

# 2023 Country Report on Human Rights Practices: Senegal

## EXECUTIVE SUMMARY

There were no significant changes in the human rights situation in Senegal during the year.

Significant human rights issues included credible reports of: arbitrary or unlawful killings; cruel, inhuman, or degrading treatment or punishment by or on behalf of prison or security officials; harsh and life-threatening prison conditions; arbitrary arrest or detention; serious problems with the independence of the judiciary; political detainees; serious restrictions on freedom of expression and media freedom, including unjustified arrests of journalists; serious restrictions on internet freedom; substantial interference with the freedom of peaceful assembly and freedom of association; lack of investigation of and accountability for gender-based violence, including domestic and intimate partner violence, and female genital mutilation/cutting; trafficking in persons; and crimes involving violence or threats of violence against lesbian, gay, bisexual, transgender, queer, or intersex persons.

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

In the southern Casamance region, situated between The Gambia and Guinea-Bissau, a low-level insurgency between security forces and armed separatists continued, although there was progress toward peace, including the signing of a peace accord and formal ceremony to collect arms that marked the end of one rebel faction's activities. Sporadic armed clashes occurred in the Casamance between individuals associated with various factions of the separatist Movement of Democratic Forces of the Casamance.

### Section 1.

## Respect for the Integrity of the Person

### A. ARBITRARY DEPRIVATION OF LIFE AND OTHER UNLAWFUL OR POLITICALLY MOTIVATED KILLINGS

While there were several documented instances of security forces showing restraint despite incurring injuries from rioters, several reports alleged security forces committed arbitrary or unlawful killings during violent riots by supporters of opposition figure Ousmane Sonko. These riots erupted across the country in June following Sonko's trial for rape and conviction for "corruption of youth." The government announced 16 deaths in a public statement, including two members of the security forces, nongovernmental organizations (NGOs) such as Amnesty International reported up to 26 persons were killed during the protests. Neither civil society nor media was able to determine how many deaths were caused by security forces and how many by rioting, looting, arson, and attacks with stones and other weapons on security forces. Following the arrest and imprisonment of Sonko on July 28, further protests led to the death of four civilians, according to the government, although media reported three additional deaths. Autopsies revealed

three of the deaths resulted from gunshot wounds, although the circumstances were not clear; two occurred when protestors threw a Molotov cocktail onto a full city bus.

The government initiated investigations into circumstances surrounding the June and July deaths, including into whether any occurred at the hands of security forces.

## **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, AND OTHER RELATED ABUSES**

The constitution and law prohibited such practices, although there were credible reports security forces deployed them. Human rights organizations noted examples of physical abuse committed by authorities, including excessive use of force as well as cruel and degrading treatment in prisons and detention facilities, including strip search and interrogation methods. According to human rights organizations, local 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 alleged investigations often were unduly prolonged and rarely resulted in charges or indictments.

Impunity for such acts was a significant problem. Some protesters accused security forces of serious physical abuse while in detention following the June protests. Authorities continued to investigate these allegations.

### **Prison and Detention Center Conditions**

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

**Abusive Physical Conditions:** Prison overcrowding was endemic. For example, Dakar's main prison facility, Rebeuss, held more than twice the number of inmates for which it was designed. As of July 31, prisons nationwide held a total of 12,158 inmates, compared to a recommended capacity of 4,924, representing an occupancy rate of 247 percent. Female detainees generally had better conditions than male detainees. The NGO National Organization for Human Rights identified lack of adequate sanitation in prisons as a major problem. Poor and insufficient food, limited access to medical care, stifling heat, poor drainage, and insect infestations were problems throughout the prison system, although none of these issues was life-threatening.

**Administration:** The Directorate of the Penitentiary Administration inspectorate conducted inspections of prison and allegations on a scheduled and ad hoc basis and submitted reports. The General Inspectorate of the Justice Administration conducted routine and ad hoc prison oversight visits but had no authority or sanction powers. 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 little evidence that officials conducted follow-up investigations as a direct result of prisoner complaints.

**Independent Monitoring:** The government permitted prison visits by independent nongovernmental observers, including local human rights groups, all of which operated independently, and by international observers.

The National Observatory of Places of Deprivation of Liberty conducted oversight of Senegalese prisons, but its findings and annual reports were not available to the public.

## D. ARBITRARY ARREST OR DETENTION

The constitution and law prohibited arbitrary arrest and detention, but the government did not always observe these prohibitions. Detainees were 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.

