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2019 Trafficking in Persons Report: Senegal

SENEGAL: Tier 2

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 to meet the minimum standards compared to the previous reporting period; therefore Senegal was upgraded to Tier 2. The government demonstrated overall increasing efforts by convicting six individuals involved in trafficking, including three traffickers posing as Quranic teachers who exploited children in forced begging under the 2005 anti-trafficking law; only three individuals had been convicted for forced begging since 2005. The government sentenced two of the three traffickers convicted for forced child begging to significant prison terms. The government identified and provided care to more child trafficking victims and increased its engagement with religious communities and the general public to raise awareness of human trafficking. However, the government did not meet the minimum standards in several key areas. Officials rarely used the 2005 anti-trafficking law to prosecute traffickers and all but two sentences imposed during the reporting period were below the minimum penalties prescribed in the law. The government applied administrative penalties to most individuals exploiting children in forced begging rather than criminally investigating and prosecuting offenders. Coordination between government agencies continued to be weak.

PRIORITIZED RECOMMENDATIONS

Explicitly direct law enforcement and judicial officials to significantly increase efforts to investigate and criminally prosecute trafficking offenses following due process, including those who exploit children in forced begging, and punish convicted traffickers with significant prison terms consistent with the 2005 anti-trafficking law.

- Approve draft legislation to regulate *daaras* (Quranic schools) and allocate adequate inspectors to enforce its implementation.
- Allocate sufficient resources and funding to the anti-trafficking task force (CNLTP) and strengthen its ability to coordinate anti-trafficking activities among agencies conducting anti-trafficking work.
- Continue implementing the 2018-2020 anti-trafficking national action plan.

- Facilitate training of law enforcement, labor, and social welfare officials to adequately identify trafficking victims, including among child beggars, investigate cases, refer victims to services, and prevent their penalization.
- Develop and establish a framework to regulate overseas labor recruitment to prevent exploitation of Senegalese workers abroad.
- Expand workplace regulations to include labor inspections in the informal sector where forced labor occurs.
- Develop and implement pre-departure trainings for labor migrants, including sessions on labor rights, labor laws, and methods to access justice and assistance in destination countries and Senegal to prevent exploitation abroad.
- In partnership with NGOs, expand access to protective services for trafficking victims outside of Dakar.
- Continue the *daara* mapping project.
- Broaden efforts to raise public awareness of trafficking.

PROSECUTION

The government made uneven 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 regards 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 and exploitation through forced begging. During the reporting period, the government continued revising the 2005 anti-trafficking law to establish separate laws for human trafficking and migrant smuggling in an effort to prevent conflation of the two crimes.

In data collected from six of Senegal's 14 regions, the government reported investigating at least 12 trafficking cases, prosecuting 12 suspects and convicting six traffickers, compared to 20 investigations, 10 prosecutions, and five convictions the previous reporting period, with data from five regions. Three of the six convicted traffickers had posed as Quranic teachers to exploit children in forced begging and were convicted under the 2005 anti-trafficking law in addition to abuse and child endangerment charges. The three convicted traffickers received sentences of two years suspended sentence, two years' imprisonment, and three years' imprisonment, respectively; two of these sentences were in compliance with the penalties prescribed in the 2015 anti-trafficking law. Judges sentenced the other three convicted traffickers to

two years' imprisonment which was below the minimum penalties prescribed in the law. In the previous reporting period, all sentences imposed were below the minimum penalties prescribed in the law. Officials did not consistently use the 2005 anti-trafficking law to prosecute alleged traffickers. When officials identified a potential forced begging case, they often issued administrative penalties to the alleged perpetrators instead of criminally investigating and prosecuting the case; during the reporting period, 136 alleged child forced begging cases were handled administratively. By not criminally investigating or prosecuting these forced begging cases, the government did not adequately hold traffickers accountable. The government created a new Air and Border Police unit at the close of the previous reporting period with responsibility for transnational criminal investigations; the new unit investigated an unspecified number of sex trafficking and forced child begging cases. Despite allegations of government complicity—either by refusing to investigate trafficking offenses or pressuring the judiciary to drop cases—the government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. The CNLTP continued to lead meetings of a West African sub-regional network, including officials from neighboring countries of bodies focused on combating trafficking, and hosted three meetings in Dakar to share best practices.

As in past years, the CNLTP co-financed and led five trainings with international organizations and NGOs on identifying, investigating, and prosecuting human trafficking. These trainings reached more than 159 judges, prosecutors, and police officers, as compared to reaching 200 officials the previous year. In addition, the Ministry of Justice conducted several training sessions for law enforcement and judiciary officials on the 2005 law, investigation practices, and victim identification and assistance procedures at the Judicial Training Center as well as at the national police and gendarmerie schools. The CNLTP hosted a workshop on human trafficking and migrant smuggling for 50 judicial, law enforcement, and related ministry officials, as well as civil society and religious leaders. The Ministry of Good Governance and Child Protection (MGGCP) partnered with international donors and an NGO to lead a train the trainers session for juvenile justice practitioners on child protection, especially victims or witnesses of violence, trafficking, or exploitation. In November 2018, the MGGCP also trained 40 community leaders and government officials on identification of trafficking. However, many law enforcement and judicial personnel remained unaware of the provisions of the 2005 law, which, coupled with limited institutional capacity, inhibited efforts to prosecute and convict traffickers under the law, and collect data on such efforts. Although the government continued to roll out a national trafficking database in key regions of the country initiated during previous reporting periods, the government did not fully complete this process or use it during the reporting period.

