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2023 Trafficking in Persons Report: Senegal

OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS

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The Government of Senegal does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared with the previous reporting period, considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity; therefore Senegal was upgraded to Tier 2. These efforts included prosecuting and convicting more traffickers, identifying more trafficking victims, and finalizing SOPs on the identification and investigation of trafficking cases. The president issued executive orders to increase oversight of Quranic schools (*daaras*) to prevent child forced begging. The government significantly increased collaboration with foreign counterparts on law enforcement activities. However, the government did not meet the minimum standards in several key areas. Although the government demonstrated some commitment to address child forced begging, it did not fully implement existing measures to hold traffickers exploiting children in forced begging accountable or protect victims. The government did not prosecute or convict traffickers exploiting children in forced begging for the third consecutive year, despite continued reports of this occurring at some *daaras*, including with ongoing severe abuses. Officials did not consistently use the 2005 anti-trafficking law to prosecute alleged traffickers and continued applying penalties inconsistent with those prescribed by the law.

PRIORITIZED RECOMMENDATIONS:

Increase efforts to investigate and criminally prosecute trafficking crimes, especially child forced begging cases, and seek adequate penalties for convicted traffickers, which should involve significant prison terms.

Increase efforts to proactively identify trafficking victims among vulnerable populations, such as children exploited in forced begging, women in commercial sex, women traveling abroad for domestic work, returning migrants, and domestic and foreign workers on People's Republic of China (PRC) national-operated fishing vessels, and refer trafficking victims to services.

Implement and train front-line officials on the SOPs for the identification and investigation of trafficking cases, including victim identification and referral procedures.

Strengthen efforts to ensure trafficking crimes are tried under the 2005 anti-trafficking law and not as misdemeanor crimes, and ensure cases are referred to investigative judges in the criminal courts.

Fully implement and allocate resources to the government's *daaras* modernization initiative to prevent child forced begging; as part of this, establish and enforce child protection standards and inspect and close *daaras* that do not meet the standards.

Institutionalize anti-trafficking training for law enforcement and judicial officials.

Significantly increase trafficking data collection and sharing on law enforcement and victim identification efforts.

Strengthen the anti-trafficking task force's (CNLTP) authority to coordinate anti-trafficking activities among agencies conducting anti-trafficking work.

In partnership with NGOs, expand access to protective services for trafficking victims, especially adult victims, including outside of Dakar.

Increase efforts to prevent exploitation of Senegalese workers abroad by investigating and prosecuting fraudulent labor recruiters, prohibiting worker-paid recruitment fees, and raising awareness of exploitation of labor migrants and the rights of Senegalese workers abroad.

Screen any North Korean workers for signs of trafficking and refer them to appropriate services in a manner consistent with obligations under United Nations Security Council Resolution 2397.

PROSECUTION

The government maintained mixed anti-trafficking law enforcement efforts. Senegal's 2005 Law to Combat Trafficking in Persons and Related Practices and to Protect Victims criminalized sex trafficking and labor trafficking. The law prescribed penalties of five to 10 years' imprisonment and a fine for sex trafficking and labor trafficking — except forced begging — and prescribed lesser penalties of two to five years' imprisonment and a fine for forced begging. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. While the 2005 anti-trafficking law criminalized forced begging, provisions in the penal code that allowed seeking of alms under certain conditions may have hampered law enforcement officials' ability to distinguish traditional alms-seeking from exploitation through forced begging. Officials also reported the 2005 law did not clearly distinguish human trafficking from migrant smuggling. Revised anti-trafficking legislation remained pending before the office of the presidency.

In data collected from eight of Senegal's 14 regions, the government reported initiating 18 investigations, prosecuting 77 alleged traffickers, and convicting 28 traffickers. This compared with initiating 24 investigations, prosecuting 29 alleged traffickers, and convicting 20 traffickers, according to data collected from five regions during the previous reporting period. Courts sentenced 15 convicted traffickers to at least one years' imprisonment and issued fully suspended sentences to seven traffickers; all convicted traffickers received sentences lower than the minimum penalties prescribed in the 2005 anti-trafficking law. The government prosecuted potential trafficking crimes as lesser misdemeanor crimes, such as "pimping," which carried significantly lower penalties. Limited institutional capacity and resources, judicial case backlogs, and difficulty applying the 2005 anti-trafficking law inhibited efforts to prosecute and convict traffickers. Observers reported investigative magistrates lacked training to identify trafficking cases, including forced labor, leading to potential misclassification of trafficking crimes and application of lower penalties than those prescribed in the anti-trafficking law. Additionally, one official noted over-crowded prisons posed a significant challenge to the judicial system, sometimes resulting in courts issuing fines for lower-level offenses in trafficking cases.