### Arrest Procedures and Treatment of Detainees

Unless a crime was “flagrant” (just committed or discovered shortly after being committed), police were required to obtain a warrant from a court to arrest or detain a suspect. Police treated most cases as “flagrant” offenses and made arrests without warrants, invoking pretrial detention powers. The National Police’s Criminal Investigation Division (DIC) was authorized to hold persons up to 24 hours before releasing or charging them. The National Gendarmerie judicial police officers in the Research Brigades were also authorized to perform arrests, detentions, and investigations and could detain individuals for up to 48 hours. Authorities did not promptly inform many detainees of the charges against them. Police, including DIC officials, were authorized to double the detention period from 24 to 48 hours without charge if they demonstrated substantial grounds for a future indictment and if a prosecutor so authorized. If such extended detention was authorized, the detainee was brought in front of the prosecutor within 48 hours of detention. For particularly serious offenses, investigators sometimes requested a prosecutor extend this period to 96 hours. Authorities had the power to detain terrorist suspects for an initial 96 hours, with renewals for a maximum of 12 days. The detention period did not formally begin until authorities officially declared an individual was being detained, a practice Amnesty International noted resulted in lengthy detentions. Prosecutors visited detention facilities on a regular basis to identify detainees with pending criminal dossiers to minimize use of detention for unofficial, extrajudicial purposes.

Bail was rarely available. The law permitted electronic monitoring bracelets as a form of conditional release for detainees, but the practice was new and not yet used consistently. By law, defense attorneys could have access to suspects from the moment of arrest and be present during interrogation; this provision, however, was not regularly respected. The law provided for legal representation at public expense in felony cases to all criminal defendants who could not afford a lawyer after the initial period of detention. Appointed counsel, however, rarely showed up, especially outside of Dakar. Indigent defendants did not always have attorneys in misdemeanor cases. Several NGOs provided legal assistance or counseling to those charged with crimes.

**Arbitrary Arrest:** The Ministry of Interior reported that police arrested approximately 500 persons during June 1-2 civil unrest, when protests spiraled into rioting, looting, arson, and attacks on security forces, public infrastructure, and government facilities. The head of the public prosecutor’s office stated 410 persons were arrested and that minors were generally released on bail and handed over to their civil guardians; those under 13 were not prosecuted. The remaining adults were tried for acts of criminal conspiracy in relation to a terrorist enterprise, participation in an insurrectionist movement, causing damage to property, or acts and maneuvers likely to compromise public safety. The political opposition and some local and international NGOs contended some of the arrests were politically motivated and not the result of criminal activity. The international NGO Human Rights Watch and local civil society organizations publicly denounced these alleged arbitrary arrests of demonstrators, journalists, and political prisoners.

On July 25, a press release signed by 11 organizations belonging to the local civil society platform Jammi Rewmi denounced “the waves of arrests and imprisonments of opposition activists and sympathizers,” including a prominent civil society activist of the *Y’en a marre* and Front des Forces Vives du Senegal (F24) movements.

**Pretrial Detention:** The government permitted lengthy pretrial detention in a majority of cases. The law stated an accused person could not be held in pretrial detention for more than six months for minor crimes; however, authorities routinely held persons until a court ordered their release. Judicial backlogs and absenteeism of judges resulted in an average wait of two years between the

filing of charges and the beginning of a trial. In cases involving felonies, including murder charges, 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.

## **E. DENIAL OF FAIR PUBLIC TRIAL**

Although the constitution and law provided for an independent judiciary, there were reports 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 questioned the government's commitment to providing adequate resources for proper judicial operations. The judiciary was formally independent, but the president controlled appointments to the Constitutional Council, the Court of Appeal, and the Council of State. The president and his appointed minister of justice cochaired the High Council of the Judiciary, the body responsible for managing magistrates' careers. Judges were prone to pressure from the government on corruption cases and other matters involving high-level officials or supporters of the government.

The Regional Court of Dakar included a military tribunal that had jurisdiction over crimes committed by military personnel. A tribunal was composed of a civilian judge, a civilian prosecutor, and two military assistants to advise the judge, one of whom had to be of equal rank to the defendant. A tribunal could try civilians only if they were involved with military personnel who violated military law. A military tribunal provided the same rights as a civilian criminal court.

### **Trial Procedures**

The constitution provided for all defendants to have the right to a fair and public trial, and the judiciary generally enforced this right.