PROTECTION

The government increased efforts to identify and provide services to trafficking victims. Law enforcement, immigration, and social services personnel had formal written procedures to proactively identify trafficking victims among high-risk populations. The government, at times in collaboration with NGOs, identified and referred to services at least nine adult trafficking victims and approximately 1,559 potential child trafficking

victims during the reporting period—including a significant number of child forced begging victims. This was compared to identifying and providing services to 1,381 potential child trafficking victims during the previous reporting period. The MGGCP partnered with NGOs to repatriate at least 296 child trafficking victims to their home countries. A second NGO in Saint-Louis identified and cared for an additional 340 child trafficking victims without government support.

The MGGCP took the lead for child trafficking victim protection. The Ginddi Center, under the aegis of the MGGCP, provided temporary shelter and basic care to both foreign and domestic victims. In addition to its broader work of caring for child victims of trafficking or other abuse, the Ginddi Center cared for at least 541 child trafficking victims identified during the second phase of the campaign to remove vulnerable children from the streets of Dakar during the reporting period. Nearly all victims identified were child forced begging victims from Senegal, Guinea, Guinea-Bissau, The Gambia, Liberia, and Burkina Faso. There were no reports authorities returned child forced begging victims to alleged perpetrators posing as Quranic teachers and all child forced begging victims received psycho-social care before being reunited with their families—an improvement from previous years’ approaches. There were no reports identified children were exploited again in forced begging nor were any alleged perpetrators reported to be repeat offenders. The government provided 90.6 million West African CFA francs (FCFA) (\$159,320) to the Ginddi Center in 2018, the same amount it allocated to the center in the previous year. The center provided meals, shelter, psycho-social care, clothing, medical care, and limited vocational training. The center lacked sufficient staff, resources, and specialized training for social workers and volunteers, and it only had one volunteer doctor to provide basic medical treatment. The center lacked space to accommodate all victims identified, which limited the number of victims authorities could remove from exploitation and how long victims could remain at the center. In order to address the lack of space at the Ginddi Center, the MGGCP sent some trafficking victims identified during the second phase of the anti-forced begging campaign to the center for immediate services, and then to NGOs or to partner *daaras*—which the government had certified met capacity, hygiene, and security standards and did not engage in forced begging—that provided children with follow-on support until family reunification. The Ministry of Justice operated three shelters (CPAs) for child victims of crime, witnesses, and children in emergency situations, which trafficking victims could access. The government allocated 20 million FCFA (\$35,170) to the centers in early 2018. Several NGOs operated trafficking victim shelters throughout the country. Outside of Dakar, international observers reported NGOs sometimes had to provide critical shelter and trafficking victim services due to a lack of government involvement.

Authorities inconsistently applied the victim referral system, and it was not available in all regions of the country. Authorities referred victims identified along Senegal’s borders to an international organization and government center for questioning before referring them to NGOs or government centers for 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 and repatriation; however, members were not always aware of the shelters and services available, especially for adults, which at times caused delays in the provision of services. The law

provided alternatives to the removal of foreign victims who may face hardship or retribution upon return, including the option to apply for temporary or permanent residency; the government did not report how many victims received this relief during the reporting period. The 2005 anti-trafficking law has provisions for victim protection during prosecution including allowing video-taped testimony; the government did not report implementing these provisions during the reporting period. Victims could legally obtain restitution and file civil suits against their traffickers; the government reported seeking restitution in all cases prosecuted during the reporting period.

PREVENTION

The government increased efforts to prevent human trafficking. The government continued implementing the 2018-2020 anti-trafficking national action plan, and it committed to funding the CNLTP for implementation of the plan. The government allocated 80 million FCFA (\$140,680) to the CNLTP in 2018 and committed an additional 80 million FCFA (\$140,680) in 2019, the same amount allocated in 2017. Funding for the CNLTP remained insufficient, and it had to seek additional donor funds to support many of its activities. The Ginddi Center continued to run a hotline for child trafficking in three languages. The hotline received 921 calls during the reporting period, leading to the identification of an unknown number of vulnerable children, many of whom were trafficking victims; three criminal investigations were initiated as a result of the calls. Staff responded to each call, despite the fact that the Ginddi Center did not have a vehicle, forcing it to rent one each time it followed up on a trafficking report. Due to limited funding, the hotline only operated from 7:30am-10:00pm. In collaboration with NGOs, the CNLTP continued awareness-raising programs on child forced begging and sex trafficking, including public forums, televised debates, newspaper articles, and television programs. With a coalition of children's rights organizations, the MGGCP conducted roundtables on forced child begging in Tambacounda, Kolda, and Ziguinchor. The MGGCP also held a public photo exhibition to highlight the vulnerability of child beggars in June 2018. In November 2018, MGGCP held a workshop for reporters on issues related to child protection, including child sex and labor trafficking.

