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Freedom in the World 2019 - Senegal

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Overview:

Senegal is one of Africa's most stable electoral democracies and has undergone two peaceful transfers of power between rival parties since 2000. However, politically motivated prosecutions of opposition leaders and changes to the electoral laws have reduced the competitiveness of the opposition in recent years. The country is known for its relatively independent media and free expression, though defamation laws continue to constrain press freedom. Other ongoing challenges include corruption in government, weak rule of law, and inadequate protections for the rights of women and LGBT (lesbian, gay, bisexual, and transgender) people.

Key Developments:

Key Developments in 2018:

- An electoral law passed in April requires all aspiring presidential candidates to obtain the signatures of 0.8 percent of the electorate from at least seven regions to appear on the ballot. The opposition condemned the legislation as an attempt to neutralize President Sall's competition for the 2019 presidential election.
- In March, one of President Sall's most prominent political opponents, former mayor of Dakar Khalifa Sall, was found guilty of embezzlement and sentenced to five years in prison. According to rights groups, the trial violated the defendant's due process rights.
- Throughout the year, the government cracked down on assembly rights by banning protests around tense political moments, refusing to authorize a number of demonstrations, and violently dispersing peaceful gatherings.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 30 / 40 (-1)

A. ELECTORAL PROCESS: 10 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

The president is directly elected to a maximum of two consecutive terms; in 2016, the presidential term was reduced via referendum from seven years to five, effective after President Macky Sall's current term ends in 2019. In the 2012 presidential election, Abdoulaye Wade of the Senegalese Democratic Party (PDS) ran for a controversial third term in a campaign that was marred by violence and intimidation, but resulted in a peaceful transfer of power. Representing the Alliance for the Republic (APR), Sall—Wade's former prime minister and campaign director—won a runoff with 66 percent of the vote. International observers declared the election credible.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4

Members of Senegal's 165-seat National Assembly are elected to five-year terms—105 are elected in single-member districts, and 60 by proportional representation. In the July 2017 parliamentary elections, the president's APR-led Benno Bokk Yakaar coalition won 125 seats, followed by Wade's PDS-led Winning Coalition-Wattu Senegaal with 19 seats. Khalifa Sall's Mankoo Taxawu Senegaal coalition took 7 seats, and 11 groups divided the remainder. International observers deemed the elections transparent despite some significant procedural errors and logistical challenges.

New biometric voting cards were only distributed to 70 percent of eligible voters before the elections. To address the problem, the president proposed and the Constitutional Council approved a plan to allow voters to use alternative forms of identification. Some voters were allegedly disenfranchised because of difficulties related to the identification measures, which were approved just four days before the elections.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

The National Autonomous Electoral Commission (CENA) administers elections. Although the CENA is nominally independent, its members are appointed by the president. The opposition criticized the government for making important changes ahead of the 2017 legislative balloting, including the introduction of the new biometric voting system, without engaging in dialogue or building political consensus. The changes were approved in January 2017, only six months before the elections, which observers argued did not provide sufficient time for logistical information about the new electoral framework to be disseminated in a coordinated fashion.

A new electoral law passed in April 2018 requires all aspiring presidential candidates to obtain the signatures of 0.8 percent of the electorate from at least seven regions to appear on the ballot, and all groups presenting National Assembly lists to obtain signatures from 0.5 percent of voters in at least seven regions. The government asserted that the legislation was necessary to reduce the proliferation of parties that field candidates in elections. The opposition boycotted the vote, arguing that the bill disadvantaged prospective candidates and parties with limited means and was intended to make the 2019 presidential election less competitive.

B. POLITICAL PLURALISM AND PARTICIPATION: 12 / 16 (-1)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

Registration requirements for new political parties are not onerous and registered parties can organize and operate without government interference. Opposition candidates still face major financial inequities when competing with incumbents. There is no public financing for political parties, but the ruling group deploys a vast set of state resources to garner support, whereas opposition leaders are often forced to rely on personal wealth to finance party operations.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 3 / 4 (-1)

The opposition can increase its support or gain power through elections—the 2012 election marked the second victory by an opposition presidential candidate in 12 years. However, the 2018 electoral law was criticized by opposition leaders for making it more difficult for candidates to appear on the ballot, and was widely seen as a move to clear the field and ensure President Sall's reelection in 2019.