While defendants could not be compelled to testify against themselves or confess guilt, the country's long-standing practice was for defendants to provide information to investigators and testify during trials. Case backlogs, lack of legal counsel (especially outside of Dakar), judicial inefficiency and corruption, and lengthy pretrial detention undermined many of the rights of defendants.

Evidentiary hearings could be closed to the public and press. Although a defendant and counsel could introduce evidence before an investigating judge who decided whether to refer a case for trial, police or prosecutors could limit their access to evidence against the defendant prior to trial.

### **Political Prisoners and Detainees**

Local NGOs, opposition parties, and some media claimed supporters of opposition figure Sonko arrested during violent riots in June constituted political prisoners, including some opposition tallies as high as 1,000 individuals. Many of these prisoners and detainees went on hunger strikes that lasted from days to weeks as a form of protest. No reports of deaths from the hunger strikes were reported. The government granted access to prisoners by human rights or humanitarian organizations.

In August, local media reported the arrest of several opposition party mayors, a former MP, and opposition party leaders for "association with a terrorist enterprise" and "acts that compromise public security." Authorities granted provisional release to some, while others remained in prison awaiting trial as of year's end.

## **F. TRANSNATIONAL REPRESSION**

Not applicable.

## **G. PROPERTY SEIZURE AND RESTITUTION**

Not applicable.

### **[HTTPS://WWW.STATE.GOV/REPORTS/JUST-ACT-REPORT-TO-CONGRESS/H. ARBITRARY OR UNLAWFUL INTERFERENCE WITH PRIVACY, FAMILY, HOME, OR CORRESPONDENCE](https://www.state.gov/reports/just-act-report-to-congress/h-arbitrary-or-unlawful-interference-with-privacy-family-home-or-correspondence)**

The constitution and law prohibited such actions, but there were several reports from local media and NGOs the government failed to respect these prohibitions.

## **I. CONFLICT-RELATED ABUSES**

President Macky Sall continued efforts to resolve the 40-year conflict in the southern Casamance region between separatists and government security forces. Following the 2022 agreement on disarmament between government officials and the provisional committee of the Movement of Democratic Forces of the Casamance (MFDC), a May 13 formal ceremony of arms collection marked the end of the MFDC Diakaye rebel camp. NGOs remained concerned, however, that the absence of Salif Sadio, leader of the militant MFDC faction, could compromise the agreement's utility and sustainability. The army conducted several air and ground operations to facilitate the return of local displaced populations affected by the conflict.

In January media reported a youth was detained by a MFDC rebel factions on the border with Guinea-Bissau. Several civil society and community-led initiatives to recover the youth were unsuccessful, and his dead body was discovered on June 21.

### **Section 2.**

## **Respect for Civil Liberties**

### **A. FREEDOM OF EXPRESSION, INCLUDING FOR MEMBERS OF THE PRESS AND OTHER MEDIA**

The constitution and law provided for freedom of expression, including for members of the media, but the government occasionally limited these freedoms.

**Violence and Harassment:** The NGO Reporters Without Borders reported the arrest of journalists Pape Ndiaye, a journalist charged with "spreading fake news." He spent more than three months in prison but were ultimately released.

During the year, authorities arrested several other journalists and media figures including Serigne Saliou Gueye, who was charged with "contempt of court and illegal exercise of the journalism profession" but released after two months.

**Censorship and Content Restrictions for Members of the Press and Other Media, Including Online Media:** Although the government continued to influence locally televised information and opinion through government media outlets such as Radio Television Senegal, privately owned

television channels broadcasted independently. The law mandated that presidential appointees lead other public media outlets. Reporting by these outlets, often carried a progovernment bias. Independent journalists regularly criticized the government without reprisal.

The government suspended Walfadjiri TV, a private television station, for one week in February and again for one month in June for its coverage of nationwide protests. The government accused the station of “broadcasting violent images accompanied by subversive and hateful comments.” During the June protests, the government blocked access to some social media applications for several days, including Twitter, Facebook, Instagram, and WhatsApp, due to “dissemination of hateful and subversive comments.” In late July and early August, the government again restricted mobile data and banned Tik Tok for over a week in response to civil unrest following the arrest and imprisonment of opposition figure Ousmane Sonko.

**Libel/Slander Laws:** Blasphemy and criminal defamation laws were in place and were occasionally enforced. The press law prohibited “fake news,” particularly news articles that “discredit public institutions.”