The government did not prosecute or convict any traffickers for child forced begging for the third consecutive year. When officials identified a child forced begging victim, they often issued administrative penalties to the alleged perpetrators instead of criminally investigating and prosecuting the case, in part due to public pressure associated with the social influence

of Quranic teachers; such penalties failed to deter future exploitation. Officials observed some child victims were sent back to beg even after authorities returned them to their families. The government prosecuted at least two Quranic teachers in 2022 for non-trafficking-related misdemeanor crimes related to child abuse; the court issued a fully suspended sentence to one perpetrator and the other prosecution remained ongoing. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking crimes; however, corruption in trafficking crimes remained a significant concern, inhibiting law enforcement action. Observers alleged officials sometimes refused to investigate trafficking cases or pressured the judiciary to drop cases, especially those involving Quranic teachers, and in previous years, some security officials allegedly facilitated unauthorized border crossings of migrants.

The CNLTP, in collaboration with international organizations and foreign donors, finalized SOPs for law enforcement on the identification and investigation of trafficking cases; the government had not yet implemented the procedures at the end of the reporting period. Border police implemented and regularly trained officials on a manual with SOPs on border management, including trafficking screening procedures; however, officials reported the free movement of ECOWAS citizens complicated law enforcement's ability to detect trafficking cases at the border. The government increased its collaboration with foreign counterparts, including authorities from Brazil, Saudi Arabia, and the United Arab Emirates, on law enforcement activities. In cooperation with a foreign government, officials investigated a fraudulent labor recruiter exploiting Senegalese victims abroad. It also held a regional training with officials from Cote d'Ivoire, The Gambia, Guinea, France, Mauritania, Niger, and Spain on strengthening judicial and police cooperation to combat human trafficking and migrant smuggling. The government collaborated with international organizations to provide specialized training to law enforcement and judicial officials on anti-trafficking legal frameworks, investigative techniques, victim protection, and data collection. The government's capacity to collect anti-trafficking statistics and comprehensively report on law enforcement action was severely limited. Although operational in four regions, observers reported the government's anti-trafficking database ("Systraite") did not function effectively. However, the government, in collaboration with an international organization and foreign donor, created and launched a new database to collect court case data, including trafficking cases, in six regions.

PROTECTION

The government increased efforts to identify and protect trafficking victims. The government identified and referred to services at least 459 trafficking victims, including 26 adult victims from Nigeria and 433 child trafficking victims (334 forced begging victims and 99 sex trafficking victims). The government identified an additional 123 potential child trafficking victims. The majority of children identified were from Senegal and Guinea-Bissau. This compared with identifying and referring to care 37 trafficking victims (all adults) and identifying an additional 418 potential child trafficking victims in the previous reporting period. The government also reported repatriating 40 men exploited in forced labor in Saudi Arabia, some of whom were identified in the previous reporting period.

The government's new SOPs for law enforcement included victim identification screening procedures and, within the Dakar region, procedures for referring victims to services; the government had not yet implemented the procedures at the end of the reporting period. Law enforcement, immigration, and social services personnel had separate procedures for proactively identifying trafficking victims among vulnerable populations and referring them to services. However, authorities inconsistently applied the procedures, and they were not used in all regions of the country. Authorities generally referred victims identified along Senegal's borders to an international organization and government center for victim interviews before referring them to NGO or government protective services. In Dakar and rural areas, law enforcement, civil society, and community protection groups generally referred children to the government or NGOs for social services, including repatriation assistance for foreign child victims. The government referred foreign adult victims to their respective embassies and coordinated with NGOs and international organizations to provide repatriation support. Authorities were not always aware of the shelters and services available, especially for adult victims, which at times caused delays in the provision of services.

