

Title	2007 Country Reports on Human Rights Practices - Senegal
Publisher	United States Department of State
Country	Senegal
Publication Date	11 March 2008
Cite as	United States Department of State, <i>2007 Country Reports on Human Rights Practices - Senegal</i> , 11 March 2008, available at: http://www.unhcr.org/refworld/docid/47d92c22b4.html

2007 Country Reports on Human Rights Practices - Senegal

Released by the Bureau of Democracy, Human Rights, and Labor
March 11, 2008

Senegal, with an estimated population of 12.5 million, is a moderately decentralized republic dominated by a strong Presidency. In February Abdoulaye Wade was reelected president in an election generally viewed as free and fair despite sporadic incidences of violence and intimidation. In June the ruling Senegalese Democratic Party (PDS) won the majority of seats in National Assembly in elections that were boycotted by the country's leading opposition parties; international observers characterized the elections as free and transparent. The civilian authorities generally maintained effective control of the security forces.

The government generally respected citizens' rights; however, there were problems in some areas. Cruel and degrading treatment of detainees and prisoners and overcrowded prisons were problems. Questionable investigative detention and long pretrial detention existed. Corruption and impunity were problems. There were limits on freedom of speech, press, and assembly. Domestic violence, rape, sexual harassment, and discrimination against women were serious problems. Female genital mutilation (FGM) was widespread. Child abuse, child marriage, male and female infanticide, trafficking in persons, and child labor were reported.

Rebels from the Movement of Democratic Forces of the Casamance (MFDC) and a splinter group, the Movement for the Liberation of the People of the Casamance, killed civilians, committed robberies, and harassed local populations while fighting each other. There was an increase in violence against and killings of civilians as a result of fighting between government forces and Atika, a separatist movement led by rebel leader Salif Sadio.

RESPECT FOR HUMAN RIGHTS

1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

Neither the government nor its agents committed any politically motivated killings; however, security forces killed three persons during the year. Perpetrators were rarely punished.

On January 30, a police officer shot and killed a young man in Diourbel while trying to arrest him. No investigation or prosecution was reported.

On April 14, Dominique Lopy, who was accused of stealing, died in police custody in Kolda. Human rights groups and Lopy's family claimed his death was a result of police torture to force a confession. An investigation was conducted but did not result in the arrest or prosecution of the officers involved.

On June 3, customs officers in Mbour shot and killed Cheikh Ahmet Tidian Fall after seizing his boat, which contained smuggled sugar from The Gambia. Customs officers claimed they acted in self-defense. No investigation or prosecution was reported.

On December 11, police in Kaolack arrested Badara Diop for not paying a debt owed to a local businessman. On December 12, the police announced that Diop had hanged himself with his shirt while in custody. Diop's family and many human rights observers rejected police explanations and demanded an autopsy of Diop's body. The prosecutor ordered the police to open an investigation, and the case was pending at year's end.

The results of the 2006 investigation by the Criminal Investigations Division (DIC) into the police killing of a merchant in Dakar had not been released by year's end. No action was taken against responsible police.

There were no developments in the investigations of the 2005 killing by customs officers of Libasse Kane or the 2005 killing by police of 13-year-old Assane Fall.

There were no developments in the 2005 death of Amadou Mactar Beye, whose family rejected police claims that Beye had committed suicide in his jail or in the 2005 police killing of a fisherman in Kayar.

On September 26 in Thies, children playing on a military shooting ground picked up unexploded ordnance, which exploded and instantly killed three of them, while severely injuring four others.

According to statistics from Handicap International, there was one landmine accident in the Casamance region during the year. The government made efforts to remove landmines and unexploded ordnance in the areas of Bignona and in southern Casamance, especially near villages to be resettled and main roads.

Fighting between soldiers and rebels as well as internal fighting among rival MFDC factions resulted in civilian deaths and injuries and the displacement of numerous persons during the year. Attacks and highway robberies by suspected rebels also occurred.

On April 14, armed gunmen in Bignona opened fire on a public transportation vehicle, killing one person and injuring three others.

On July 3, armed individuals in Bignona attacked the vehicle of Mamadou Lamine Drame, president of the Regional Council of Kolda. Drame was not in the vehicle, but four persons were injured and one of them, Abdoulaye Seck, died as a result of his injuries.

On December 20, armed gunmen shot and killed Cherif Samsidine Nema Aidara after invading his home in Diouloulou. Aidara was the government's special advisor on the Casamance peace process. During their retreat, according to media reports, the gunmen also opened fire on a public transportation vehicle and killed a passenger named Mamadou Sakho Badji.

There were no confirmed developments in the January 2006 killing by MFDC rebels of the subprefect of Diouloulou.

Suspects had not been identified by year's end in the December 2006 kidnapping and killing of Oumar Lamine Badji, president of the Regional Council of Ziguinchor.

b. Disappearance

There were no reports of politically motivated disappearances during the year.

Although human rights groups noted the government took steps to prevent disappearances, they continued to criticize the government for its unwillingness to resolve older cases of disappearances linked to government security forces, particularly in the Casamance.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibit such practices; however, there were occasional reports that government officials employed them.

Although human rights groups noted examples of physical abuse committed by security forces, they claimed poor training and supervision resulted in cruel and degrading treatment in prisons and detention facilities. In particular, they criticized strip-search and interrogation methods. Police also reportedly forced detainees to sleep on bare floors, directed bright lights at their pupils, beat them with batons, and kept them in cells with minimal access to air. During the year authorities took no action against police involved in these abuses.

On January 31, the National Assembly passed a law to criminalize participation in torture, genocide, and crimes against humanity; the law was passed to facilitate the prosecution of former Chadian dictator Hissene Habre.

During his April 27 trial, Bathie Gueye claimed that he had been tortured by police in Joal, according to the ONDH. Gueye removed his clothes in court to show burn and whip marks on his body. No action was taken against offenders regarding Gueye's claim.

No action was taken during the year against gendarmes who in September 2006 allegedly stripped and beat Bineta Gueye with clubs and rifle butts; Gueye was detained following a demonstration.