The prosecutions of some of President Sall's most prominent political opponents in recent years has reduced the competitiveness of the opposition. Dakar mayor Khalifa Sall, considered one of President Sall's foremost rivals and a prospective 2019 presidential candidate, was arrested in 2017 after the government alleged that \$2.9 million in funding for his office was accounted for with false receipts. The mayor and his defense attorneys argued that such funds are commonly used as political financing and that Sall's prosecution was politically motivated. The National Assembly lifted Sall's parliamentary immunity, which he had acquired after being elected to the legislature earlier that year, in late 2017. In March 2018, Sall was found guilty, sentenced to five years in prison, and fined 5 million CFA francs (\$8,900). Opposition lawmaker Barthélémy Dias was sentenced to six months in prison in April for "contempt of court, incitement to disturb public order, and discrediting a judicial decision" after sharply criticizing the verdict. Sall was removed from office as mayor of Dakar in August. At year's end, his eligibility to stand as a presidential candidate was contingent upon a Supreme Court decision on his conviction, which was expected in January 2019.

Score Change: The score declined from 4 to 3 because a new law electoral law makes it more difficult for opposition candidates to appear on the ballot, and the politicized prosecutions of prominent opponents of the president reduced the competitiveness of opposition parties.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 3 / 4

People's political choices are largely free from domination by groups that are not democratically accountable. Sufi Muslim marabouts exercise some influence on voters and politicians, particularly in regard to social issues such as homosexuality, marriage, and abortion rights.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

For the first time in 2017, 15 of 165 parliamentary seats were reserved for the Senegalese diaspora. Thanks to a 2010 law requiring gender parity on candidate lists, women were elected to 70 of 165 seats in 2017. However, women's overall rate of participation in politics, such as voting and engaging in local political activities, is lower than men's. Citizens of all ethnicities and religions have political rights. Due to high levels of discrimination and social stigma, LGBT people have no meaningful political representation.

C. FUNCTIONING OF GOVERNMENT: 8 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4

President Sall, his cabinet, and national legislative representatives determine government policies. However, power is concentrated in the executive branch, and the National Assembly is limited in its ability to act as a check on the president. A study published in May 2018 on the National Assembly's oversight of public policies found that the executive branch blocked certain parliamentary inquiries on government concessions and did not always respond to parliamentary questions.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Corruption remains a serious problem, and high-level officials often act with impunity. Anticorruption bodies enforce the law unevenly and are sometimes viewed as politically motivated. The corruption case against Khalifa Sall, for example, was seen by many observers as an effort to neutralize one of the president's most powerful opponents.

C3. Does the government operate with openness and transparency? 3 / 4

The government generally operates with openness, though there are reportedly problems with competition and transparency in the awarding of government contracts. The government frequently awards contracts without any formal tender process and does not always publicly release its contracts or bilateral agreements before they are signed.

A 2014 law requires confidential asset disclosures by the prime minister, cabinet members, top National Assembly officials, and the managers of large public funds; the president's asset disclosures are made public.

CIVIL LIBERTIES: 42 / 60 (-2)

D. FREEDOM OF EXPRESSION AND BELIEF: 13 / 16

D1. Are there free and independent media? 2 / 4

The constitution guarantees freedom of speech, but defamation laws are occasionally enforced against journalists. There are many well-known independent media entities, as well as state-controlled television, radio, and newspapers.

Several journalists who provided critical coverage of the government or gave a platform to critics of the regime were attacked or detained in 2018. In January, reporter Selle Mbaye was assaulted by a police officer while filming the Khalifa Sall trial and briefly detained. In April, Serigne Diagne, director of the news site Dakaractu, was arrested at the outlet's headquarters and detained along with three employees. The police had arrived to apprehend Barthélémy Dias, who was scheduled to make an appearance on one of Dakaractu's programs and had criticized the Khalifa Sall verdict earlier that day. The journalists were released after several hours.

Senegal's controversial 2017 press code increased punishments for defamation offenses, allows authorities to shut down press outlets without judicial approval, and enables the government to block internet content deemed "contrary to morality."

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

There is no state religion, and freedom of worship is constitutionally protected and respected in practice. Muslims constitute 96 percent of the population.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is guaranteed by the constitution and generally respected in practice.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

Private discussion is generally open and free. However, individuals have occasionally been arrested for social media posts deemed offensive by the government.

In November 2018, the National Assembly passed a bill on electronic communications, which included a vaguely worded provision that expanded the regulatory power of the government over social media companies. Rights activists expressed concern that the law could be used to shut down, tax, or surveil communications on popular social media platforms.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 9 / 12 (-1)**E1. Is there freedom of assembly? 2 / 4 (-1)**

The constitution guarantees freedom of assembly, but the Ministry of Interior must approve protests in advance. In 2018, the government cracked down on assembly rights by banning protests around tense political moments and violently dispersing some demonstrations. In April, for example, authorities banned protests in the center of Dakar ahead of the National Assembly vote on the contentious electoral reform law. Security forces then fired tear gas into the demonstration and arrested several protesters. Authorities also refused to authorize a number of demonstrations during the year, including a planned opposition protest in Dakar in March, which the police also dispersed with tear gas.

