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Country Report on Human Rights Practices 2018 - Senegal

EXECUTIVE SUMMARY

Senegal is a republic dominated by a strong executive branch. In 2012 voters elected Macky Sall as president for a seven-year term, in elections local and international observers considered to be free and fair. In July 2017 Sall's coalition won the majority of seats in the National Assembly. Local and international observers viewed the legislative election as largely free and fair despite significant irregularities.

Civilian authorities generally maintained effective control over the security forces.

Human rights issues included torture and arbitrary arrests by security forces; harsh and potentially life-threatening prison conditions; criminal libel; lack of judicial independence; corruption, particularly in the judiciary, police, and elsewhere in the executive branch; lack of accountability in cases involving violence against women and children, including female genital mutilation/cutting (FGM/C); trafficking in persons; criminalization of same-sex sexual conduct and violence against lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, and forced labor.

The government took steps to investigate, prosecute, and punish officials who committed abuses, whether in the security forces or elsewhere in the government, but impunity for abuses existed.

In the southern Casamance region, situated between The Gambia and Guinea-Bissau, a de facto ceasefire between security forces and armed separatists continued for a sixth year. Sporadic incidents of violence occurred in the Casamance, but they were associated more with criminal activity than directly with the separatist conflict. Individuals associated with various factions of the separatist Movement of Democratic Forces of the Casamance (MFDC) continued to rob and harass local populations. There were occasional accidental contacts and skirmishes between security forces and MFDC units, leading to deaths and injuries of rebels and harm to civilians, and the Senegalese military conducted operations in response to a massacre of 14 individuals in the Casamance by unidentified individuals. Mediation efforts continued in search of a negotiated resolution of the conflict, which began in 1982.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There was at least one report that the government or its agents committed arbitrary or unlawful killings. On May 15, a gendarmerie (paramilitary) unit leader shot and killed Fallou Sene, a second-year university student, during a clash between students and security forces at Gaston Berger University in Saint-Louis. Authorities opened an investigation into the killing, which remained pending; no arrest had been made by year’s end.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibit such practices. Human rights organizations noted examples of physical abuse committed by law enforcement, including excessive use of force as well as cruel and degrading treatment in prisons and detention facilities. In particular, they criticized strip search and interrogation methods. Police reportedly forced detainees to sleep on bare floors, directed bright lights at them, beat them with batons, and kept them in cells with minimal access to fresh air. The government claimed these practices were not widespread and that it usually conducted formal investigations into allegations of abuse. Investigations, however, often were unduly prolonged and rarely resulted in charges or indictments.

In June Mamadou Diop, a young merchant, died in police custody after officers arrested him in his apartment in the Dakar district of Medina on charges of handling stolen goods. Postmortem examinations revealed his death was caused by head injuries. Investigations into the case were pending at year’s end.

According to the United Nations, three allegations of sexual exploitation and abuse against peacekeepers from Senegal prior to 2018 were pending. Two cases reported in 2017 alleged exploitative sexual relationships involving police officers deployed with the UN Organization Stabilization Mission in the Democratic Republic of the Congo and the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic respectively. One allegation was substantiated, according to the UN investigation. The United Nations repatriated one police officer, and the UN investigation on the other case was pending. Investigations by Senegal remained pending. A third allegation reported in 2016 also remained pending.

Prison and Detention Center Conditions

Prison and detention center conditions were harsh and potentially life-threatening due to food shortages, overcrowding, poor sanitation, and inadequate medical care.

Physical Conditions: Overcrowding was endemic. For example, Dakar’s main prison facility, Rebeuss, held more than twice the number of inmates for which it was designed. Female detainees generally had better conditions than males. Pretrial detainees were not always separated from convicted prisoners. Juvenile boys were often housed with men or permitted to move freely with men during the day. Girls were held together with women. Infants and newborns were often kept in prison with their mothers until age one, with no special cells, additional medical provisions, or extra food rations.

In addition to overcrowding, the National Organization for Human Rights, a nongovernmental organization (NGO), identified lack of adequate sanitation as a major problem. Poor and insufficient food, limited access to medical care, stifling heat, poor drainage, and insect infestations also were problems throughout the prison system.

According to 2016 government statistics, the most recent available, 25 inmates died in prisons and detention centers in 2016. While perpetrators may have been subject to internal disciplinary sanctions, no prosecutions or other public actions were taken against them.

On February 19, Balla Basse, a pretrial detainee, died at Aristide Le Dantec Hospital in Dakar of natural causes.

Administration: Authorities did not always conduct credible investigations into allegations of mistreatment. Ombudsmen were available to respond to complaints, but prisoners did not know how to access them or file reports. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhuman conditions, but there was no evidence that officials conducted any follow-up investigations.

Independent Monitoring: The government permitted prison visits by local human rights groups, all of which operated independently, and by international observers. The National Observer of Detention Facilities had full and unfettered access to all civilian prison and detention facilities, but not to military and intelligence facilities. The national observer lacked funds to monitor prisons throughout the country. It previously published an annual report, but reports for 2015-17 had not been published by year’s end.

Members of the International Committee of the Red Cross visited prisons in Dakar and the Casamance.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention; however, the government did not always observe these prohibitions. Detainees are legally permitted to challenge in court the legal basis or arbitrary nature of their detention and obtain prompt release and compensation if found to have been unlawfully detained; however, this rarely occurred due to lack of adequate legal counsel.