Forced dispersals of demonstrators by police resulted in injuries.

There was at least one report that police arrested and beat a journalist.

Landmines severely injured four children during the year.

Rebel attacks on vehicles resulted in deaths and injuries. For example, on June 25, approximately 10 suspected MFDC rebels opened fire on the convoy of the Cabrousse District Administrator Ousmane MBodj. Six persons were injured, including MBodj.

There were several cases of mob violence. Due to a weak judiciary and widespread impunity, civilians often administered punishment themselves by beating thieves before handing them over to security forces. On March 13, traders of the Dakar Tilene Market severely beat Ibrahima Saliou Barry for alleged theft. On March 17, Barry died during his trial as a result of his injuries. No known action was taken against any perpetrators of mob violence during the year.

Prison and Detention Center Conditions

Prison and detention center conditions were poor. The National Organization for Human Rights (ONDH), which visited prisons and met with prisoners during the year, reported that several inmates complained about inhuman treatment and showed marks resulting from corporal punishment. The ONDH identified overcrowding and a lack of adequate sanitation as major problems. Dakar's Central Prison, which has a maximum capacity of 700 persons, held approximately 1,600 persons, while the penal camp in Dakar, which

had a capacity of 400 persons, held approximately 800 detainees. Human rights activists noted that the prison of Nioro was severely overcrowded and resembled a chicken coop more than a prison. Detainees in Diourbel were sometimes held outside in a former horse stable.

Prisons lacked doctors and medicine. The ONDH reported a national ratio of one doctor per 5,000 inmates and claimed that the government spent only \$.66 (340 CFAF) daily per inmate to cover all costs. There was one mattress for every five detainees. Due to an old and overburdened infrastructure, prisons had drainage problems during the rainy season and stifling heat during the summer. According to media reports, one of five prisoners who escaped during the year did so in September when heavy rains collapsed the wall in Thies prison. Prisons were infested by bugs, and prisoners faced sexual assaults, suffocating heat, and extremely low-quality food.

Media reports charged that prison conditions resulted in numerous escape attempts. On August 19, Ndiaga Drame from the Saint-Louis prison jumped into the Senegal River to avoid being caught by guards, and subsequently drowned. On August 22, another prisoner escaped from the same prison, was chased for 30 minutes through the city streets, and was caught after guards hit him with their vehicle.

During the year the government recruited 260 new prison guards, in line with a commitment made by the justice minister after 52 prisoners escaped Thies Prison in September 2006. As part of a new three-year investment plan, prisons also received funds to renovate and purchase equipment.

Local NGOs reported that prisoner separation regulations were not always enforced. Pretrial detainees were occasionally held with convicted prisoners, and juveniles were occasionally held with adults.

The ONDH, the Senegalese Committee for Human Rights, Amnesty International, the Parliamentary Network for Human Rights, and other NGOs conducted prison visits during the year. For unknown reasons, representatives of the Assembly for the Defense of Human Rights (RADDHO) were denied access to prisoners during the year. RADDHO also reported that the lack of adequate health care facilities meant that some people with mental disorders were being kept in prisons.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention; however, authorities at times arbitrarily arrested and detained persons. Human rights groups saw arbitrary detention as a growing problem.

Role of the Police and Security Apparatus

Both police and gendarmes are responsible for maintaining law and order in the country. The army shares that responsibility in exceptional cases, such as a state of emergency. The police force includes 10 departments as part of the Directorate General of National Safety. In each of the country's 11 regions, police have at least one police station and at least one mobile safety brigade. Dakar has more than 15 police stations, which are spread throughout the city. The police force effectively maintained law and order.

Impunity and corruption were problems. An amnesty law covers police and security personnel involved in "political crimes," except those who committed assassinations "in cold blood."

According to human rights groups, attorneys, and alleged victims, security forces regularly and openly extorted money from detainees in exchange for release and from prostitutes to overlook noncompliance with the legalized prostitution regime and other laws (see section 5). Human rights groups and the media also reported that security forces accepted and occasionally demanded money from persons seeking to illegally

emigrate to Spain (see section 5).

The DIC is in charge of investigating police abuses. According to human rights groups, new members of the police force received training in human rights protection.

On July 17, police in Kolda arrested two prison guards, Waly MBodj and Edmond Gomis, from the Velingara Prison for robbing \$1,700 (850,000 CFAF) from a local shop. According to media reports, the Mbodj and Gomis were charged for extortion but then freed on October 3 by the judge for lack of evidence.

Arrest and Detention

Although the law specifies that warrants issued by judges are required for arrests, in practice police often lacked warrants when detaining individuals. The law grants police broad powers to detain prisoners for long periods of time before filing formal charges. The DIC may hold people up to 24 hours before releasing them. Suspects often were held at least six hours before being questioned. Many detainees were not promptly informed of the charges against them. Police officers may hold suspects for up to 48 hours as part of an investigation without filing formal charges. Investigators can request that a prosecutor double this to 96 hours. For cases involving threats to state security, both detention periods are doubled. Thus, someone accused of threatening public order can be held up to 192 hours. The detention period does not formally begin until authorities formally declare that an individual is being detained, a practice human rights groups criticized for creating unjustly long detention periods. Bail is possible, but was rarely used. In the first 48 hours of detention, the accused has no access to an attorney but has the right to a medical exam and possible access to family. Family access was not generally allowed as police tended to isolate detainees during the investigation phase. If necessary, a prosecutor can also demand a medical examination of the accused. The accused has the right to an attorney after this initial period of detention at the accused's expense. Attorneys are provided at public expense to all criminal defendants who cannot afford one. A number of non-governmental organizations (NGOs) also provided legal assistance or counseling to those charged with crimes.

The government used security forces, especially the DIC, to harass journalists and a member of RADDHO; however, unlike in the previous year, there were no reports that security forces harassed and arrested political opponents and labor leaders.

