2018 Trafficking in Persons Report - Senegal

Publisher	United States Department of State
Publication Date	28 June 2018

SENEGAL: Tier 2 Watch List

The Government of Senegal does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by convicting five traffickers, including one for forced begging; collecting data from more regions; training officials on the 2005 anti-trafficking law; restarting a lapsed campaign to remove children from the streets; and finalizing and committing to fund a 2018-2020 anti-trafficking national action plan. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. Police rarely investigated suspected trafficking cases brought to their attention, especially forced begging cases, which effectively prevented such cases from moving forward in the law enforcement system. In some cases, officials obstructed justice by pressuring the judiciary to drop cases against allegedly exploitative Quranic school teachers (marabouts). In addition, the only trafficker convicted for forced begging received a fine, which was inconsistent with the penalties prescribed in the 2005 law, and victim services remained inadequate. Because the government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards, Senegal was granted a waiver per the Trafficking Victims Protection Act from an otherwise required downgrade to Tier 3. Therefore Senegal remained on Tier 2 Watch List for the third consecutive year.

RECOMMENDATIONS FOR SENEGAL

Explicitly direct law enforcement and encourage judicial officials to significantly increase efforts to investigate and prosecute trafficking offenses brought to their attention and convict and punish traffickers, including those who exploit children in forced begging, with sufficiently stringent sentences; ensure prosecutors and investigative judges operate in full independence and pursue forced begging cases without interference or consequences; establish a legal framework to regulate daaras (Quranic schools) and allocate adequate inspectors to enforce implementation; implement the 2018-2020 anti-trafficking national action plan, including by allocating sufficient funding to the anti-trafficking task force; expand funding or in-kind support to government- and NGO-run shelters to increase care options for victims; train 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; expand workplace regulations to include labor inspections in the informal sector; continue the daara mapping project; and broaden efforts to raise public awareness of trafficking.

PROSECUTION

The government maintained minimal anti-trafficking law enforcement efforts. Senegal's 2005 Law to Combat Trafficking in Persons and Related Practices and to Protect Victims criminalized labor and sex 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.

In data collected from five of Senegal's 14 regions, the government reported investigating 20 cases of alleged trafficking, prosecuting 10 alleged traffickers, and convicting five, compared to 16 investigations, eight prosecutions, and five convictions the previous reporting period, with data from three regions. At least four investigations involved sex trafficking and seven involved forced labor; the type of trafficking in the other investigations was unknown. Nine investigations and five prosecutions were ongoing at the end of the reporting period. Four traffickers—one adult sex trafficker and three child sex traffickers—received two years imprisonment. One trafficker received a fine for forced begging. Officials rarely used the 2005 anti-trafficking law to prosecute alleged traffickers, and all sentences imposed during the reporting period were below the minimum penalties prescribed in the law. 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. Authorities from the then-Ministry of Women, Families, and Childhood and the government-run Ginddi Center for trafficking victims noted in mid-2017 that they routinely reported individuals suspected of involvement in forced child begging to the gendarmerie criminal research brigade. To date, however, there has not been a single investigation or prosecution in response to the referrals. Most trafficking prosecutions and convictions have focused on sex trafficking; the government has only convicted three individuals for forced begging under the 2005 law in the last five years, which is inadequate compared to the scale of the problem. In addition, judiciary and social services officials reported that some government officials, including within the Ministry of Interior (MOI), have used their positions and influence to prevent law enforcement and the judiciary from pursuing cases against individuals who force children to beg.

As in past years, the anti-trafficking task force (CNLTP) co-financed five trainings led by international organizations on identifying, investigating, and prosecuting human trafficking. These trainings reached more than 200 judges, prosecutors, and police officers, as compared to reaching 124 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 the national trafficking database. 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 began to roll out a national trafficking database in key regions of the country and trained law enforcement on its usage, the government did not fully implement it during the reporting period.