Role of the Police and Security Apparatus

Police and gendarmes are responsible for maintaining law and order. The army shares that responsibility in exceptional cases, such as during a state of emergency. The National Police are part of the Interior Ministry and operate in major cities. The Gendarmerie is part of the Ministry of Defense and primarily operates outside major cities.

Civilian authorities generally maintained effective control over police, gendarmes, and the army, but the government did not have effective mechanisms to punish abuse and corruption. The Criminal Investigation Department (DIC) is in charge of investigating police abuses but was ineffective in addressing impunity or corruption.

An amnesty law covers police and other security personnel involved in “political crimes” committed between 1983 and 2004, except for killings in “cold blood.”

The Regional Court of Dakar includes a military tribunal, which has jurisdiction over crimes committed by military personnel. The tribunal is composed of a civilian judge, a civilian prosecutor, and two military assistants to advise the judge, one of whom must be of equal rank to the defendant. The tribunal may try civilians only if they were involved with military personnel who violated military law. The military tribunal provides the same rights as a civilian criminal court.

Arrest Procedures and Treatment of Detainees

Unless a crime is “flagrant” (just committed or discovered shortly after being committed), police must obtain a warrant from a court to arrest or detain a suspect. In practice, police treat most cases as “flagrant” offenses and make arrests without warrants, invoking the law that grants them broad powers to detain prisoners for long periods before filing formal charges. The DIC may hold persons up to 24 hours before releasing or charging them. Authorities did not promptly inform many detainees of the charges against them. Police officers, including DIC officials, may double the detention period from 24 to 48 hours without charge if they can demonstrate substantial grounds for a future indictment and if a prosecutor so authorizes. If such extended detention is authorized, the detainee must be brought in front of the prosecutor within 48 hours of detention. For particularly serious offenses, investigators may request that a prosecutor double this period to 96 hours. Authorities have the power to detain terrorist suspects for an initial 96 hours, and with renewals for a maximum of 12 days. The detention period does not formally begin until authorities officially declare an individual is being detained, a practice Amnesty International criticized for the resulting lengthy detentions.

Bail was rarely available, and officials generally did not allow family access. In 2016 the government amended the criminal code and criminal procedure code, giving defense attorneys access to suspects from the moment of arrest and allowing them to be present during interrogation; this provision, however, was not regularly implemented. In theory an attorney is provided at public expense in felony cases to all criminal defendants who cannot afford one after the initial period of detention. In many cases, however, the appointed counsel rarely shows up, especially outside of Dakar. Indigent defendants did not always receive attorneys in misdemeanor cases. A number of NGOs provided legal assistance or counseling to those charged with crimes.

Pretrial Detention: According to a 2014 EU-funded study, more than 60 percent of the prison population consisted of pretrial detainees. According to official statistics, approximately 4,200 of the approximately 10,000 registered prisoners in 2017 were pretrial detainees. The law states an accused person may not be held in pretrial detention for more than six months for minor crimes; however, authorities routinely held persons in custody until a court demanded their release. Judicial backlogs and absenteeism of judges resulted in an average delay of two years between the filing of charges and the beginning of a trial. In cases involving allegations of murder, threats to state security, and embezzlement of public funds, there were no limits on the length of pretrial detention. In many cases pretrial detainees were held longer than the length of sentence later imposed. The 2016 modification to the criminal code created permanent criminal chambers to reduce the backlog of pretrial detainees, with some success.

On July 19, Imam Alioune Badara Ndao was acquitted of terrorism charges but sentenced to a one-month suspended sentence for illegal possession of weapons. Fourteen of his co-defendants were also acquitted and released. All had spent nearly three years in pretrial detention.

e. Denial of Fair Public Trial

Although the constitution and law provide for an independent judiciary, the judiciary was subject to corruption and government influence. Magistrates noted overwhelming caseloads, lack of adequate space and office equipment, and inadequate transportation, and they openly questioned the government's commitment to judicial independence. According to *Freedom in the World 2016*, “inadequate pay and lack of tenure expose judges to external influences and prevent the courts from providing a proper check on the other branches of government. The president controls appointments to the Constitutional Council.” Authorities did not always respect court orders.

On several occasions the Union of Senegalese Judges and Prosecutors complained about the influence of the executive over the judiciary, in particular through the presence of the president and the minister of justice in the High Council of Magistrates, which manages the careers of judges and prosecutors. In response Justice Minister Ismaila Madior Fall defended existing systems, including the High Council of Magistrates, and stated the executive did not interfere in judicial affairs. To address the

complaints, however, in February President Sall instructed the minister to propose changes to strengthen judicial independence, taking the union’s recommendations into account. No proposed changes had been adopted by year’s end.

Trial Procedures

The constitution provides for all defendants to have the right to a fair and public trial, and for an independent judiciary to enforce this right. Defendants enjoy a presumption of innocence and have the right to be informed promptly and in detail of the charges against them. They have the right to a fair, timely, and public trial, to be present in court during their trial and to have an attorney (at public expense if needed) in felony cases, and they have the right to appeal. They also have the right to sufficient time and facilities to prepare their defense, and to receive free interpretation as necessary from the moment charged through all appeals. Defendants enjoy the right to confront and present witnesses and to present their own witnesses and evidence.