Judicial backlogs and absenteeism of judges contributed to long pretrial detention periods. The law states that an accused person may not be held in pretrial detention for more than six months for minor crimes; however, persons were routinely held in custody until a court demanded their release. Despite the six-month limit on detention for most crimes, the average time between charging and trial was two years. The ONDH, which during the year worked on behalf of 23 detainees in pretrial detention between two and six years, claimed that some persons had been in pretrial detention for more than six years. In many cases persons were freed without any charges ever being pressed.

In cases involving murder, threats to state security, and embezzlement of public funds, there are no limits on the length of pretrial detention. Judges are allowed the time necessary to investigate these more serious cases, but may order release pending trial with the prosecutor's consent. If a prosecutor disagrees with a judge's decision to order release, the order is frozen until the appeals court decides to grant or deny the release. Under the law, the prosecutor has total discretion to deny provisional release pending trial for cases involving threats to state security. However, since judges lacked sufficient time to review all cases, orders to extend detention were often signed without individual consideration of the facts to avoid releasing potentially guilty detainees.

Amnesty

Unlike in the previous year, no amnesties were granted.

e. Denial of Fair Public Trial

Although the constitution and law provide for an independent judiciary, the judiciary was subject to corruption and government influence.

Magistrates continued to publicly criticize their working conditions, including overwhelming case loads, lack of equipment, and inadequate transportation. Magistrates also openly questioned the government's commitment to protecting judicial independence. While the Superior Council for the Magistrate had responsibility over judicial assignments and promotions, several attorneys stated that the council did not meet regularly to take action on appointments, leaving the decisions to the executive branch. Even when the council met, magistrates stated the president could veto council decisions.

Based on French civil law, the judiciary is composed of ordinary courts and several higher and special courts. There are three high courts with different jurisdictions: the Council of State (which has jurisdiction over administrative affairs); the Constitutional Council; and the Court of Final Appeal (which has jurisdiction over criminal and civil cases). A special criminal court, the "Cour d'Assises" is attached to the Court of Final Appeal and meets once or twice a year for cases involving serious crimes such as murder. All of these courts remained understaffed and many were dormant during the year.

The High Court of Justice is an exceptional court that presides over cases against senior government officials for acts committed in an official capacity. The court has the authority to convict and sentence or acquit. It is composed of eight national assembly deputies and one professional judge. The National Assembly elects the eight deputy members of the high court plus eight substitutes at the beginning of each session. Three-fifths of all deputies must vote to pass a resolution to permit prosecution of a head of state or minister. If a resolution is so passed, the high court can convene.

While civil court judges are empowered to preside over civil and customary law cases, one option available is to turn disputes involving family matters over to religious judges, who act as advisors. Religious law has been incorporated into the country's laws.

There is a separate system of military courts for the armed forces. Military courts may try civilians only if they were involved with military personnel who violated military law.

In July 2006 the African Union requested that the government prosecute former Chadian leader Hissene Habre for his alleged sanctioning of 40,000 political killings and the torture of 200,000 persons during his eight-year presidency. Noting that local law would not facilitate such a trial, the government initially refused to proceed. On January 31, the government amended the country's criminal code to incorporate the crimes Habre is accused of and to address jurisdiction. However, the judicial process subsequently stalled due to lack of funding for a new courthouse. In mid-September the government announced it would hold a donor's conference to discuss funding and the future trial; however, the conference was not held and Habre had not been arrested by year's end.

Trial Procedures

Defendants have the right to a public trial, to be present in court, confront witnesses, present evidence, and have an attorney, even if provided at public expense. Only defendants charged with serious crimes, such as murder, have the right to a jury trial. Evidentiary hearings may be closed to the public and the press. Although defendant and counsel may introduce evidence before the investigating judge decides to refer a case for trial, they do not always have access to all evidence presented prior to trial.

A panel of judges presides over ordinary courts in civil and criminal cases. Jurors also sit on the panels during special sessions of the criminal court. Defendants are presumed innocent. The right of appeal exists in all courts, except for the Cour d'Assises and the

High Court of Justice.

Political Prisoners and Detainees

Unlike in the previous year, when the government arrested and subsequently pardoned several opposition leaders and members of their families, no such arrests were made during the year.

Civil Judicial Procedures and Remedies

Citizens must seek cessation of and reparation for human rights violations in regular administrative or judicial courts. Administrative remedies also can be sought by filing a complaint with the High Commission for Peace and Human Rights based in the Office of the President. However, corruption and lack of independence hampered judicial handling of these cases. At times prosecutors refused to prosecute security officials, and violators often went unpunished. In addition, there were problems of enforcing court orders, since the government can ignore court orders without legal consequences.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, and the government generally respected these prohibitions in practice; however, human rights organizations stated that illegal phone monitoring by security services was common practice.

2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press; however, the government limited these rights in practice. Journalists practiced limited self-censorship.

Individuals could generally criticize the government publicly or privately without reprisals.

There were several dozen independent newspapers and three government-affiliated periodicals. Because of high adult illiteracy rates, radio was the most important medium of mass information and the main source of news. Approximately 80 radio frequencies have been assigned to community radio stations, public stations, and private commercial stations.

Although an administrative law is in place to regulate radio frequency assignments, government officials and operators disagreed on its utility, and community radio operators criticized what they viewed as a lack of transparency in the allocation of frequencies. In a June 20 press release, the National Union of Journalists criticized the lack of transparency and what it called scandalous allocation of radio frequencies by the Agency for Regulation and Communication (ARTP). Radio stations, often controlled by a single religious, political, or ethnic group continued to be opened during the year. Although their frequencies were legally obtained, these stations often failed to follow labor and other business rules, such as tax requirements.

Although the government continued to maintain an effective monopoly on locally televised news and information through the parastatal corporation Radio Television Senegal (RTS), there were signs of liberalization in the television sector. Under national media laws, the government must hold a majority interest in RTS at all times, and the president directly or indirectly controlled selection of all members of the 12-person RTS executive staff. The RTS' broadcasting fee structure left RTS officials with significant discretion when demanding fees for programs not financed through government funds (the government paid for some broadcasts). Several human rights and journalist groups criticized the fact that some religious leaders were able to broadcast for free, while

other groups paid.