PROTECTION

The government maintained 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; however, they made limited efforts to implement those procedures, especially among gold-mining communities and children in begging. The government, at times in collaboration with NGOs, identified and referred to services approximately 1,381 trafficking victims during the reporting period—including three Nigerian sex trafficking victims and a significant number of child forced begging victims. This was compared to identifying and providing services to 1,547 potential child trafficking victims the previous reporting period, when the government led a campaign to identify children in forced begging. One NGO repatriated and reunited 249 of the trafficking victims with their families, with the government providing travel documents for foreign victims and transportation for internal returns. A second NGO identified and cared for an additional 565 trafficking victims without government support. The government created a new ministry with a special emphasis on child protection—the Ministry of Good Governance and Child Protection (MGGCP). 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. The Ginddi Center cared for approximately 1,278 victims during the reporting period, and authorities referred at least 20 other trafficking victims to NGOs for care. Nearly all victims identified were child forced begging victims from Senegal, Guinea, Guinea-Bissau, The Gambia, and Mali. In a positive step, authorities stopped their previous practice of returning child forced begging victims to exploitative marabouts. However, Ginddi Center officials reported that even when victims were returned to their families, recidivism occurred. The government provided 90.6 million West African CFA francs (FCFA) ($161,120) to the center in 2017, an increase from 85.7 million FCFA ($152,400) allocated to the center in the previous year. The center provided basic meals and shelter for victims. The center could also provide clothing, basic psychological services, and legal counseling, but only when such resources were available; it was unknown how many victims received these services during the reporting period. 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, in March 2018 the MGGCP began sending some trafficking victims identified during the second phase of the anti-forced begging campaign to the center for immediate services, and then on 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. Seventy-five trafficking victims identified in late March 2018 were sent to one such daara. The Ministry of Justice operated three shelters (CPAs) for child victims of crime, witnesses, and children in emergency situations, which trafficking victims could access. It was unclear how much funding the CPAs received in 2017, but the government allocated 20 million FCFA ($35,570) 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 offering this relief to any victims during the reporting period. Victims could legally obtain restitution and file civil suits against their traffickers, although the government did not report that any did so during the reporting period.

PREVENTION

The government increased efforts to prevent human trafficking. The CNLTP continued to implement the 2015-2017 anti-trafficking national action plan. The government allocated 80 million FCFA ($142,270) to the CNLTP in 2017, a significant increase from 50 million FCFA ($88,920) allocated in 2016. With wide input from a variety of civil society and religious leaders, the government developed and adopted a 2018-2020 anti-trafficking national action plan, and it committed to funding the CNLTP for implementation of the plan. While funding for the CNLTP increased, it remained insufficient, and the CNLTP had to seek additional donor funds to support many of its activities. In collaboration with NGOs, the CNLTP continued awareness-raising programs on child forced begging and sex trafficking. The Ginddi Center continued to run a hotline for child trafficking in three languages. The hotline received 3,409 calls during the reporting period, leading to the identification of 1,077 vulnerable children, many of whom were trafficking victims. 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 2016, the government allocated 100 million FCFA ($177,830) to the then-Ministry of Women, Families, and Childhood to implement the president's June 2016 campaign to remove children from the streets of Dakar, including child trafficking victims. The ministry used some of that funding to assist families vulnerable to trafficking and daaras who committed to ending the practice of forcing children to beg. The MGGCP continued to provide in-kind support during the reporting period to vulnerable families and daaras that did not engage in forced begging. The government ceased all other activities under the 2016 campaign for the majority of the reporting period because the funding ran out. At the close of the reporting period, 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. For example, MOI officials and MGGCP social workers conducted joint operations to identify and remove child trafficking victims from situations of exploitation.

Four local governments partnered 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, and decrease the incidence of forced begging; the local governments reported a drastic decrease in the incidence of forced begging in their communities 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. Government and religious leaders finalized the draft decree to operationalize 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. The bill and operational decree remained in draft form at the end of the reporting period. According to the law's drafters, daaras that used forced begging would not be eligible to receive subsidies; participation in the program would be voluntary, however, so it was unclear if the draft bill, once passed, would adequately address child forced begging. Approximately 60 percent of

Senegal's economy operated in the informal sector, where most forced child labor occurred, yet the government did not improve regulation of this sector or provide adequate protections for workers. The government made efforts to reduce the demand for forced labor and commercial sex acts. 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 trafficking. The government, in cooperation with international partners, provided anti-trafficking training to Senegalese troops before their deployment abroad as part of international peacekeeping missions.

TRAFFICKING PROFILE

As reported over the past five years, Senegal is a source, transit, and destination country for women and children subjected to forced labor and sex trafficking. Forced begging is the most prevalent form of trafficking; some marabouts and men who claim to be marabouts force children to beg in Dakar and other major cities in Senegal. A 2014 government study reported marabouts or men pretending to be marabouts force approximately 30,000 children 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. 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, 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.