In 2016, the then-Ministry of Women, Families, and Childhood implemented the first phase of the president's campaign to remove vulnerable children from the streets of Dakar, including child trafficking victims. In March 2018, the MGGCP began the second phase of the campaign with increased roles for the Ministries of Interior, Justice, and Health, as well as local officials. The second phase began to address earlier complaints about a lack of government coordination during the first phase of the campaign. While the lack of interagency coordination on trafficking among government structures remained a problem, reports indicated the MGGCP's efforts began to improve coordination during the reporting period. The MGGCP also actively engaged with religious leaders from all of Senegal's major religious brotherhoods and the national federation of Quranic teachers to secure their commitment in the campaign. However, most implicated individuals, including men posing as Quranic teacher, received administrative penalties rather than being criminally investigated or prosecuted. During the second phase, the government removed 541 children from the streets and referred them to the Ginddi Center for care.

In June 2018, the CNLTP held a workshop to share results of a study it commissioned with an international organization on trafficking of women in domestic servitude. The study noted the challenges to identifying domestic servitude victims and found some Senegalese women were exploited in domestic servitude abroad, particularly in Saudi Arabia, and often with the complicity of Saudi diplomats in Senegal; the government did not report any investigations into these allegations. The government regulated labor recruiters and brokers but did not report any investigations into fraudulent recruitment during the reporting period. Four local governments continued partnering with an international donor to provide funding and in-kind support to local communities in order to close *daaras* that practiced forced begging, repatriate child forced beggars to their homes, provide food, hygiene, and medical services to children in *daaras*, and decrease the incidence of forced begging; two of the local governments reported a drastic decrease in the incidence of forced begging in their communities, as well as a drastic decrease in local tolerance of the practice, as a result of this effort. To better understand the scope of child forced begging around the country, the MGGCP, with the support of a foreign NGO, continued the *daara* mapping project, and mapped all *daaras* in Dakar. In June 2018, the Council of Ministers approved the draft bill to modernize *daaras*; if passed, the bill would outline requirements that *daaras* must meet in order to be eligible for government subsidies. Furthermore, the draft law and the draft presidential decree that would operationalize the law specified standards that *daaras* would need to maintain; for the first time, the government would have the oversight and authority to approve or deny the opening of new *daaras*, and to close *daaras* that do not meet requirements. The bill and operational decree was pending National Assembly approval at the end of the reporting period. While reliable statistics are lacking, Senegal's informal sector—where the majority of forced child labor occurred—likely accounted for between 60 and 90 percent of economic activity in the country. Although the government implemented some measures to encourage participants in the informal sector to formalize their businesses and respect labor regulations, progress was minimal and the government did not provide adequate protections for workers. The government did not make efforts to reduce the demand for commercial sex or forced labor. The task force's tourism police forces 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 of child sex tourism.

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; some Quranic teachers and men who claim to be Quranic teachers force children to beg in Dakar and other major cities in Senegal. A *daara* mapping study conducted during the reporting period by the MGGCP with the support of a foreign NGO indicated that nearly 30,000 children are forced to beg in Dakar alone. In addition, a 2017 NGO-led study identified more than 14,800 child forced begging victims in Saint-Louis and reported that 187 of the city's 197 *daaras* send children to beg for at least part of the day. Traffickers subject Senegalese boys and girls to domestic servitude, forced labor in gold mines, and sex trafficking. Internal trafficking

is more prevalent than transnational trafficking, although boys from The Gambia, Guinea, Guinea-Bissau, and Mali are victims of forced begging in Senegalese cities as well as forced labor in artisanal gold mines in Senegal.

Traffickers exploit Senegalese women and girls in domestic servitude in neighboring countries, Europe, and the Middle East, including Egypt. Reports indicate traffickers exploit most Senegalese sex trafficking victims within Senegal, particularly in the southeastern gold-mining region of Kedougou. Traffickers also subject Nigerians, Guineans, Malians, and Burkinabes to forced labor and sex trafficking in mining communities. During the reporting period, authorities identified Ukrainian and Chinese women exploited in sex trafficking in bars and nightclubs. West African women and girls are subjected to domestic servitude and sex trafficking in Senegal, including for child sex tourism for tourists from France, Belgium, Germany, and other countries. During the reporting period, a government and international organization report found some Senegalese women are exploited in domestic servitude in Saudi Arabia, often with the alleged complicity of Saudi diplomats in Senegal. During the previous reporting period, an international organization identified more than 1,100 Senegalese migrants in Libya who were vulnerable to trafficking. The majority of migrants reported traveling through Mali, Burkina Faso, and Niger to reach Libya, with the intent to reach Europe.

ecoi.net summary:

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