Government failure to enforce regulations on establishing media outlets and government-provided media assistance resulted in an increase of unprofessional or politicized media outlets. Journalists and human rights groups maintained that some media outlets – such as the dailies *Express News* and *Le Messager* and FM radio stations Anur and RMD – were created solely to refute antigovernment criticism.

The international media were active and expressed wide variety of views without restriction.

Journalists continued to convey concern over government efforts to control media content by selectively granting or withholding state subsidies, which were given to both government-affiliated and private independent media. The government frequently used subsidies or more direct means to pressure the media not to publicize certain issues.

Security forces harassed and arrested journalists during the year.

There was an increase in the short-term detention of journalists for offending President Wade or the state. On October 8, DIC officers beat and detained Moussa Gueye, managing editor of the small private daily *L'Exclusif*, according to the NGO Reporters Without Borders. The officers wanted Gueye to reveal the name of a colleague who had written an article discussing President Wade's nighttime whereabouts. Police subsequently returned Gueye to *L'Exclusif's* headquarters, arrested owner Pape Moussa Doucar, punctured the tires of all the vehicles at the headquarters, and seized the paper's computer. Gueye and Doucar were taken to a police station, where they were detained and charged with breaching state security for publishing the article. On November 8, Gueye and Doucar reportedly were released by executive order.

On November 1, Pape Amadou Gaye, managing editor of *Le Courrier* newspaper, was arrested and charged with offending the state, risking the security of the state, and inciting disobedience in the army after he published an article that criticized the government for the rising cost of living; Gaye suggested that only the army could fix the situation. On November 8, Gaye was reportedly released by executive order.

On November 7, authorities in Thies arrested El Malick Seck, administrator of an Internet Web site that posted a story printed in the daily newspaper *L'Observateur* regarding President Wade's purchase of a limousine. Members of the chat forum had criticized the president for the purchase while Senegalese citizens were starving. On November 8, Seck was reportedly released by executive order.

Journalists reported being both courted and threatened by politicians during the year. For example, on August 7, the minister of transport threatened to beat a journalist from the daily newspaper *Walf Grand-Place* after the journalist reportedly accused the minister of lying about his educational degree. On April 18, PDS political leader Moustapha Cisse threatened to shoot Ibrahima Benjamin Diagne, a reporter for the Diourbel-based Radio Disso FM station, after an anonymous listener criticized Cisse in during a radio talk show.

The government also closed down media outlets during the year. On May 31, approximately 70 police officers accompanied by ARTP representatives shut down the radio station *Premiere FM* and seized its equipment on the grounds that the transfer of ownership of the frequency allocated to that radio was not conducted legally. On September 3, the radio station reopened.

Unlike in the previous year, there were no reports that religious followers attacked journalists.

Unlike in the previous year, there were also no reports that the government tried to prevent the distribution of foreign books or reports that criticized the government.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. With more than a dozen Internet Service providers and an estimated 2.3 million subscribers, the country had excellent online access. Cyber cafes were easily accessible in Dakar and often available in provincial urban centers. However, approximately 60 percent of the country had no electricity, and the popularity of Internet-based information dissemination lagged far behind traditional media.

Academic Freedom and Cultural Events

Unlike in the previous year, there were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

Although the constitution and law provide for freedom of assembly, the government interfered with this right in practice. During the year the government repeatedly denied public permits for civil society and opposition demonstrations. Groups complained of undue delays when waiting for a government response to authorization requests of majority-organized "counter demonstrations" to show popular support for the government.

RADDHO and ONDH both issued press releases condemning recurrent police violence during demonstrations, the violation of citizens' constitutional right to hold demonstrations, and the apathy of legal authorities in the face of these violations.

Unauthorized demonstrations were often met with disproportionate police brutality, which resulted in injuries and one death. No action was taken against the perpetrators.

For example, on April 21, riot police in Kolda shot and killed Dioutala Mane, who was participating in a demonstration to protest the death of Dominique Lopy in police custody (see Section 1.a.). No investigation or prosecution was reported.

On May 15, NDoumbe Ba and six other female elementary teachers were beaten with truncheons by riot police in Ziguinchor while participating in a peaceful demonstration to demand better working conditions. The authorization for the demonstration was cancelled by the prefect who had previously issued the authorization. Ba was flown to Dakar for treatment of her injuries and no action was taken against the police officers.

During the year no action was taken against police who clubbed a group of disabled former servicemen in September 2006.

Freedom of Association

The constitution and law provide for freedom of association, and the government generally respected this right in practice.

c. Freedom of Religion

The constitution and law provide for freedom of religion, and the government generally respected this right in practice.

Any religious group seeking to form an association with legal status must register with the Ministry of Interior in accordance with the civil and commercial code. Registration

was generally granted.

Unlike other religious groups, Muslims have the right to choose Muslim-based laws contained in the family code for marriage and succession cases. Civil court judges can preside over civil and customary law cases, but many disputes were turned over to religious leaders for adjudication, particularly in rural areas.

Societal Abuses and Discrimination

There were no reports of societal violence, harassment, or discrimination against members of religious groups. There were approximately 120 resident Jews in country; there were no reports of anti-Semitic activities during the year.

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, asylum seekers, and stateless persons.

Some public employees, including teachers, are required by law to obtain government approval before departing the country; however, human rights groups noted that this law was not generally enforced against many public servants.

The constitution and law prohibit forced exile, and the government did not employ it.

Some local leaders advised NGOs to gauge MFDC reaction in the Casamance region before undertaking projects or circulating in areas with a strong combatant presence. Military check points were still erected by the army, but no restriction of movement was noted. However, highway robberies deterred many from traveling by road; instead, they preferred to travel by air or sea.

Internally Displaced Persons (IDPs)

During the 22-year-old Casamance conflict, tens of thousands of persons have fled villages in the region due to fighting, forced removal, and landmines, and many persons were reportedly displaced during the year in the region. Approximately 60,000 IDPs remained in the country as a result of the conflict.

The government provided returning IDPs with food and non food assistance. The government allowed IDP access to domestic and international humanitarian organizations.

