at regional court level in order to relieve congestion in the courtroom and bring justice closer to those subject to trial. This has been the case since Law 2016-30 of 24 November 2016 reforming the Criminal Procedure Code, which introduced permanent criminal divisions in the regional courts (art. 221CPP).

### Alternatives to detention

- + Provide alternatives to incarceration for women. These measures already exist and benefit detainees.

### Access to healthcare

- + Assign doctors, including psychiatrists and gynaecologists, to prisons.

### Contact with the outside world

- + Facilitate family visits and contact with the outside world. They are conducted in accordance with decree 2001-362 of 4 May 2001.

### Life in prison: regime and activities

- + Set up equipment for vocational training activities



- + Provide space for sporting and cultural activities
- + Recruit social workers and specialised educators

#### Mothers with children in prison

- + If incarceration is unavoidable, provide adequate facilities for mothers and their children (daycare centers, nurseries, play areas for children, baby food and baby clothes, rooms reserved for women with children and sanitary facilities up to standard).
- + Set up a socio-educational system for the care and monitoring of minors whose mothers are incarcerated.

#### Foreign women

- + Pay special attention to women detainees of foreign origin.

### III. Detention Issues

As part of its mission to prevent torture and other ill-treatment, the National Monitoring Centre for Places of Deprivation of Liberty (ONLPL) pays particular attention to so-called vulnerable groups, in particular women detainees. In addition to regular visits to women's prisons and the women's units of mixed prisons in Senegal, the ONLPL has also carried out initiatives<sup>1</sup> with partners aimed at fostering respect for the fundamental rights of women detainees.

In general, the ONLPL has observed that women detainees are not being housed in appropriate places, hence the need to make adjustments to their specific needs into account. The fate of women, both adults and minors, remains dependent on the economic and structural difficulties of Senegal's judicial and prison systems. Making places where people are deprived of their liberty more humane requires a whole series of measures that require an appropriate budget and the development of a rational and more humane prison policy that can take into account the particularities and specific needs of women who have been deprived of their liberty.

#### Separation

The ONLPL's findings revealed that adult women share the same dormitories with underage girls.

#### Access to healthcare

The ONLPL's findings revealed the following problems with healthcare for women in prison:

- Failure to take the specific situation of women into account due to the lack of specialised staff in prison infirmaries (gynaecologists, midwives);
- The lack of female medical staff in the medical units of the facilities visited;
- The prevalence of sexually transmitted diseases, vaginal infections and abdominal pain. This situation is largely due to the lack of hygiene they have to contend with in these places, which are characterised by promiscuity and inadequate sanitary facilities;
- Most of the infirmaries are located in the large detention centre, in the men's section, and are very

<sup>1</sup> Participation of the ONLPL in the evaluation of the 2015 report on the situation of women's rights in places of deprivation of liberty in Senegal, in partnership with the West Africa Regional Office of the Office of the United Nations High Commissioner for Human Rights and the Association of Women Lawyers; Study on the level of respect for the rights of women detainees (OPCAT 2021 Special Fund Project).

often difficult for women to access.

### Contact with the outside world

In the course of its prevention work, the ONLPL has observed a loosening of family ties for women in prisons who have been deprived of their liberty. This is particularly critical in the Kédougou region, where the majority of women detainees are of foreign nationality. The administration does its best to re-establish their connections with the outside world, but the women detainees often refuse to cooperate in this effort. However, in the absence of their relatives, the embassies or consulates are informed.

## IV. Women in Special Situations of Vulnerability

### Foreign women

Foreign women are treated according to the principle of non-discrimination. As soon as they arrive in prison, the director of the facility reports to the General Directorate of Prison Administration, which is responsible for informing the diplomatic or consular representation. In localities far from Dakar, foreign detainees stated that they do not receive visits from their consular authorities. Foreign detainees are able to receive visits from their families or from organisations such as the ICRC. They are also able to make international calls to maintain family connections. Like their Senegalese counterparts, they can work if they express the need to do so. They are also eligible for sentence adjustment measures under the same criteria as Senegalese detainees.

### Mothers with children in prison

In accordance with article 15 of decree 2001-362 of 4 May 2001 relating to procedures for the execution and adjustment of sentences, for two months following childbirth, mothers stay in a separate room from other detainees. When they leave this room, they are placed in airy rooms with their child where they can easily keep an eye on them.

However, nutritional care for breastfeeding mothers and weaning children needs to be improved. It should be recognised, however, that some hospital directors are turning to sponsorship to improve the quality of care for mothers and their children.

Finally, it should be added that only two facilities are exclusively dedicated to women, while the others have special units that are not always suitable for women accompanied by their children.

## V. Alternatives to detention

The percentage of women incarcerated for minor offences is close to a third of the total number of women incarcerated in Senegal. It is therefore extremely important to integrate and apply alternative sentences to women's incarceration.

Article 30 of the African Charter on the Rights and Welfare of the Child (ACRWC) clearly states the State's obligation to provide special treatment for pregnant or breastfeeding women or women with young children who have been charged with or found guilty of a criminal offence, including the application of penalties other than incarceration. It is therefore imperative that the provisions of the CADBE be applied to them.

At the recent Assises de la Justice au Sénégal conference held in May-June 2024<sup>2</sup>, it was proposed that, in the case of pregnant or breastfeeding women or women with young children, the penalty should be deferred until the child is delivered (in the case of pregnancy) or becomes independent.

## VI. Other relevant NPM information on women in prison

- + Annual Activity Report of the National Monitoring Centre for Places of Deprivation of Liberty (2022)

This report is part of the NPM's global report on women in prison.

The full report is available here: [www.apt.ch/global-report/](http://www.apt.ch/global-report/)

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<sup>2</sup> 29, 30, 31 May and 03 and 04 June 2024.