### **Internet Freedom**

The law granted the Senegalese Regulatory Authority for Telecommunications and Post and existing internet service providers the ability to limit or block access to certain online sites and social networks in the interest of national security. In June and again in August, after the protests following the arrest and imprisonment of opposition figure Ousmane Sonko, the government temporarily suspended mobile internet access for several days on the grounds of “the dissemination of hateful and subversive messages in a context of public disorder.”

## **B. FREEDOMS OF PEACEFUL ASSEMBLY AND ASSOCIATION**

The government restricted the freedoms of peaceful assembly and association.

### **Freedom of Peaceful Assembly**

The law provided for this right, but authorities refused to authorize political demonstrations in several instances, ostensibly to maintain public order. International media and NGOs reported that armed civilians called “nervis” unofficially assisted security forces and clashed with or fired on demonstrators during June civil unrest in Dakar following the sentencing of opposition figure Sonko to two years in prison for corruption of youth. Local sources reported that opposition groups also hired “nervis” to precipitate violence that could then be blamed on government security forces.

The Ministry of Interior or government prefects had to approve large protests in advance. Several political opposition parties complained of undue delays in response to authorization requests for public demonstrations. NGOs and local media alleged officials denied for several months the political opposition’s requests to demonstrate following unrest in June, before approving the first in late October.

On several occasions, security forces barricaded the homes and headquarters of YAW (Yewwi Askan Wi) opposition coalition leaders or denied permission for political campaign caravans. Local media reported that on July 15 security forces surrounded PRP (Parti Républicain pour le Progrès) headquarters of opposition presidential candidate Déthié Fall.

### **Freedom of Association**

The law provided for this right and authorities generally respected it, although the Ministry of Interior dissolved an opposition political party in July (see section 3, Political Parties and Political Participation).

## C. FREEDOM OF RELIGION

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/international-religious-freedom-reports>.

## D. FREEDOM OF MOVEMENT AND THE RIGHT TO LEAVE THE COUNTRY

The constitution and law provided for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government continued to permit generally unsupervised and largely informal repatriation of Casamance refugees returning from The Gambia and Guinea-Bissau.

**Foreign Travel:** The law required some public employees to obtain government approval before departing the country. Only the military, police, and judiciary enforced this law for their employees.

## E. PROTECTION OF REFUGEES

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning Senegalese refugees, and asylum seekers, as well as other persons of concern.

**Access to Asylum:** The law provided for the granting of asylum or refugee status, and the government established a system for providing protection to refugees. The government provided refugees access to the national health and education systems and granted them the right to work. Since the president had to approve each case, delays of many years in granting refugee status remained a problem. Refugee advocates reported the government rarely granted refugee status or asylum. The government generally allowed those with pending and some with rejected asylum claims to remain in the country.

The government did not offer all asylum seekers due process or security, since the same committee that examined appeals filed by denied asylum seekers had examined their original cases. Police did not arrest denied asylum seekers for staying illegally in the country but did so if they committed crimes. Authorities generally contacted UNHCR in such cases to verify their asylum status and avoid deporting someone with a pending claim.

Lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) refugees and asylum seekers faced possible challenges to their protection in the country because consensual same-sex sexual activity between adults was criminalized. Some LGBTQI+ asylum seekers reported indefinite delays in the processing of their applications. UNHCR noted the instances of lost, unacknowledged, and ultimately denied asylum applications were higher among the LGBTQI+ refugee and asylum population. UNHCR assessed that due to the lack of opportunities for safe return or local integration, resettlement to a third country was the only durable solution available for this group.

**Durable Solutions:** The country continued to offer protection to Mauritanian refugees dispersed over a large area in the Senegal River valley along the border with Mauritania. According to UNHCR, most of the Mauritanian refugees indicated a desire to remain in the country permanently, with most having integrated socioeconomically into the host community in Senegal. The government and UNHCR continued to coordinate a naturalization campaign for Mauritanian

refugees seeking to remain permanently in Senegal; however, bureaucratic hurdles and delays prevented many from receiving the full rights enjoyed by citizens.

**Temporary Protection:** The government did not formally grant temporary protection, although the government generally allowed those with pending cases and sometimes denied asylum claims to remain in the country.