Protection of Refugees

The law provides for the granting of refugee or asylum status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. Since the president approves each case, delays of one to two years in granting refugee status remained a concern during the year. In practice the government provided some protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The government granted refugee status or asylum, and provided refugees with food and non-food assistance.

Since 1989 the country has offered temporary protection to Mauritanian refugees, who generally lived in dispersed locations in the river valley along the Mauritanian border and enjoyed free movement within the country. However, most refugees could not obtain current refugee documents from authorities and sometimes encountered administrative difficulties when using their expired refugee application receipts. While no formal repatriation agreement exists with Mauritania, the government continued to permit generally unsupervised and largely informal repatriation.

During the year RADDHO stated that the government violated the rights of asylum seekers and was not offering them due process or security since appeals filed by denied asylum seekers were examined by the same committee that examined the original case, and since a denied asylum seeker can be arrested for staying illegally in the country. Those arrested sometimes remained in "administrative detention" for up to three months before being deported.

During a July 9 visit to the country, Mauritanian President Sidi Ould Cheikh Abdellahi appealed to the UNHCR to help with the voluntary repatriation of Mauritanian refugees. On July 18 President Wade offered to grant Senegalese citizenship to any Mauritanian refugee who might not wish to return to Mauritania. According to the UNHCR, there were approximately 30,000 Mauritanian refugees, although this number remains in flux due to the transient nature of this population, the absence of identification documents, and fraud. On November 12, the UNHCR and the Senegalese and Mauritanian governments signed a tripartite agreement regarding the repatriation process. Repatriations were scheduled to begin in December, but were postponed to 2008.

3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide citizens with the right to change their government peacefully, and citizens generally exercised this right during the year in February presidential elections and June legislative elections. For the first time in the country's history, military and paramilitary forces were allowed to vote.

Elections and Political Participation

On February 25, President Abdoulaye Wade was reelected to a second term with 55.86 percent of the vote, ensuring a first round victory over 14 other candidates. Observers from the Economic Community of West African States, the Autonomous National Election Committee, and the European Union declared that the voting was generally free and fair; however, there were reports of preelection violence and irregularities, especially in the issuance of voter registration cards. Noting that numerous persons voted multiple times and that voter registration cards were deliberately issued late in non-PDS dominated areas, a significant number of opposition parties announced that they would not accept the election results and petitioned the Constitutional Council to void the elections. The Council rejected this petition.

There were a number of minor incidents of election-related violence prior to the presidential election. In the most significant and widely condemned incident, five persons were seriously hurt in a fight between supporters of Abdoulaye Wade and his former prime minister Idrissa Seck.

In the June 3 legislative election, President Wade's PDS coalition won 131 out of 150 parliamentary seats. National and international observers declared the elections were free and fair. Opposition parties, organized under the umbrella organization Front Siggil Senegal, boycotted the elections, resulting in an historically low turnout of 34.7 percent.

Violence also attended the June 3 legislative election, during which Modou Diop, a PDS member, died after being shot during a fight between rival political factions in the small town of Darou Mouthy. Media reports indicated that local police opened an investigation, but no arrest or prosecution occurred by year's end.

On January 31, the government passed a law to reestablish a senate, and senate elections were held on August 19. Only local officials and members of parliament were allowed to vote for the indirectly elected 35 senators; the remaining 65 were appointed by the president. The PDS won 34 of the 35 contested seats. The main opposition parties boycotted the elections, noting that the majority of senate seats were appointed.

The country's 100 registered political parties operated without restriction or outside interference.

At year's end there were 33 women in the 150-seat National Assembly and 12 women in the 39 – member cabinet. Only 13 percent of locally elected leaders were women. Even in areas where women won local leadership positions, they often remained a minority in the local bureaucracy. The newly established 100-member Senate had 37 women. Women's groups argued that the Senate should be declared unconstitutional, as the Constitution states that two-fifths or 40 seats should be allocated to women.

There were approximately 39 members of minority groups in the 150-seat National Assembly and approximately 12 members of minority groups in the 39-member cabinet.

Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively and officials often engaged in corrupt practices with impunity.

The World Bank's worldwide governance indicators reflected that corruption was a serious problem. There was a widespread public perception of government corruption, and it was a problem. The perception was exacerbated by salary increases over the last few years for National Assembly deputies and civil servants at all levels, and the provision of all-terrain vehicles and land to deputies.

The National Commission to Fight Non Transparency, Corruption, and Government Fraud had no authority to initiate investigations or prosecutions. It remained inefficient in fighting corruption during the year, and no government officials were prosecuted for corruption.

On January 16, Pape Malick Ndiaye was freed on bail after being arrested and charged with libel and fraud in June 2006. Ndiaye had accused Abdoulaye Balde, Secretary General of the National Agency for the Organization of the Islamic Conference (ANOCI), of taking a kickback in connection with public works undertaken by ANOCI for a 2008 Organization of the Islamic Conference. Ndiaye's case was still pending at year's end.

The constitution and law provide citizens the right to access government information freely; however, the government rarely provided access in practice.

4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations 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 somewhat were cooperative and responsive to their views. However, some human rights organizations alleged that their telephones were regularly tapped during the year.

The government's National Committee on Human Rights had a broad membership, including government representatives, civil society groups, and independent human rights organizations. The committee has the authority to investigate abuses on its own initiative; however, the committee lacked credibility since it was poorly funded, did not meet regularly, and did not release a report during the year.

Death threats against leaders of opposition political parties, unions, journalists, and NGOs were common and generally believed to originate in circles close to the ruling party.

Although the government did not prevent visits by international organizations, no such visits were reported during the year.

5. Discrimination, Societal Abuses, and Trafficking in Persons

The law provides that men and women are equal under the law and prohibits discrimination based on gender, race, class, or language; however, gender discrimination was widespread in practice, and antidiscrimination laws often were not enforced. Domestic violence, rape, sexual harassment, discrimination against women, FGM, child abuse, child marriage, and trafficking in persons were problems.