While defendants cannot be compelled to testify against themselves or confess guilt, the country’s long-standing practice is for defendants to provide information to investigators and testify during trials. In addition, case backlogs, lack of legal counsel (especially in regions outside of Dakar), judicial inefficiency and corruption, and lengthy pretrial detention undermined many of the rights of defendants.

Evidentiary hearings may be closed to the public and press. Although a defendant and counsel may introduce evidence before an investigating judge who decides whether to refer a case for trial, police or prosecutors may limit their access to evidence against the defendant prior to trial. A panel of judges presides over ordinary courts in civil and criminal cases.

The right of appeal exists in all courts, except for the High Court of Justice. These rights extend to all citizens.

In March 2017 authorities in Dakar arrested the city’s then mayor Khalifa Sall (no relation to President Sall), an opposition leader, on charges of fraudulent use of public funds. Sall was elected to the National Assembly in July 2017 while still in custody and has since remained in custody. On March 30, Sall was convicted of fraudulent use of public funds and forgery of administrative documents and sentenced to five years in prison. Opposition figures and human rights advocates alleged Sall’s arrest and conviction, despite his election and subsequent parliamentary immunity, were politically motivated. On June 29, the Economic Community of West African States (ECOWAS) Court of Justice agreed the government had violated Sall’s rights, including his parliamentary immunity, by not releasing him upon his election to the legislature. The ECOWAS court ordered the government to pay damages to Sall and his codefendants. Despite these irregularities, on August 30, an appeals court upheld the lower court’s decision, and on August 31, President Sall issued a decree formally removing Khalifa Sall as the mayor of Dakar.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Citizens may seek cessation of and reparation for human rights violations in regular administrative or judicial courts. Citizens may also seek administrative remedies by filing a complaint with the ombudsman, an independent authority. Corruption and lack of independence hampered judicial and administrative handling of these cases. At times prosecutors refused to prosecute security officials, and violators often went unpunished. In matters related to human rights, individuals and organizations may appeal adverse decisions to the ECOWAS Court of Justice.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, and there were no reports the government failed to respect these prohibitions.

g. Abuses in Internal Conflict

The de facto ceasefire in the Casamance has been in effect since 2012, and President Sall continued efforts to resolve the 36-year-old conflict between separatists and government security forces. Both the government and various factions of the MFDC separatist movement accepted mediation efforts led by neutral parties, including Christian and Islamic organizations. Progress toward resolution of the conflict has been incremental.

Killings: There were occasional accidental contacts and skirmishes between security forces and MFDC units, leading to deaths and injuries of rebels and harm to civilians. On January 6, unidentified gunmen shot and killed 14 individuals in the forest of Boffa Bayotte, close to the regional capital, Ziguinchor. The military conducted operations in response, arresting 20 suspects and opening an investigation, which was pending at year's end. The killings appeared linked to illegal lumber trafficking rather than separatist activity. Other sporadic events related to criminal activity occurred during the year; a soldier was killed during one such incident in March.

Abductions: On August 5, four deadwood collectors disappeared in a forest near Ziguinchor. The four individuals, believed to be held by an MFDC faction, remained missing at year's end. Separately, there were several incidents related to acts of banditry attributed to MFDC rebels in which civilians were detained or otherwise harmed.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of expression, including for the press, but the government occasionally limited these freedoms.

Freedom of Expression: Blasphemy, security, and criminal defamation laws are in place and were occasionally enforced.

On March 30, authorities arrested Barthelemy Dias, a former member of the National Assembly and current mayor of the Dakar district of Mermoz-Sacre Coeur, and prominent supporter of Khalifa Sall. After Sall's conviction earlier that day, Dias made inflammatory remarks against the country's judiciary and called on the crowd of Sall supporters gathered outside the court to continue the fight. In April a court in Dakar convicted Dias on charges of contempt and of provoking a potentially disruptive, unauthorized gathering; it sentenced Dias to six months in jail.

Press and Media Freedom: Independent journalists regularly criticized the government without reprisal. Private independent publications and government-affiliated media were available in Dakar, although their distribution in rural areas was irregular.

Radio was the most important medium of mass information and source of news due to the high illiteracy rate. There were approximately 200 community, public, and private commercial radio stations. Although an administrative law regulates radio frequency assignments, community radio operators claimed a lack of transparency in the process.

Although the government continued to influence locally televised information and opinion through Radio Television Senegal (RTS), more than 10 privately owned television channels broadcast independently. By law the government holds a majority interest in RTS, and the president directly or indirectly controlled selection of all members of the RTS executive staff. Beyond RTS all other public media outlets including the Senegalese Press Agency and the *Le Soleil* daily journal were controlled by members of President Sall's ruling party, appointed by Sall; reporting by these outlets often carried a progovernment bias.

On September 3, a gendarme on duty physically attacked and injured Mamadou Sakine, a reporter from *Le Quotidien* newspaper, for photographing him assaulting a woman outside the Court of Appeals in Dakar. The gendarme first confiscated Sakine's camera, then attacked Sakine for protesting his camera's seizure. After pressure from other journalists, the gendarme returned the camera. Authorities did not announce an investigation into the incident nor sanctions against the officer.