## F. STATUS AND TREATMENT OF INTERNALLY DISPLACED PERSONS

During the 40-year Casamance conflict, more than 20,000 persons left villages in the region due to fighting, forced removal, and land mines, according to estimates by international humanitarian assistance agencies. Internally displaced persons (IDPs) continued to return to their villages. The government generally respected rights related to movement and promoted the safe, voluntary, and dignified return, resettlement, or local integration of these IDPs and had policies and protections in line with UN principles on displacement. Some returnees lacked civil documentation proving nationality that could affect their access to state services. During the year, the government worked with UNHCR to repatriate persons from Casamance who fled their homes during the conflict.

For further information about IDPs in the country, please see the materials of the Internal Displacement Monitoring Center: <https://www.internal-displacement.org> .

### Section 3.

#### Freedom to Participate in the Political Process

The constitution and law provided 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

**Abuses or Irregularities in Recent Elections:** National elections were widely reported to be fair and free of abuses and irregularities, including legislative elections in 2022 and presidential elections in 2019.

**Political Parties and Political Participation:** On July 31, the Minister of the Interior announced the dissolution of Sonko's PASTEF party by presidential decree, citing its frequent appeals for "insurrectionist movements" and the "serious consequences" of these appeals. NGOs and the media also alleged the government closed civic space by restricting freedom of assembly and press and internet freedom.

**Participation of Women and Marginalized or Vulnerable Groups:** No laws limited the participation of women or members of minority groups in the political process, and they participated. The law requiring equal number of men and women candidates for all elected offices had not significantly expanded women's role in exercising political authority since it did not apply to party leadership positions or to other important decision-making bodies. Some observers believed traditional and cultural factors prevented women from participating in the political process to the same extent as men. Women elected to office often faced additional pressure to maintain traditional subservient gender roles, making it difficult for them to take substantive leadership roles within the political sphere.

### Section 4.

## Corruption in Government

The law provided criminal penalties for corruption by officials, but the government often did not enforce the law effectively. There were several reports of government corruption.

**Corruption:** NGO reports and public surveys from 2022 revealed that the public perceived there to be widespread bribery, misappropriation, abuse of authority, and fraud within government institutions, particularly in the transport sector, the judiciary, and public services. Reports of corruption ranged from rent seeking by bureaucrats involved in public approvals, particularly in extractive industries, to opaque public procurement, to corruption in the judiciary and police. A December 2022 Court of Auditors report alleged that government officials embezzled more than \$10 million intended to address COVID-19. In July, the DIC submitted its final report on mismanagement of COVID-19 funds to the government prosecutor's office.

For additional information concerning corruption in the country, please see the Department of State's *Investment Climate Statement* for the country, and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

### Section 5.

## Governmental Posture Towards International and Nongovernmental Monitoring and 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.

**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, did not conduct investigations, and last released an annual report in 2001.

### Section 6.

## Discrimination and Societal Abuses

### WOMEN

**Rape and Domestic Violence:** The law criminalized rape and did not differentiate according to the gender of the victim. The law also did not address spousal rape.

The government did not fully enforce existing laws, particularly when violence occurred within families. Although domestic violence causing lasting injuries was punishable with a prison sentence of 10 to 20 years, and life imprisonment for murder, police usually did not intervene in domestic disputes. Many citizens considered domestic violence a normal part of life. NGOs noted 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 noted the government's failure to permit them to bring suits on behalf of survivors of domestic violence and the lack of shield laws for rape survivors.

The government-run Ginddi Center in Dakar provided shelter to women and girls who were survivors of rape or child, early, and forced marriage as well as to children found in the streets.

Several cases of rape or sexual assault were reported in Diamniadio, in Ziguinchor, and at Dakar's Cheikh Anta Diop University on the sidelines of the June unrest, although the incidents were not attributed specifically to rioters or security forces.

**Female Genital Mutilation/Cutting (FGM/C):** The law provided criminal penalties for the perpetration of FGM/C on women and girls, but authorities prosecuted no cases. UNICEF estimated in 2021 one in four girls and women between ages 15 to 49 had suffered from FGM/C, with the prevalence as high as 65 to 90 percent in some regions, and with large variation across regions and ethnic groups.

**Discrimination:** The law provided for the same legal status and rights for women as for men in many areas, although there were legal restrictions on women in employment, including limitations on occupations and tasks. Nevertheless, women faced pervasive discrimination, especially in rural areas where traditional customs and discriminatory rules of inheritance were strongest.