Women

Rape was a widespread problem, while spousal rape remained difficult to quantify since it was a taboo subject and very seldom reported. The law prohibits rape, but not spousal rape; however, the government rarely enforced the law. Sentences for rape range from five to 10 years' imprisonment, and rapes resulting in death qualify for life imprisonment. It was nearly impossible for victims to provide judges with proof sufficient to merit convictions. There was no government system to collect statistics on the extent of rape or convictions for rape. A women's rights NGO criticized the country's lack of rape shield laws and the common practice of using a woman's sexual history to defend men accused of rape.

Domestic violence, including spousal abuse, was a widespread problem. Several women's groups and the local NGO, Committee to Combat Violence against Women (CLVF), reported a rise in cases of violence against women during the year. Violence against women is against the law, but the law was not enforced in practice. The law criminalizes assaults and provides for a punishment of one to five years in prison and a fine. If the victim is a woman, the prison term and fine are both increased. Domestic violence that causes lasting injuries is punishable with a prison sentence of 10 to 20 years; if an act of domestic violence causes death, the law prescribes life imprisonment. The CLVF criticized the failure of some judges to apply the law, citing cases where judges claimed lack of adequate evidence to issue lenient sentences.

Police usually did not intervene in domestic disputes, and most persons were reluctant to go outside the family for redress. There were no statistics available on the number of abusers prosecuted under the law during the year. The CLVF indicated that the availability of more shelters and its successful campaign to sensitize women to their rights resulted in a substantial increase of reports of domestic violence.

Organizations combating violence criticized the government's failure to permit associations to bring suit on behalf of victims. The Ministry of Women, Family, Social Development, and Women's Entrepreneurship worked with several NGOs in an attempt to curb domestic violence. The ministry supported the construction of women's shelters for women and children having difficulties at home. The NGO Ginndi Center also provided shelter to abused women and girls and provided a hotline.

Prostitution is legal if individuals are at least 21 years of age, register with the police, carry a valid sanitary card, and test negative for sexually transmitted infections, although soliciting customers is illegal. NGOs working with prostitutes claimed that police targeted prostitutes for abuse and extortion. There were arrests of illegal foreign prostitutes, underage prostitutes, and pimps during the year. Evidence suggested foreign prostitutes' entry into the country was professionally organized.

The law calls for prison terms of five months to three years, and fines of \$100 to \$1,000 (50,000 to 500,000 CFAF) for sexual harassment; however, the practice was common.

The government did not effectively enforce the law, and women's rights groups claimed sexual harassment victims found it difficult, if not impossible, to present proof sufficient to justify prosecutions.

Under national law, women have the right to choose when and whom they marry, but traditional practices restricted a woman's choice. The law prohibits marriage for girls younger than 16, although this law was not enforced in some communities where marriages were arranged. Under certain conditions, a judge may grant a special dispensation for marriage to a person below the age of consent. Women typically married young, usually by the age of 16 in rural areas.

Women faced pervasive discrimination, especially in rural areas where traditional customs, including polygyny, and rules of inheritance were strongest. According to the law, a woman's approval is required for a polygynous union, but once in such a union, a woman need not be notified nor give prior consent for the man's subsequent marriage. Approximately 50 percent of marriages were polygynous. Although protected under the law, marriage rights were not enforced due to sociocultural pressures, judicial reluctance to enforce the law, and a lack of information on marriage laws.

The Family Code's definition of paternal rights remains an obstacle to equality between men and women, as men are considered the head of household and women cannot take legal responsibility for their children. Women can only become the legal head of family when the father formally renounces his authority before the administration. This makes it particularly difficult for the 20 percent of families that are supported and led by women. The problems between the law and traditional practices also made it difficult for women to purchase property.

Women represented 52 percent of the population, but were held responsible for 90 percent of domestic work and 85 percent of agricultural work.

On December 30, the National Assembly passed a law ending fiscal discrimination which had caused women to pay higher taxes than men on the same salary (they were taxed as single individuals without children), and which had allowed employers to pay child allowances to men only.

From October 25 to December 10, women were recruited for the first time into Senegal's national army. Three hundred candidates were selected from across the country to ensure equal opportunity in terms of social and geographic distribution.

Children

The government was somewhat committed to children's rights and welfare. The Ministry of Women's Affairs, Family, Social Development, and Women's Entrepreneurship was responsible for promoting children's welfare and was assisted by the health, education, and labor ministries.

Government failure to register births did not result in discrimination or the denial of public services to children.

The law provides for free education, and education is compulsory for all children ages six to 16; however, many children did not attend school due to lack of resources or available facilities. Students must pay for their own books, uniforms, and other school supplies. Due to the efforts of the government, NGOs, and international donors, primary school enrollment reached 82.3 percent during the year.

The highest level of education attained by most children was elementary school. The middle school enrollment rate was 31.9 percent, and the secondary school enrollment rate was 10.9 percent. In the 2006-7 academic year, more girls than boys were enrolled in elementary school; however, young girls still encountered greater difficulties in receiving an education. For example, when families could not afford for all of their

children to attend school, parents tended to remove their daughters rather than their sons from school. Only 23 percent of women over 15 years of age were literate, compared with 43 percent of men.

The government took steps to provide religious education classes in the formal school system as an alternative to parents sending their children to Koranic schools, where trafficking in the form of forced begging often occurred. The government also has a program to provide education and social services to at-risk children.

Boys and girls generally had equal access to medical care.

Child abuse was common. Easily observable were the many poorly dressed, barefoot young boys, known as "talibes," begging on street corners for food or money for their Koranic teachers, known as marabouts. These children are exploited by their teachers and exposed to dangers. Physical abuse of talibes was widely known and discussed.

The law punishes sexual abusers of children with five to 10 years' imprisonment. If the offender is a family member, the punishment is 10 years' imprisonment. Any offense against the decency of a child is punishable by imprisonment for two to five years and in some aggravated cases up to 10 years. Procuring a minor for prostitution is punishable by imprisonment for two to five years and a fine of \$575 to \$7,600 (300,000 to 4 million CFAF).

There were periodic reports of child rape and pedophilia. On March 6, a 13-year-old girl was raped in Keur Massar and, on May 17, a nine-year-old girl was kidnapped, raped, and abandoned in Guediawaye. In both cases the alleged perpetrators were arrested by the police, but no prosecutions occurred during the year.