Censorship or Content Restrictions: Journalists occasionally practiced self-censorship, particularly in government-controlled media.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority.

According to the International Telecommunication Union, approximately 58 percent of individuals used the internet.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The government sometimes restricted freedom of peaceful assembly but generally respected freedom of association.

Freedom of Peaceful Assembly

The constitution and law provide for the freedom of assembly, but the government sometimes restricted this right. Some groups complained of undue delays in response to authorization requests for public demonstrations. Other groups were denied such authorization.

In April the government denied a permit to opposition activists to protest the National Assembly's vote on a law changing the eligibility requirements for presidential candidates and used force to disperse opposition supporters trying to hold the protest despite the ban. The government also detained several opposition leaders for several hours before releasing them without pressing charges.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.
(<http://www.state.gov/religiousfreedomreport/>)

d. Freedom of Movement

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, asylum seekers, stateless persons, or other persons of concern.

In-country Movement: MFDC banditry and the risk of landmines restricted movement in some parts of the Casamance.

Foreign Travel: The law requires some public employees to obtain government approval before departing the country. Only the military and judiciary enforced this law, however.

Internally Displaced Persons (IDPs)

During the 36-year Casamance conflict, thousands of persons left villages in the region due to fighting, forced removal, and land mines. Some international humanitarian assistance agencies estimated the number could be as high as 20,000. During the year IDPs continued to return to their villages.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. Since the president must approve each case, delays of one to two years in granting refugee status remained a problem. The government generally granted refugee status or asylum and provided refugees with food and nonfood assistance in coordination with UNHCR and NGOs.

The government did not offer all asylum seekers due process or security, since appeals filed by denied asylum seekers were examined by the same committee that examined their original case. A denied asylum seeker can be arrested for staying illegally in the country, and those arrested sometimes remained in “administrative detention” for up to three months before being deported.

Durable Solutions: Since 1989 the country has offered protection to Mauritanian refugees, who were dispersed over a large area in the Senegal River valley along the Mauritania border and enjoyed free movement within the country. According to UNHCR more than 95 percent of the remaining 12,600 Mauritanian refugees in the country have indicated a desire to remain in Senegal permanently. UNHCR and the government of Senegal were working to find durable solutions for this population.

The government continued to permit generally unsupervised and largely informal repatriation of Casamance refugees returning from The Gambia and Guinea-Bissau.

Temporary Protection: Temporary protection is available to asylum seekers and to refugees. The government grants temporary protection indefinitely to many persons who are not granted refugee status (for example, Gambians).

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: President Macky Sall has held office since 2012. In legislative elections held on July 30, 2017, Sall’s coalition won a majority of seats in the National Assembly. Local NGOs and international observers, including those from the African Union, characterized the elections as generally free and fair, despite significant irregularities. Approximately 53 percent of voters cast ballots, a significant increase from the 36 percent who cast ballots in the previous legislative election in 2012.

Participation of Women and Minorities: No laws limit the participation of women or members of minorities in the political process, and they did participate. The 2010 gender parity law requires the candidate lists of political parties to contain equal numbers of men and women for elected positions at all levels, from city councils to the National Assembly. In the July 2017 legislative election, all lists of candidates fully complied with the parity law. While the number of women in elected positions has increased, the law has not significantly expanded their role in exercising political authority since it does not apply to party leadership positions or to other important decision-making bodies, such as the cabinet and the judiciary. Some observers believed that traditional and cultural factors prevented women from participating in the political process to the same extent as men.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, but the government often did not enforce the law effectively. Officials frequently engaged in corrupt practices with impunity. There were reports of government corruption during the year.

Corruption: The National Anticorruption Commission (OFNAC) did not publish an annual report during the year. OFNAC’s first annual report in 2016 concluded that bribery, misappropriation, abuse of authority, and fraud remained widespread within government institutions, particularly in the health and education ministries, the postal services, and the Transport Administration. The OFNAC president was dismissed two months later, and the organization has not published any reports since.

Financial Disclosure: A 2014 law requires the president, cabinet ministers, speaker and chief financial officer of the National Assembly, and managers of public funds in excess of one billion CFA francs (approximately \$1.8 million) to disclose their assets to OFNAC. Failure to comply may result in a penalty amounting to one-quarter of an individual’s monthly salary until forms are filed. The president may dismiss appointees who do not comply. With the exception of disclosures made by the president, disclosures made under the law are confidential and unauthorized release of asset disclosures is a criminal offense.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative but rarely took action to address their concerns.

Nongovernmental Organizations: Amnesty International released its 2017-18 annual report on February 22, noting concerns over several issues including the arrest and judicial procedure against Khalifa Sall, banning of opposition demonstrations, arrests of individuals critical of President Macky Sall, and lack of progress in combating forced child begging. Government officials responded swiftly, with Justice Minister Fall declaring the report “not credible,” while Prime Minister Mahammed Dionne accused the organization of attempting to “break up” Senegalese society by imposing human rights “contrary to [Senegalese] ethics.” Dionne’s remarks focused on a brief mention in the report regarding LGBTI rights, declaring, “We will not accept [homosexuality] because it is contrary to our values.”