The law's definition of paternal rights remained an obstacle to equality between men and women. The law recognized men as heads of household, preventing women from being granted legal responsibility for their children. Additionally, any government benefits for having children were paid to the father. Women could become the legal head of household only if the husband formally renounced his authority or was unable to act as head of household.

While women legally had 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 their relationships with their husbands. Discriminatory laws and policies also limited women's access to and control of capital.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

The prevalence of FGM/C heightened women's risk to increased obstetrical complications during labor and childbirth.

Barriers to emergency health care included long distances from health-care facilities, a lack of equipment, a lack of trained staff, and language barriers between health-care workers and patients. The government provided access to sexual and reproductive health services for survivors of sexual violence. Service quality improved with the adoption of standards, training, and technical platforms. Emergency contraception was available as part of the clinical management of rape cases.

According to 2020 data from the World Health Organization, the most recent available, the maternal mortality ratio was 261 deaths per 100,000 live births. The Ministry of Health and Social Action estimated most maternal deaths in childbirth were preventable, caused by the lack of medical equipment and qualified providers, particularly in rural areas.

Barriers impacting menstrual health and hygiene included a lack of education for women and girls about access to water, sanitation and hygiene in education settings and a lack of education about and cultural reluctance to discuss reproductive health. Barriers to menstrual hygiene sometimes negatively impacted education and employment opportunities.

## **SYSTEMIC RACIAL OR ETHNIC VIOLENCE AND DISCRIMINATION**

The law prohibited acts of racial, ethnic, or religious discrimination. Authorities enforced the law effectively. Ethnic groups generally coexisted peacefully, but discrimination occurred among many ethnic groups, particularly against individuals of lower castes, and intellectuals or businesspersons

from lower castes often tried to conceal their caste identity. Such discrimination was rarely discussed openly.

Government programs to mitigate societal, racial, or ethnic biases included policies favoring the hiring of women, persons with disabilities, and youth.

## CHILDREN

**Birth Registration:** Citizenship was acquired by birth on national territory or naturalization. The law provided for equal rights for mothers and fathers to transmit citizenship to their children. Registering births required payment of a small fee and travel to a registration center, a difficult process for many residents of rural areas.

**Education:** The law provided for tuition-free and compulsory education for children between ages six and 16, although observers estimated approximately one-third of children did not attend school. Many parents chose to enroll their children in Koranic schools, called *daaras*. While children could generally go through primary school without a birth certificate, one was needed to sit for the primary school national exam. Students' families often had to pay for textbooks, uniforms, and other school supplies.

Girls encountered greater difficulties than boys in furthering their education beyond the elementary level. De-prioritization of education for girls vis-à-vis boys in rural communities, a lack of clean water and poor hygiene in schools, early pregnancy, long travel distances, and gender-based violence at schools contributed to low retention rates for girls. Clear mechanisms for reporting harassment remained inconsistent at the school level. Many girls who became pregnant dropped out of school, with limited opportunities for re-enrolling.

While many parents continued to opt to remove their daughters from school past the elementary level due to economic and sociocultural reasons, in recent years, gender disparity at the middle- and high-school level lessened.

**Child Abuse:** There were laws against child abuse, but the government did not effectively enforce them. Child abuse remained common, particularly of boys sent to Dakar and other cities to beg under threat of punishment. Parents sent many of these boys to study in *daaras*. At some *daaras*, Quranic instructors exploited or physically abused boys, and forced children to beg on the street.

**Child, Early, and Forced Marriage:** By law women had the right to choose when and whom they married, but traditional practices often restricted a woman's choice. The law prohibited marriage of girls younger than 16, but authorities generally did not enforce the law in communities where marriages were arranged. Under certain conditions a judge could 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 for Women's Affairs, Family Affairs, and Gender, child, early, and forced 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 prohibited the commercial sexual exploitation, sale, and offering or using of children for commercial sexual exploitation, including sex trafficking, and prohibited child pornography. The law did not specifically address grooming. Authorities did not effectively enforce the law, but they conducted follow-up investigations when they received referral cases. The legal age of consent was 18.

Exploitation of girls in sex trafficking continued to be a problem, particularly in the southeast goldmining region of Kedougou.

**Infanticide, Including Infanticide of Children with Disabilities:** Infanticide continued to be a problem, usually due to economic hardship or religious shame from having children outside of

marriage. If police discovered the identity of the mother, she faced arrest and prosecution for infanticide.