Due to social pressures and fear of embarrassment, incest remained taboo and often went unreported and unpunished. A women's rights NGO stated that, of all cases of violence committed against girls, paternal incest was rising the fastest.

The NGO Tostan estimated FGM was practiced in thousands of villages throughout the country. Almost all women in the country's northern Fouta region were FGM victims, as were 60 to 70 percent of women in the south and southeast. Sealing, one of the most extreme and dangerous forms of FGM, was sometimes practiced by the Toucouleur, Mandinka, Soninke, Peul, and Bambara ethnicities, particularly in rural and some urban areas. Some girls were as young as one when FGM was performed on them.

FGM is a criminal offense under the law, carrying a prison sentence of six months to five years for those directly practicing FGM or ordering it to be carried out on a third person. However, many persons still practiced FGM openly and with impunity. The government prosecuted those caught engaging in the practice and fought to end FGM by collaborating with the NGO Tostan and other groups to educate people about its inherent dangers. Tostan reported that 2,336 out of an estimated 5,000 communities had formally abandoned the practice by year's end. According to Tostan the movement to abandon FGM and forced child marriage accelerated, with 40 percent of previously practicing communities in Senegal ending the harmful practice.

Family ministry officials and women's rights groups considered child marriage a significant problem in parts of the country, particularly in rural areas. Girls, sometimes as young as nine years old, were married to older men due to religious, economic, and cultural reasons.

On March 20, an 18-year-old girl from Kolda committed suicide to protest a forced marriage arranged by her parents. On September 1, a second girl in Kolda reportedly committed suicide for the same reason.

Women's rights groups highlighted infanticide, usually due to poverty or embarrassment, as a continuing problem. Domestic workers or women from villages working in cities who

became pregnant sometimes killed their babies, since they could not care for them. Others, who were married to men working outside the country, killed their infants out of shame. In some cases, the families of the women shamed them into killing their own babies. Methods ranged from burying them alive, putting them in septic tanks, or simply abandoning them along the road. When the identity of the mother was discovered, the police arrested and prosecuted her.

Many children were displaced due to the Casamance conflict and often lived with extended family members, neighbors, in children's homes, or on the streets. The government lacked adequate resources to effectively support these children. According to NGOs in the Casamance, displaced children suffered from the psychological effects of conflict, malnutrition, and poor health. According to the UN Children's Fund, the country had an estimated 100,000 talibe boys and 10,000 street children.

Trafficking in Persons

The constitution and law prohibit trafficking in persons; however, there were reports that persons were trafficked to, within, and from the country. Laws that prohibit pimping and kidnapping can be used in some trafficking cases.

Reliable statistics on the extent of the trafficking problem were unavailable. However, studies have shown the extent of trafficking in and through the country to be significant, especially with regard to child begging. Talibes were trafficked from surrounding countries, including The Gambia, Mali, Guinea, and Guinea-Bissau, and internally to participate in exploitive begging for some Koranic schools.

Young girls were trafficked from villages in the Diourbel, Fatick, Kaolack, Thies, and Ziguinchor regions to urban centers for work as underage domestics. On April 13, media and human rights groups reported that five female adolescents from Wak Ngouna, aged between 13 and 15, were sold by their parents to Mauritanian traders for \$160 to \$200 (80,000 to 100,000 CFAF). One of the parents stated that she allowed her 15-year-old daughter to go to work in Mauritania after having received financial compensation. The local police opened an investigation, but no prosecution occurred by year's end. Parents in the area continued to allow their female children to be taken to Mauritania to allegedly work as domestics.

Young girls from both urban and rural areas were involved in prostitution, which NGOs claimed involved an adult pimp to facilitate commercial sex transactions or provide shelter. Young boys also were involved in prostitution, particularly to support their families.

The country was believed to be a transit point for women en route to Europe for sexual purposes.

Under the law, those who recruit, transport, transfer, or harbor persons, whether by means of violence, fraud, abuse of authority, or otherwise for the purposes of sexual exploitation, labor, forced servitude, or slavery are subject to punishment of five to 10 years imprisonment and a fine of \$10,000 to \$40,000 (five to 20 million CFAF). When the crime involves torture, barbarism, the removal of human organs, or exposing the victim to a risk of death or injury, prison terms range from 10 to 30 years. The human rights commissioner and the family ministry were the government coordinators on human trafficking issues.

Most government efforts to combat trafficking in persons were centered in the Ministry of Women, Family, Social Development, and Women's Entrepreneurship. The ministry operated the Ginddi Center, a children's center where child trafficking victims received nutritional, medical, and other assistance. The center has accommodated children from The Gambia, Mali, Guinea-Bissau, and Guinea. The center also operated a toll-free child protection hot line that fielded many calls. With assistance from a foreign government, the police have established a trafficking-in-persons database. There were no government programs to protect or assist trafficked women.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services, and the government effectively enforced it. The law also mandates accessibility for persons with disabilities; however, there was a lack of infrastructure to assist them. The Ministry of National Solidarity is responsible for protecting the rights of persons with disabilities.

The law reserves 15 percent of new civil service positions for persons with disabilities. However, according to the Senegalese National Association of People with Physical Disabilities, the National Assembly must pass a pending implementation bill to make the law operational. The government operated schools for children with disabilities, provided grants for persons with disabilities to receive vocational training, and managed regional centers for persons with disabilities to receive training and funding for establishing businesses.

In 2006 the leader of a women's association for persons with disabilities questioned the lack of attention paid to persons with disabilities in national poverty reduction strategies. Several programs, which appeared to be earmarked for persons with disabilities, offered services to other vulnerable populations, reducing resources for persons with disabilities. Due to a lack of special education training for teachers and a lack of facilities accessible to children with disabilities, approximately 40 percent of such children were enrolled in school.

The government began construction of five multipurpose social centers in Bambey, Louga, Darou Mousty, and Kaolack as part of the government's five-year national program for community-based rehabilitation of persons with disabilities. The centers in Bambey and Kaolack were completed and operational during the year. However, the other centers were still under construction at year's end.