The government also reacted defensively to an October 18 report by Human Rights Watch on sexual exploitation and abuse in schools, claiming the report’s research methodology was insufficiently rigorous and that the report demonstrated a Western cultural bias. The government did appear willing to agree with the report’s recommendation that it provide child protection training for teachers.

Government Human Rights Bodies: The government’s National Committee on Human Rights included government representatives, civil society groups, and independent human rights organizations. The committee had authority to investigate abuses but lacked credibility, had limited funding, did not conduct investigations, and last released an annual report in 2001.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law prohibits rape, which is punishable by five to 10 years’ imprisonment. Nevertheless, the government rarely enforced the law, and rape was widespread. The law does not address spousal rape. The law allows the common practice of using a woman’s sexual history to defend men accused of rape.

The law criminalizes assaults and provides for punishment of one to five years in prison and a fine. Domestic violence that causes lasting injuries is punishable with a prison sentence of 10 to 20 years. If an act of domestic violence causes death, the law prescribes life imprisonment. Nevertheless, the government did not enforce the law,

particularly when violence occurred within the family. Police usually did not intervene in domestic disputes. Several women’s groups and the Committee to Combat Violence against Women and Children (CLVF) reported a rise in violence against women.

NGOs, including the CLVF, criticized the failure of some judges to apply domestic violence laws, citing cases in which judges claimed lack of adequate evidence as a reason to issue lenient sentences. NGOs also criticized the government’s failure to permit associations to bring suits on behalf of victims and the lack of shield laws for rape.

The number of incidents of domestic violence, which many citizens considered a normal part of life, were much higher than the number of cases reported. The Ministry of Justice is responsible for combating domestic violence, but it did not make public any programs to address rape and domestic violence. The government-run Ginddi Center in Dakar provided shelter to women and girls who were survivors of rape or early and forced marriage as well as to street children.

In August a court in Diourbel sentenced a man who physically attacked his wife to three months in jail, along with a 21-month suspended sentence. The court also sentenced him to pay his wife one million CFA francs (approximately \$1,800) in damages.

Female Genital Mutilation/Cutting (FGM/C): The law provides criminal penalties for the perpetration of FGM/C on women and girls, but no cases were prosecuted during the year.

Sexual Harassment: The law mandates prison terms of five months to three years and fines of 50,000 to 500,000 CFA francs (\$90 to \$900) for sexual harassment, but the problem was widespread. The government did not effectively enforce the law.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The law provides for the same legal status and rights for women as for men. Nevertheless, women faced pervasive discrimination, especially in rural areas where traditional customs and discriminatory rules of inheritance were strongest.

The family code’s definition of paternal rights also remained an obstacle to equality between men and women. The code considers men to be heads of household, preventing women from taking legal responsibility for their children. Additionally, any childhood benefits are paid to the father. Women can become the legal head of household only if the husband formally renounces his authority before authorities or if he is unable to act as head of household.

While women legally have equal access to land, traditional practices made it difficult for women to purchase property in rural areas. Many women had access to land only through their husbands, and the security of their rights depended on maintaining the relationship with their husbands.

The Ministry of Women, Family, and Gender has a directorate for gender equality that implements programs to combat discrimination.

Children

Birth Registration: Citizenship is acquired by birth or naturalization. The law provides for equal rights for mothers and fathers automatically to transmit citizenship to their children. The law does not make birth declaration mandatory. Registering births required payment of a small fee and travel to a registration center, which was difficult for many residents of rural areas.

Education: The law provides for tuition-free and compulsory education for children between the ages of six and 16, although many children did not attend school. While children generally could attend primary school without a birth certificate, they needed one to take national exams.

Approximately one-third of primary school-age children were not in school, in many cases because of a lack of resources or available facilities. Students often had to pay for their own books, uniforms, and other school supplies.

Girls encountered greater difficulties in continuing in school beyond the elementary level. Sexual harassment by school staff and early pregnancy also caused the departure of girls from school. An October 18 report by Human Rights Watch documented incidents of school-related sexual exploitation, harassment, and abuse in Dakar and the Casamance. Girls interviewed for the report said some teachers sexually harassed them, asking for favors or phone numbers and punishing them with bad grades if they did not comply. Teachers engaged in sexual relations with girls younger than 18. Where school directors were aware of sexual harassment or exploitation, they generally tried to resolve the situation on their own without reporting it to higher authorities or police and often stigmatized and faulted the behavior of the girls rather than the teacher in the process. Girls were generally unsure of what constitutes consent and harassment and did not know where to report exploitation. If girls became pregnant, they dropped out of school and were often shunned by their families.

Many parents opted to keep their middle- and high-school-aged daughters home to work or to marry rather than sending them to school. In recent years, however, gender disparity at the middle- and high-school level has significantly lessened.

Child Abuse: Child abuse remained common, particularly of boys sent to Dakar and other cities to beg under threat of punishment. Many of these boys were sent by their parents to study in Quranic schools or daaras. At some daaras Quranic instructors exploited, physically abused, and forced children to beg on the street. Approximately 70 percent of trafficked child beggars on the streets of Dakar were forced to beg by a Quranic instructor or someone pretending to be one, while the rest begged of their own volition due to poverty. A 2018 daara-mapping study found an estimated 28,000

Quranic students in the Dakar region (15 percent of the total) were forced to beg up to five hours per day. Most children exploited in forced begging appeared to be ages five to 10; some reportedly were as young as two.