## ANTISEMITISM

There were approximately 100 Jewish residents in the country. There were no reports of antisemitic acts.

## TRAFFICKING IN PERSONS

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report>.

## ACTS OF VIOLENCE, CRIMINALIZATION, AND OTHER ABUSES BASED ON SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, OR SEX CHARACTERISTICS

**Criminalization:** Consensual same-sex sexual activity between adults, referred to in law as an “unnatural act,” was a criminal offense punishable by up to five years in prison. The government sometimes enforced this law. In August, police arrested 10 persons in an apartment in the Parcelles Assainies neighborhood of Dakar for allegedly violating the “unnatural act” law. Authorities dropped the charges and released the individuals in September.

**Violence and Harassment:** Some local observers believed police condoned or promoted violence against the LGBTQI+ community. LGBTQI+ individuals were subject to frequent threats, mob attacks, robberies, expulsions, blackmail, and rape, and were sometimes refused burial in religious cemeteries. Political figures sometimes condoned or tolerated these abuses.

Observers reported continued politicization of LGBTQI+ issues ahead of the 2024 presidential election, forcing LGBTQI+ community members to flee or hide for their safety. Anti-LGBTQI+ discourse from political parties and others created a threatening atmosphere for LGBTQI+ persons.

**Discrimination:** No laws prevented discrimination based on sexual orientation, gender identity or expression, or sex characteristics. No hate crime laws existed to prosecute crimes motivated by bias against LGBTQI+ persons. LGBTQI+ persons faced widespread social intolerance, and LGBTQI+ activists reported discrimination in access to social services, including in education and health services. Government and cultural attitudes remained heavily biased against LGBTQI+ persons.

**Availability of Legal Gender Recognition:** There was no process by which individuals could change gender identity markers on legal and identifying documents to align with their gender identity.

**Involuntary or Coercive Medical or Psychological Practices:** Observers did not report specific cases of forced or involuntary so-called conversion therapy of children or adults through a formal institution or practice. Nonetheless, widespread social, cultural, and religious intolerance led to continual attempts to “convert” LGBTQI+ individuals informally through family, religious, medical, educational, or other community pressures, including forced marriage. The government and medical associations did nothing to limit such practices.

There were no reports of surgeries performed on children or nonconsenting intersex persons, nor of efforts by the government or medical associations to limit such practices.

**Restrictions of Freedom of Expression, Association, or Peaceful Assembly:** The government prohibited LGBTQI+ organizations from legally registering or convening meetings on the premise

that such gatherings were against public order. The government closely scrutinized NGO registrations for linkages to the LGBTQI+ community, including rejecting applications with a strong focus on gender-related topics.

## **PERSONS WITH DISABILITIES**

Persons with disabilities had access to education, health services, and transportation on an equal basis with others, although many public buildings lacked accessible facilities.

The law prohibited discrimination against persons with disabilities, but the government did not enforce these provisions adequately. The law also mandated accessibility for persons with disabilities, but the government did not effectively enforce the law. Government information and communication on disability concerns generally were not provided in accessible form.

A majority of school-age children with disabilities did not attend school, mainly due to lack of accessibility and a lack of inclusive education training for teachers. Support for persons with mental disabilities was not generally available.

Persons with disabilities often struggled to register to vote and access voting sites due to physical barriers such as stairs. In addition, a lack of provisions such as Braille ballots or sign language interpreters for persons with vision and hearing disabilities, or persons who were nonverbal, presented additional barriers.

The law reserved 15 percent of new civil service positions for persons with disabilities, but this quota was not enforced. In regions outside Dakar, persons with disabilities were effectively excluded from access to these positions.

## **OTHER SOCIETAL VIOLENCE OR DISCRIMINATION**

The law prohibited violence and discrimination against persons with HIV and AIDS, as well as dissemination of HIV status, although the law was not well known or enforced. The government and NGOs conducted HIV and AIDS awareness campaigns to increase social acceptance of persons with HIV and AIDS and increase HIV testing and counseling nationwide. Nevertheless, human rights activists reported HIV-positive individuals and those with AIDS-related illnesses suffered from social stigma. HIV-positive LGBTQI+ individuals sometimes refrained from taking antiretroviral drugs due to the risk their communities would discover their sexual orientation.