The Ministry of Women, Family, Gender, and Child Protection (MWFGCP) referred children to its shelter (the Ginddi Center) for care; it allocated 270 million West African CFA francs (FCFA) (\$439,140) for victim services, including the center's operations, the same amount provided in 2021. The center provided meals, shelter, basic medical care, psycho-social services, clothing, and vocational training. The Ginddi Center continued to lack sufficient space, limiting the number of victims authorities could assist and their length of stay. As a result, the government sometimes sent victims to the center for immediate services and then to NGOs or to partner *daaras* — which the government had certified met capacity, hygiene, and safety standards and did not engage in forced begging — where children received follow-on support services until family reunification. The MOJ operated shelters for child victims of crime, child victim-witnesses, and children in emergency situations, which child trafficking victims could

access. Outside of Dakar, international observers reported NGOs often provided critical shelter and victim services due to a lack of government resources. Shelter and services for adult victims remained severely inadequate. Several NGOs operated shelters for trafficking victims throughout the country. The government began building a shelter for adult female GBV victims, which will accommodate trafficking victims. Foreign national and Senegalese victims were eligible for the same services. The government, in collaboration with civil society and foreign governments, repatriated Senegalese trafficking victims exploited abroad and foreign victims exploited in Senegal. Foreign victims who faced hardship or retribution in their country of origin could apply for temporary or permanent residency, but authorities did not report granting these protections to any victims.

Access to victim services was not conditioned on cooperation with law enforcement proceedings. The government provided victim-witness assistance, including shelter, legal support, and psycho-social services, to support their participation in investigations and prosecutions, and the 2005 anti-trafficking law included victim-witness protection provisions, such as allowing videotaped testimony in trials. However, the government did not report providing such assistance to any trafficking victims. The law allowed victims to obtain restitution; however, the government did not report ordering restitution in any cases. Victims could file civil suits against their traffickers, and in some cases, courts awarded victims between 600,000 FCFA (\$975) and 1,000,000 FCFA (\$1,625) in damages. Authorities screened for trafficking indicators among vulnerable populations, including undocumented migrants and individuals in commercial sex. However, due to inconsistent application of victim identification procedures, authorities may have detained some unidentified trafficking victims. Authorities sometimes detained and fined individuals participating in commercial sex for lack of required documentation without screening for sex trafficking.

PREVENTION

The government increased prevention efforts. The CNLTP coordinated the government's anti-trafficking response and implementation of its 2021-2023 anti-trafficking NAP and met regularly. The government allocated 60 million FCFA (\$97,585) to the CNLTP in 2022, the same amount allocated the previous year. The government coordinated with civil society to conduct anti-trafficking awareness campaigns and continued working with an NGO and foreign donor to study the prevalence of sex trafficking in the gold mining area of Kedougou. The CNLTP drafted a national anti-trafficking communications strategy, including public awareness materials, that remained pending adoption at the end of the reporting period. The MOJ

drafted and validated a decree elevating the CNLTP's status to a committee; the decree remained pending before the Ministry Council at the end of the reporting period.

The president issued executive orders to increase oversight and regulations of *daaras* to prevent child forced begging; as part of the initiative, a newly established national *daaras* committee under the office of the presidency was charged with establishing and monitoring child protection and educational standards for new *daaras* and increasing the schools' access to socio-economic services. The initiative gives the government authority to inspect or close previously established *daaras* that do not meet its child protection standards. The MWFGCP launched a *daaras* mapping initiative and allocated 100 million FCFA (\$162,645) for its implementation. The government did not report inspecting or closing any *daaras* for health and safety violations. Four municipal governments within Dakar continued implementing regulations prohibiting child begging, as well as provisions developed with an international organization to increase oversight of *daaras* and provide food, hygiene, and medical services to the children. The MWFGCP, in collaboration with an NGO, held two training sessions for Quranic teachers and community members on children's rights, including preventing forced begging. The MWFGCP expanded its hotline for child crime victims to include women. The hotline was available in three languages and received 7,810 calls during the reporting period; the government did not report how many victims it identified as a result of hotline calls. The CNLTP continued to participate in the West Africa Network for the Protection of Children, a sub-regional referral mechanism for vulnerable children, including trafficking victims, comprised of NGOs and officials from neighboring countries; the network met to discuss protection and reintegration strategies for migrant children within the ECOWAS region.