The National Task Force Commission Against Trafficking, as well as the recently created Ministry of Good Governance and Child Protection, have committed to continue to address these issues throughout the country.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/ (<http://www.state.gov/j/tip/rls/tiprpt/>).

A talibe is a boy in Senegal and other West African countries who studies the Quran at a daara. In March 2017, a Quranic teacher in Pikine was convicted and sentenced to 10 years in prison for the rape of three talibes, all approximately 12 years old. The teacher had repeatedly raped all three boys over an extended period of time. He had fractured the skull of one of the boys for protesting the rape. In November five individuals were arrested in Dakar for abusing talibes. Overall, government efforts to address the abuse of talibes remained weak.

Early and Forced Marriage: By law women have the right to choose when and whom they marry, but traditional practices often restricted a woman's choice. The law prohibits the marriage of girls younger than 16, but this law generally was not enforced in most communities where marriages were arranged. Under certain conditions a judge may grant a special dispensation to a man to marry a girl below the age of consent.

According to women's rights groups and officials from the Ministry of Women, Family, and Gender, child marriage was a significant problem, particularly in the more rural areas in the south, east, and northeast. The ministry conducted educational campaigns to address the problem.

Sexual Exploitation of Children: The law provides that convicted sexual abusers of children receive five to 10 years' imprisonment. If the offender is a family member, the maximum is applied. Procuring a minor for prostitution is punishable by imprisonment for two to five years and a fine of 300,000 to four million CFA francs (approximately \$550 to \$7,200). If the crime involves a victim younger than 13, the maximum penalty is applied. The law was not effectively enforced, but when cases were referred to law enforcement, authorities conducted follow-up investigations. The minimum age of consensual sex is 18.

Pornography is prohibited, and pornography involving children under age 16 is considered pedophilia and punishable by up to two years' imprisonment and fines of up to 300,000 CFA francs (approximately \$550).

Exploitation of women and girls in prostitution was a problem, particularly in the southeast gold-mining region of Kedougou. Although there were no reports of child sex tourism during the year, the country was considered a destination for child sex tourism for tourists from France, Belgium, and Germany, among other countries.

Infanticide or Infanticide of Children with Disabilities: Infanticide, usually due to poverty or embarrassment, continued to be a problem. In some cases women’s families shamed them into killing their babies. Domestic workers and rural women working in cities sometimes killed their newborns if they could not care for them. Others, married to men working outside the country, killed their infants out of shame. According to the African Assembly for the Defense of Human Rights, infanticide also occurred when a woman became pregnant with the child of a man from a prohibited occupational caste. If police discovered the identity of the mother, she faced arrest and prosecution for infanticide. A 2015 UN report indicated approximately 16 percent of females in detention in 2013 were imprisoned for infanticide, and that infanticide was the grounds for imprisonment for 64 percent of girls and young women ages 13 to 18.

Displaced Children: Many children displaced by the Casamance conflict lived with extended family members, neighbors, in children’s homes, or on the streets. According to NGOs in the Casamance, displaced children suffered from the psychological effects of conflict, malnutrition, and poor health.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html> (<https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>).

Anti-Semitism

There were approximately 100 Jewish residents in the country; there were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/. (<http://www.state.gov/j/tip/rls/tiprpt/>)

Persons with Disabilities

The law prohibits discrimination against persons with disabilities, but the government did not enforce these provisions adequately. The law also mandates accessibility for persons with disabilities, but the government did not effectively enforce the law.

The government provided grants, managed vocational training in regional centers, and offered funding for persons with disabilities to establish businesses. Due to a lack of special education training for teachers and facilities accessible to children with

disabilities, authorities enrolled only 40 percent of such children in primary school. Support for persons with mental disabilities was not generally available, and incidents of abuse of persons with mental disabilities were common.

Persons with disabilities experienced difficulty registering to vote as well as accessing voting sites, due to physical barriers such as stairs as well as the lack of provisions such as Braille ballots or sign-language interpreters for persons who are visually or hearing-impaired, or unable to speak. A 2012 law reserves 15 percent of new civil service positions for persons with disabilities, but this quota has never been enforced. In regions outside Dakar, in particular, persons with disabilities were still effectively excluded from access to these positions.

The Ministry for Health and Social Action is responsible for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities

Ethnic groups generally coexisted peacefully. In the Casamance incidents of conflict between the Diola, the region’s largest ethnic group, and the mostly Wolof Senegalese in the north continued to decline.

Discrimination against individuals of lower castes continued, and intellectuals or businesspersons from lower castes often tried to conceal their caste identity.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

Consensual same-sex sexual activity between adults, referred to in law as an “unnatural act,” is a criminal offense, and penalties range from one to five years’ imprisonment and fines of between 100,000 and 1.5 million CFA francs (\$180 and approximately \$2,700); however, the law was rarely enforced. No laws prevent discrimination based on sexual orientation or gender identity, nor are there hate crime laws that could be used to prosecute crimes motivated by bias against LGBTI persons.

LGBTI persons faced widespread discrimination, social intolerance, and acts of violence. LGBTI individuals were subject to frequent threats, mob attacks, robberies, expulsions, blackmail, and rape. LGBTI activists also complained of discrimination in access to social services.