### **Section 7.**

## **Worker Rights**

### **A. FREEDOM OF ASSOCIATION AND THE RIGHT TO COLLECTIVE BARGAINING**

The law provided for the rights of workers to form and join independent unions. Unions had the right to bargain collectively and strike, with some restrictions. The law prohibited antiunion discrimination and allowed unions to conduct their business without interference. The government enforced applicable laws and imposed penalties.

The law excluded some workers, such as persons in public employment of public administration, customs officers, and judges from labor law protections. Children (both as workers and as apprentices) could not join a union without parental authorization.

There were legal restrictions limiting the exercise of freedom of association and collective bargaining. Before a trade union could exist legally, the labor code required authorization from the Ministry of Interior. Unions had no legal recourse if the minister refused registration, although authorization was rarely withheld. By law, as part of the trade union recognition process, the ministry had the authority to vet candidates for positions of trade union officials. Any change to the bylaws of a trade union were required to be reported to and investigated by the inspector of labor and the public attorney. The state prosecutor could dissolve and disband trade unions by administrative order if union administrators were not following government regulations on the duties of a union to its members.

Foreigners could hold union office only if they had lived in the country for five years and only if their country provided the same right to citizens. Unions could engage in legal proceedings against any individual or entity that infringed the collective bargaining rights of union members, including termination of employment.

The law provided for the right to strike; however, certain regulations restricted this right. According to labor activists, the constitution undermined the right to strike by stipulating a strike could not infringe on the freedom to work or jeopardize an enterprise. The law stated workplaces could not be occupied during a strike and could not violate non strikers' freedom to work or hinder the right of management to enter the premises of the enterprise, including pickets, go-slows, work to rule, and sit-down strikes. Unions representing members of the civil service were required to notify the government of their intent to strike at least one month in advance; private sector unions were required to do so three days in advance. The government could also requisition workers to replace those on strike in all sectors, including "essential services" sectors. A worker who took part in an illegal strike could be summarily dismissed. Penalties for noncompliance included a fine, imprisonment, or both.

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. The law had no legal mechanism to require employers to enter collective bargaining negotiations. Trade unions organized on an industrywide basis, very similar to the French system of union organization. There were no confirmed reports of antiunion discrimination.

## **B. PROHIBITION OF FORCED OR COMPULSORY LABOR**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **C. PROHIBITION OF CHILD LABOR AND MINIMUM AGE FOR EMPLOYMENT**

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

## **D. DISCRIMINATION (SEE SECTION 6)**

## **E. ACCEPTABLE CONDITIONS OF WORK**

**Wage and Hour Laws:** The law provided for a minimum wage for agricultural and nonagricultural workers, although the minimum wage was lower for agricultural workers. The national minimum hourly wage for both agricultural and nonagricultural workers was higher than the estimated poverty income rate and increased by 11 percent during the year.

For most occupations in the formal sector, the law mandated a standard workweek of 40 hours with at least one 24-hour rest period per week, safety standards, and other measures.

**Occupational Safety and Health:** The law provided for appropriate occupational safety and health (OSH) standards for the country's main industries. Employers were required to set up an occupational safety service and a committee on occupational health and safety; the employer had to provide training and free protective equipment including clothing to workers exposed to wet or hazardous substances. Employees or their representatives had the right to propose measures for their protection and safety and refer proposals to the competent administrative authority in case the employer refused. Responsibility for identifying unsafe conditions was up to employers and workers, not OSH experts. 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.

**Wage, Hour, and OSH Enforcement:** The Ministry of Labor and Social Dialogue was responsible for enforcing the law in the formal sector and published an annual report on labor statistics. Penalties for violations were commensurate with those for similar crimes such as fraud or negligence. Penalties were rarely applied against violators because dialogue and mediation was the most used dispute resolution technique.

Approximately 200 total labor inspectors were spread across the country's 14 regions and reported to a centralized team of inspectors based in the capital. Inspectors had the authority to hold unannounced inspections and impose penalties. The most common deficiencies were the non-affiliation of workers to a health insurance institution, a pension, or a social security fund and the failure to declare a work location. The government did not report taking specific action to prevent violations against vulnerable groups.

The law did not apply to the informal sector and thus excluded most of the workforce, including subsistence farmers, domestic workers, and those employed in many family businesses. According to Ministry of Labor statistics, the informal sector represents 70 percent of the Senegalese labor market, but the International Labor Organization reported that, as of 2020, ninety percent of workers were in informal employment and 97 percent of nonagricultural economic units operated in the informal economy.