During the year, the Association of Handicapped Students of the University of Dakar demanded better living conditions, noting that many of their members had to abandon their studies due to poor lodging and working conditions. The 210 students of the university lived six persons to a room that was built to house two. In March the Association of Female Handicapped of MBour denounced the stigmatization they suffered from employment discrimination and mobility problems.

Unlike in the previous year, there were no reports that persons with disabilities were raped.

The following May 2006 cases remained pending at year's end: the rape of a 16-year-old deaf and mute girl in Thiaroye, and the rape of a 15-year-old girl with disabilities in Yeumbeul.

National/Racial/Ethnic Minorities

While the country's many ethnic groups have coexisted relatively peacefully, interethnic tensions between Wolofs and southern ethnic groups played a significant role in the long-running Casamance rebellion that was characterized by grievous human rights abuses.

Other Societal Abuses and Discrimination

Homosexuality is a criminal offense, and homosexuals faced widespread discrimination and social intolerance. However, they were not generally targeted for violence and harassment.

As a result of both government and NGO HIV/AIDS awareness campaigns, persons with HIV or AIDS were increasingly accepted in society.

6. Worker Rights

a. The Right of Association

By law, all workers, except security forces, including police and gendarmes, customs officers and judges, are free to form and join unions, and workers exercised this right in practice. However, the labor code requires the interior minister to give prior authorization before a trade union can exist legally. The government can also dissolve trade unions by administrative order, but did not do so during the year. The labor code does not apply to the agricultural or informal sectors, and thus the majority of the workforce. Approximately 4 percent of the workforce was employed in the private industrial sector, of which 40 to 50 percent belonged to unions. Antiunion discrimination is prohibited by law, and the law also provides protection for workers' right to strike.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law provides for the right to collective bargaining, and it was freely practiced everywhere but in private security companies. Collective bargaining agreements applied to approximately 44 percent of union workers.

The law provides for the right to strike, and workers exercised this right; however, there were significant restrictions. The law states that workplaces may not be occupied during a strike. Waste collectors, as well as health, transportation, and education sector employees held strikes during the year. Unions representing members of the civil service must notify the government of their intent to strike at least one month in advance; private sector unions must notify the government three days in advance.

There are no special laws or exemptions from regular labor laws in the country's one export processing zone.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment

The law bans the exploitation of child labor, and there are regulations on child labor that set the minimum working age, working hours, working conditions, and bar children from performing particularly dangerous jobs; however, child labor was a problem. Most child labor occurred in the country's informal economy where labor regulations were not enforced. Economic pressures and inadequate educational opportunities often pushed rural families to emphasize labor over education for their children.

The minimum age for employment was 15; however, children under the age of 15 continued to work in traditional labor sectors, particularly in rural areas where there was no enforcement of child labor laws. According to the International Labor Organization (ILO), 36.7 percent of children between the ages of five to 14 were engaged in child labor, including primarily agriculture, fishing, and hunting, but also mining, construction, transportation, domestic work, commerce, restaurant and hotel work, and manufacturing.

Some religious instructors in Koranic schools brought young boys from rural villages to urban areas and held them under conditions of servitude, forcing them to beg on a daily basis in unsanitary and dangerous conditions under the threat of physical punishment.

One particularly egregious area of child labor was in the mining and rock quarry sector. Child gold washers, mostly between the ages of 10 and 14, worked approximately eight

hours per day without training or protective equipment. Children worked long hours in rock quarries, crushing rock, and carrying heavy loads without protection. Both types of work resulted in serious accidents and long-term illness.

On October 11, the National Agency of Statistics and Demography published the results of a 2005 study on child labor which found that 90 percent of children in the cities of Kaolack, Fatick, and Ziguinchor regions carry out tasks that are detrimental to their health and education. The study also found that 75 percent of girls were responsible for domestic chores, leading to many dropping out early from school.

The labor ministry and social security inspectors were in charge of investigating and initiating lawsuits in child labor cases. Inspectors can visit any institution during work hours to verify and investigate compliance with labor laws and can act on tips from trade unions or ordinary citizens. In practice inspectors did not initiate visits because of a lack of resources and relied on unions to report violators. Labor inspectors closely monitored and enforced minimum age rules within the small formal-wage sector, which included state-owned corporations, large private enterprises, and cooperatives. However, there were no statistics available on the number of violations found.

The government has raised awareness of the dangers of child labor and exploitive begging through seminars with local officials, NGOs, and civil society. The government also participated in a project funded by a foreign government to withdraw 3,000 children and prevent 6,000 others from exploitive child labor in agriculture, fishing, begging, and domestic service. The government also participated in an ILO project to combat child labor.

To reduce the incidence of exploitive begging, the Ministry of Women, Family, Social Development, and Women's Entrepreneurship is implementing a program to help support 48 Koranic schools whose teachers do not force their students to engage in begging.

e. Acceptable Conditions of Work

The national minimum wage was \$0.42 (209 CFAF) per hour, which did not provide a decent standard of living for a worker and family. The Ministry of Labor was responsible for enforcing minimum wages. Labor unions also acted as watchdogs and contributed to effective implementation of minimum wage in the formal sector. The minimum wage was not respected in the informal sector, especially for domestic workers.

Within the formal sector, the law mandates for most occupations a standard workweek of 40 to 48 hours with at least one 24-hour rest period, one month per year of annual leave, enrollment in government social security and retirement plans, safety standards, and other measures; however, enforcement was irregular. The law does not cover the informal sector. Premium pay for overtime was required in the formal sector.

While there are legal regulations on workplace safety, they often were not enforced. There is no explicit legal protection for workers who file complaints about unsafe working conditions. Workers, including foreign or migrant workers, had the right to remove themselves from situations that endangered health or safety without jeopardy to their employment; however, it was seldom exercised due to high unemployment and a slow legal system. The Ministry of Labor, through the Labor Inspection Office, enforced labor standards. However, labor inspectors had very poor working conditions and lacked transportation to conduct their mission effectively.