In what appeared to be an isolated incident, on June 8, police raided a home in Keur Massar without a warrant after being alerted the inhabitants were LGBTI persons. Eleven individuals were present at the time of the raid, of whom two--both asylum seekers from The Gambia--were arrested. Eyewitnesses alleged the two were subjected to torture while in police custody, including beatings and electric shocks. The two were allegedly denied food, water, legal counsel, and medical assistance. On June 9, four other individuals who had been present in the house--two Senegalese and two Gambian asylum-seekers--visited police station to inquire about their detained friends.

The four were arrested upon arrival at the station. Three of the four were released after 24 hours. The fourth, in addition to the two individuals arrested on June 8, was brought to court on June 12. All three were acquitted of all charges for lack of evidence.

Aside from this one outlying case, LGBTI activists indicated the overall situation in the country remained calm with respect to the LGBTI community for a second consecutive year.

HIV and AIDS Social Stigma

The law prohibits all forms of discrimination against persons with HIV/AIDS, and the government and NGOs conducted HIV/AIDS awareness campaigns to increase social acceptance of persons with HIV or AIDS and increase HIV testing and counseling nationwide. Nevertheless, human rights activists reported HIV-positive individuals and those with AIDS suffered from social stigma due to the widespread belief that such status indicated homosexuality. HIV-positive men sometimes refrained from taking antiretroviral drugs due to fear their families would discover their sexual orientation.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the rights of workers to form and join independent unions, except security force members, including police and gendarmes, customs officers, and judges. Unions have the right to bargain collectively and strike with some restrictions. The law allows civil servants to form and join unions. Before a trade union can exist legally, the labor code requires authorization from the Ministry of Interior. Unions have no legal recourse if the minister refuses registration. Under the law, as part of the trade union recognition process, the ministry has the authority to check the morality and aptitude of candidates for positions of trade union officials. Any change to the bylaws of a trade union must be reported to and investigated by the inspector of labor and the public attorney. Additionally, the law provides that minors (both as workers and as apprentices) cannot organize without parental authorization. The state prosecutor can dissolve and disband trade unions by administrative order if union administrators are not following union regulations for what a union is supposed to be doing on behalf of its members.

The law prohibits antiunion discrimination, and allows unions to conduct their activities without interference. Foreigners may hold union office only if they have lived in the country for five years and only if his or her country provides the same right to Senegalese citizens. Collective bargaining agreements cover an estimated 44 percent of workers in the formal economy. Unions are able to engage in legal proceedings against any individual or entity that infringes the collective bargaining rights of union members, including termination of employment.

The law provides for the right to strike; however, certain regulations restrict this right. The constitution seriously undermines the right to strike by stipulating that a strike must not infringe on the freedom to work or jeopardize an enterprise. The law states workplaces may not be occupied during a strike, whether such strike is peaceful, and may not violate nonstrikers’ freedom to work or hinder the right of management to enter the premises of the enterprise. This means pickets, go-slows, working to rule, and sit-down strikes are prohibited. Unions representing members of the civil service must notify the government of their intent to strike at least one month in advance; private sector unions must notify the government three days in advance. The government does not have any legal obligation to engage with groups who are planning to strike, but the government sometimes engaged in dialogue with these groups. The right to strike is restricted further by the power of authorities to requisition workers to replace those on strike in all sectors, including “essential services” sectors. A worker who takes part in an illegal strike may be summarily dismissed. The government effectively enforced applicable laws on the right to strike. Penalties for noncompliance include a fine, imprisonment or both. Penalties were sufficient to deter violations. The labor code does not apply to the informal sector and thus excludes the majority of the workforce, including subsistence farmers, domestic workers, and those employed in many family businesses.

The government and employers generally respected freedom of association and the right to collective bargaining with restrictions. Workers exercised the right to form or join unions, but antiunion sentiment within the government was strong. Trade unions organize on an industry-wide basis, very similar to the French system of union organization. There were no confirmed reports of antiunion discrimination during the year.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. Although the law prohibits begging for economic gain, a provision of the penal code provides that “the act of seeking alms on days, in places, and under conditions established by religious traditions” does not constitute begging. Many provisions of the law impose imprisonment with compulsory prison labor as a penalty for noncompliance, such as for participation in strikes in “essential services,” for occupying the workplace or its immediate surroundings during strike actions, or for breaching labor discipline deemed to endanger ships or the life or health of persons on board.

Following the president’s announcement of a campaign against child begging in mid-2016, authorities began removing children from the streets. The first phase of this campaign continued until mid-2017, but it was largely ineffective in addressing the problem. In March the government began the second phase of the campaign; more than 1,100,000 children were removed from the streets during the first six months of the second phase, of whom approximately 40 were returned to their families.

The government did not effectively enforce applicable laws against forced labor, and such practices continued to occur in the areas of domestic servitude, forced prostitution, farm labor, and artisanal mining. Forced child labor occurred, including forced begging by children in some Quranic schools (see section 6). Some children in these schools (daaras) were kept in conditions of servitude; were forced to work daily, generally in street begging; and had to meet a daily quota for money (or sometimes sugar or rice) set by their teachers.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/ (<http://www.state.gov/j/tip/rls/tiprpt/>).

c. Prohibition of Child Labor and Minimum Age for Employment

Regulations on child labor set the minimum working age at 15. The law prohibits many forms of hazardous child labor but includes exceptions. In the agricultural sector, for example, children as young as age 12 are permitted to work in a family environment when necessary. The law also allows boys under age 16 to work in underground mines and quarries doing “light work.” Due to the nature of the dangers associated with mining, “light work” activities do not prevent exposure to hazards.