Score Change: The score declined from 3 to 2 due to authorities banning protests around tense political moments, refusing to authorize demonstrations, and employing excessive force against protesters.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

Nongovernmental organizations (NGOs) generally operate without interference from state or nonstate actors.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Formal-sector workers, with the exception of security employees, have rights to organize, bargain collectively, and strike, though the right to strike is impinged by legal provisions that ban pickets and sit-down strikes, among other activities. Trade unions must be authorized by the Ministry of the Interior, and unions lack legal recourse if registration is denied.

F. RULE OF LAW: 9 / 16 (-1)**F1. Is there an independent judiciary? 2 / 4**

The judiciary is formally independent, but the president controls appointments to the Constitutional Council, the Court of Appeal, and the Council of State. Judges are prone to pressure from the government on matters involving high-level officials. Judge Ibrahima Dème, a well-known jurist who resigned from the Higher Council of the Judiciary in 2017, again resigned from the bench in protest in March 2018, citing the judiciary's lack of independence. Throughout 2018, the Senegalese Union of Magistrates called for reform of the Higher Council of the Judiciary, which recommends judicial appointments to the executive branch. The council is headed by the president and minister of justice, which critics argue compromises its independence.

F2. Does due process prevail in civil and criminal matters? 2 / 4 (-1)

The law guarantees fair public trials and defendants' rights, but arbitrary arrest and detention remains a concern. Though the government is obligated to supply attorneys to felony defendants who cannot afford them, this representation is inconsistent in practice. A number of people charged with terrorism were denied access to lawyers and detained for more than 48 hours before seeing a judge during 2018. Lengthy pretrial detention remains a problem as well.

Opposition leaders have also faced unfair trials in recent years. In June 2018, the Economic Community of West African States (ECOWAS) Court of Justice determined that Khalifa Sall's preventive detention was arbitrary. It also found that his rights to an attorney and the presumption of innocence had been infringed.

Score Change: The score declined from 3 to 2 because due process was undermined by the arbitrary detention and unfair trial against opposition politician Khalifa Sall and the lengthy preventive detentions of other accused people, particularly in terrorism cases.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

Individuals are generally protected from the illegitimate use of physical force. However, Senegalese prisons are overcrowded, and human rights groups have documented incidents of excessive force and cruel treatment by prison authorities.

The low-level separatist conflict in the Casamance region was ongoing at year's end. After several years of reduced violence that followed a de facto cease-fire, separatists killed 14 people in an attack near the city of Ziguinchor in January 2018. Negotiations for a more permanent peace agreement had not yet begun at year's end.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

The caste system is still prevalent among many of Senegal's ethnic groups. Individuals of lower castes are subject to discrimination in employment. Women face persistent inequities in employment, health care, and education.

Same-sex sexual activity remains criminalized. While these laws are rarely enforced, violence, threats, and mob attacks are common against LGBT people, who face discrimination in housing, employment, and health care.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 11 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4

Citizens generally enjoy freedom of movement and can change their residence, employment, and educational institution without serious restrictions, though the threat of land mines and rebel activity has hindered travel through parts of the Casamance region.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

The civil code facilitates ownership of private property, and property rights are generally respected. Commercial dispute resolution can be drawn out, and property title and land registration protocols are inconsistently applied, though the government has worked to ease property acquisition and registration. Traditional customs limit women's ability to purchase property, and local rules on inheritance make it difficult for women to become beneficiaries.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Rates of female genital mutilation have declined due in part to campaigns to discourage the practice, but it remains a problem. The government launched a plan to reduce early marriage in 2016, given that almost one in three Senegalese girls marries before age 18. Husbands are legally regarded as heads of households. Rape and domestic abuse are common and rarely punished. The law allows abortion only to save a woman's life, and abortions for medical reasons are difficult to obtain in practice.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Child labor remains a problem, particularly in the informal economy, and laws restricting the practice are inadequately enforced. Forced begging by students at religious schools is common, and teachers suspected of abuse are rarely prosecuted.

Sex trafficking remains a concern, although according to the US State Department, the government has increased its efforts to prosecute perpetrators. However, it is difficult to discern the robustness of the law enforcement response, since the government does not publicize records on sex trafficking arrests and prosecutions.

ecoi.net summary:

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