The government regulated labor recruiters and brokers and investigated one case, in collaboration with a foreign government, involving a fraudulent labor recruiter. The law did not prohibit worker-paid recruitment fees, which increased labor migrants' vulnerability to trafficking. Observers reported lack of government regulation in the mining sector increased the prevalence of sex trafficking around gold mines. The government made some efforts to reduce the demand for commercial sex acts that equated to child sex trafficking, but it did not make efforts to reduce demand for other forms of commercial sex. Tourism police units continued to monitor the resort areas of Saly and Cap Skirring for indicators of child sex tourism and other abuses, although they did not report identifying any cases. The government provided anti-trafficking training to its troops prior to their deployment as peacekeepers; however, an international organization reported there were seven open allegations of sexual exploitation with trafficking indicators by Senegalese peacekeepers

deployed to UN peacekeeping missions in Haiti, Central African Republic, and the Democratic Republic of the Congo between 2009 to 2021.

TRAFFICKING PROFILE:

As reported over the past five years, human traffickers exploit domestic and foreign victims in Senegal, and traffickers exploit victims from Senegal abroad. Forced begging is the most prevalent form of trafficking in Senegal. Some corrupt Quranic teachers and men who claim to be Quranic teachers force students, called *talibes*, as young as 4 years old from Senegal and neighboring West African countries, especially Guinea-Bissau, to beg in Dakar and other major cities in Senegal. Some corrupt teachers set daily begging quotas enforced by beatings, and, in some cases, observers report teachers have shackled *talibes* to prevent them from running away. Government and civil society estimate tens of thousands of children living in residential *daaras* across Senegal are compelled to beg. The boys can be exposed to disease due to neglect and unsanitary living conditions, and older *talibes*, typically older teens or young men, in some cases physically and sexually abuse younger students. Former *talibes* are vulnerable to forced labor when they age out of *daaras* due to lack of education or economic alternatives. Corrupt Quranic teachers under investigation launch social and political intimidation campaigns.

Traffickers fraudulently recruit victims through the pretext of traditional cultural practices called *confiage*, in which parents send children to live with family or acquaintances in order for the child to have better access to education and economic opportunities; traffickers subsequently exploit the children in forced labor and sex trafficking. Secondary school teachers sexually exploit girls, at times through sex trafficking, soliciting sex in exchange for money, goods, or good grades. Tourists exploit children in sex trafficking in the cities of Dakar and Saint Louis, and to a lesser extent in Cap Skirring and La Petite Côte. Traffickers exploit Senegalese children and women in sex trafficking and forced labor in domestic servitude and gold mining.

Traffickers exploit women and girls as young as 12 years old in sex trafficking throughout the southeastern gold mining region of Kedougou; most victims are from Nigeria, but traffickers also exploit victims from Senegal, Ghana, Mali, Guinea, Sierra Leone, Benin, Burkina Faso, and the PRC. Trafficking rings fraudulently recruit women and use false documents to transport them to Mali and then across the border into Senegal's mining regions. The traffickers confiscate the victims' identity documents and coerce them into sex trafficking through debt bondage, charging them travel fees ranging from 1.57 million FCFA to 2.15 million FCFA

(\$2,550 to \$3,500). An NGO report attributes some of the increased demand for sex trafficking in mining communities to cultural and religious beliefs correlating sex and illicit activities with increased chances of finding gold. Traffickers also exploit boys from neighboring countries in forced labor in artisanal gold mines. PRC national-owned and operated fishing vessels flagged to Senegal may exploit West African men, including Senegalese, and PRC nationals in forced labor. North Korean nationals working in Senegal may be operating under exploitative working conditions and display multiple indicators of forced labor. The pandemic's impact on Senegal's economy, particularly the informal sector and foreign vessels' decimation of its fishing stock, caused a surge in irregular migration to Europe, including Spain; these migrants are vulnerable to trafficking. Traffickers fraudulently recruit Senegalese men and women for employment abroad and subsequently exploit them in forced labor and domestic servitude, especially in the Middle East. Traffickers exploit Senegalese victims in forced criminality in cyber scam operations abroad. Organized criminal networks and migrant smugglers fraudulently recruit Senegalese boys to play professional soccer in North Africa or Europe; once they arrive, they are vulnerable to forced labor. Senegalese migrants in Libya are vulnerable to trafficking, where there are widespread reports of officials subjecting detained migrants to violence and abuse, including trafficking.

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