Inspectors from the Ministry of Labor are responsible for investigating and initiating lawsuits in child labor cases. The ministry's investigators can visit any institution during work hours to verify and investigate compliance with labor laws and can act on tips from trade unions or ordinary citizens.

Labor laws prohibiting child labor were largely unenforced, and penalties were not sufficient to deter violations. The Ministry of Labor sent investigators to investigate formal work places, but they were not trained to deal with child labor problems. The Child Labor Division in the Ministry of Labor was severely understaffed and underfunded. Inspectors lacked adequate resources to monitor the informal sector, and no cases of child labor have ever been identified in the formal sector. There was no specific system to report child labor violations, largely due to inadequate funding of the Child Labor Division and the Ministry of Labor. The ministry instead relied on unions to report violators. The government conducted seminars with local officials, NGOs, and civil society to raise awareness of the dangers of child labor and exploitative begging.

Most instances of child labor occurred in the informal economy where labor regulations were not enforced. Economic pressures and inadequate educational opportunities often pushed rural families to emphasize work over education for their children. Child labor was especially common in the regions of Tambacounda, Louga, and Fatick, where up to 90 percent of children worked. Child labor was prevalent in many informal and family-based sectors, such as agriculture (millet, corn, and peanuts), fishing, artisanal gold mining, garages, dumpsites, slaughterhouses, salt production, rock quarrying, and metal and woodworking shops. In the large, informal, unregulated artisanal mining sector, entire families, including children, were engaged in artisanal mining work. Child gold washers, most aged 10 to 14, worked approximately eight hours a day without

training or protective equipment. There were also reports of children working on family farms or herding cattle. Children also worked as domestics, in tailoring shops, at fruit and vegetable stands, and in other areas of the informal economy.

In 2015 data from the Understanding Children’s Work Project’s analysis of statistics from the Demographic and Health Survey highlighted that 22.3 percent of children ages five to 14 worked. A predominant type of forced child labor was the forced begging by children sent to live and study under the supervision of Quranic teachers (see sections 6 and 7.b.).

Also see the Department of Labor’s *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/ (<http://www.dol.gov/ilab/reports/child-labor/findings/>).

d. Discrimination with Respect to Employment and Occupation

The labor law prohibits discrimination in employment and occupation based on national origin, race, gender, disability, and religion; violators are officially subjected to fines and imprisonment, but these laws were not regularly enforced and were not sufficient to deter violations. The law does not explicitly prohibit discrimination based on sexual orientation or gender identity. The government did not effectively enforce the antidiscrimination provisions of the law. Gender-based discrimination in employment and occupation occurred and was the most prevalent form of discrimination. Men and women have equal rights to apply for a job. Women represented 52 percent of the population, but they performed 90 percent of domestic work and 85 percent of agricultural work. The law requires equal pay for equal work, but women experienced discrimination in employment and operating businesses (see section 6).

e. Acceptable Conditions of Work

The national minimum hourly wage was higher than the estimated poverty income rate of \$1.90 per day. The Ministry of Labor is responsible for enforcing the minimum wage. Labor unions also acted as watchdogs and contributed to effective implementation of the minimum wage in the formal sector. The minimum wage provisions apply to foreign and migrant workers as well.

For most occupations in the formal sector, the law mandates a standard workweek of 40 to 48 hours, or approximately 2,100 hours per year, with at least one 24-hour rest period per week, one month per year of annual leave, enrollment in government social security and retirement plans, safety standards, and other measures. Night work is defined as activity between 10 p.m. and 5 a.m.; night workers should receive a supplementary rate of 60 percent for any night hours worked and 100 percent for any night hours worked on holidays. The law does not prohibit excessive or compulsory overtime in the formal sector.

Premium pay for overtime is required only in the formal sector. Legal regulations on industry-appropriate occupational safety and health exist, and the government sets the standards. Employees or their representatives have the right to propose whatever they assume will provide for their protection and safety and can refer to the competent administrative authority in case the employers refuse.

The Ministry of Labor, through the Labor Inspection Office, is responsible for enforcing labor standards in the formal sector; those who violate standards are officially subject to fines and imprisonment, but these were not regularly enforced and were insufficient to deter violation. Enforcement of the workweek standard was irregular. Labor inspectors had poor working conditions and lacked transportation to conduct their mission effectively. The number of labor inspectors was insufficient to enforce compliance. Violations of wage, overtime, and occupational safety and health standards were common. Due to high unemployment and a slow legal system, workers seldom exercised their nominal right to remove themselves from situations that endangered health or safety. According to the National Employers Council (Conseil National du Patronat) statistics, there were 1,700 cases related to workplace accidents in 2017 against approximately 1,900 cases in 2016 (the majority of which took place in Dakar); the reality was likely much higher, as the official number does not take into account the large number of workplace accidents in the informal sector.

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